

CITY OF WILDOMAR CITY COUNCIL
AGENDA

7:00 P.M. - REGULAR MEETING

August 11, 2010
Council Chambers
23873 Clinton Keith Road



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

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA AUGUST 11, 2010

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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (10 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

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

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

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

CALL TO ORDER – 7:00 p.m.

ROLL CALL

MOMENT OF SILENCE

FLAG SALUTE

PRESENTATIONS

Butterfield Trails Presentation

Library Update – Veronica Langworthy

Fire Department Monthly Update

Community Services Monthly Update

Chamber of Commerce Monthly Update

PUBLIC COMMENTS

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

APPROVAL OF THE AGENDA AS PRESENTED

1.0 CONSENT CALENDAR

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

1.1 Reading of Ordinances

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

1.2 Minutes – July 28, 2010 Regular Meeting

RECOMMENDATION: Approve the Minutes as submitted.

1.3 Warrant Registers

RECOMMENDATION: That the City Council approve the following Warrant Registers:

1. Dated July 30, 2010 in the amount of \$233,255.97; and
2. Dated August 5, 2010 in the amount of \$631,773.48.

2.0 PUBLIC HEARINGS

2.1 Establishing Code Enforcement Vehicle Parking Fee Schedule (Cont. from 07-14-10)

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING FINES FOR CERTAIN PARKING
VIOLATIONS CONTAINED IN CHAPTER 12.20 OF THE WILDOMAR
MUNICIPAL CODE

2.2 Community Service Area Charges for FY 2009-10

RECOMMENDATION: Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING COMMUNITY SERVICE AREA

CHARGES WITHIN THE CITY FOR FISCAL YEAR 2009/10

2.3 Wildomar Square Extension of Time – CUP 08-0072

RECOMMENDATION: Staff recommends that the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING AN EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 08-0072 FOR THE WILDOMAR SQUARE SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF CLINTON KEITH AND HIDDEN SPRINGS ROADS, AND KNOWN AS ASSESSOR'S PARCEL NO. 380-110-045

2. Provide direction to staff regarding extending the maximum time period to use an approved conditional use permit.

3.0 GENERAL BUSINESS

3.1 Five Year Capital Improvement Program (FY2010-11 to 2014-15)

RECOMMENDATION: That the City Council adopt:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2010/11 TO 2014/15 AND AMENDING THE FISCAL YEAR 2010/11 BUDGET

3.2 E-Verify Program Discussion

RECOMMENDATION: That the City Council discuss the Department of Homeland Security's E-Verify Program and, if appropriate, provide further direction to Staff.

3.3 Economic Development Subcommittee Work Plan

RECOMMENDATION: That the City Council approve the Ad Hoc Economic Development Subcommittee work plan and ask the Subcommittee to report back to the City Council quarterly on progress from each of the goals outlined in the plan.

3.4 City of Wildomar Personnel Rules

RECOMMENDATION: That the City Council introduce an Ordinance entitled:

ORDINANCE NO. 53
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING CHAPTER 2.06 OF THE
WILDOMAR MUNICIPAL CODE ESTABLISHING THE CITY OF
WILDOMAR PERSONNEL RULES

3.5 Ballot Argument for Measure R

RECOMMENDATION: Review and approve the ballot argument to appear in support of Measure R on the November 2, 2010 ballot.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

2010 City Council Regular Meeting Schedule

August 25	November 10
September 8	November 24
September 22	December 8
October 13	December 22
October 27	

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

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

POSTING STATEMENT: On August 6, 2010, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
JULY 28, 2010**

The regular meeting of July 28, 2010, of the Wildomar City Council was called to order by Mayor Pro Tem Swanson at 7:00 p.m.

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

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Engineering Supervisor Crawford, Planning Director Hogan, Police Chief Fontneau, and City Clerk Lee.

A moment of silence was observed and the flag salute was led by the Baptist Boys Battalion.

PRESENTATIONS

Patty Dorati, Wildomar Gazette, introduced Thunder, the Storm Baseball Mascot, and talked about Wildomar Community Night on August 21.

Mayor Pro Tem Swanson presented a Proclamation to out-going Planner Alia Kanani.

Kristan Lloyd, Wildomar Community Council, made a presentation of the programs WCC has for the community.

Ruth Adkins presented the Inspiring Alliance Military Support Network Program.

Code Enforcement Officer Kowalski presented the monthly update.

PUBLIC COMMENTS

John Lloyd, EVMWD Division 5 Director, stated he will not run for re-election and then introduced George Cambero who he will be endorsing. He then read his letter of support.

Patrice Lynes, Temecula resident, requested that the City put an Ordinance regarding the E-Verify program on the next agenda. She stated that Menifee and Lake Elsinore have approved this program and urged Wildomar to do the same.

Ted Weginer, Menifee resident, stated he would like Wildomar to approve the E-Verify program. It is a voluntary program for most employers, but not all. He explained the program and stated it catches about 50% of the people who have false documents, so it is not 100%. He added that Temecula will have their second reading on their Ordinance.

Gil Rasmussen, resident, stated he was served with a letter from Patricia Dorati stating he must shut down his website within 24 hours as she is the owner of the fictitious business name. He feels it is an attempt to suppress his First Amendment Rights to write.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Ade, seconded by Council Member Cashman, to approve the agenda as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Ade, seconded by Council Member Cashman, to pull item #1.6.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Investment Policy

Diane O'Malley, resident, spoke regarding investments.

Assistant City Manager Nordquist presented the staff report.

Council Member Cashman inquired if the investment policy from last year lines up with this policy.

Assistant City Manager Nordquist stated every year the policy is updated and is a little different each year. This provides the guidelines with which we make investments.

Discussion ensued regarding risky investments; bond ratings; the timeline to adopt the policy; issues concerning the fallout from the Orange County bankruptcy.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING STATEMENT OF INVESTMENT POLICY

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to approve the remainder of the Consent Calendar as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – June 23, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Minutes – July 14, 2010 Regular Meeting

Approved the Minutes as submitted.

1.4 Warrant Registers

Approved the following Warrant Registers:

1. Dated July 8, 2010 in the amount of \$27,038.00;
2. Dated July 12, 2010 in the amount of \$23,680.77; and
3. Dated July 16, 2010 in the amount of \$19,160.92.

1.5 Treasurer's Report

Approved the Treasurer's Report for June, 2010.

1.7 WRCOG Energy Leadership Partnership

Adopted a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, SUPPORTING, ENDORSING AND PARTICIPATING WITH THE SOUTHERN CALIFORNIA EDISON, WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND ITS PARTICIPATING MEMBER CITIES IN AN ENERGY LEADERSHIP PARTNERSHIP TO BE KNOWN AS "THE WESTERN RIVERSIDE ENERGY LEADERSHIP PARTNERSHIP"

- 1.8 **Assignment and Assumption Agreement – Tract 31353 (D.R. Horton)**
Approved the Agreement and authorized the Mayor to enter into the Agreement for Tract 31353.

2.0 PUBLIC HEARINGS

2.1 Landscape Maintenance District 2006-1

City Clerk Lee presented the item.

Mayor Pro Tem Swanson opened the public hearing.

Engineering Supervisor Crawford presented the staff report.

There being no speakers, Mayor Pro Tem Swanson closed the public hearing.

A MOTION was made by Council Member Farnam, seconded by Council Member Cashman, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR WILDOMAR LANDSCAPE MAINTENANCE DISTRICT (LMD) 2006-1 AND LEVYING ASSESSMENT ON ALL ASSESSABLE LOTS AND PARCEL OF LAND THEREIN FOR FISCAL YEAR 2010-11

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

2.2 Landscaping and 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, 73, and 88

City Clerk Lee presented the item.

Mayor Pro Tem Swanson opened the public hearing.

Engineering Supervisor Crawford presented the staff report.

There being no speakers, Mayor Pro Tem Swanson closed the public hearing.

A MOTION was made by Council Member Ade, seconded by Council Member Farnam, to adopt a Resolution entitled:

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 3, LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47 AND 49; ZONE 29, LOCATION 2; ZONE 30, LOCATIONS 1 AND 2; ZONE 42, ZONE 51; ZONE 52; ZONE 59; ZONE 62; ZONE 67; ZONE 71; AND ZONE 90; AND 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 STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (HEREINAFTER "L&LMD NO. 89-1-C") AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2010-11

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

3.0 GENERAL BUSINESS

3.1 Support of Proposition 22

City Clerk Lee presented the item.

City Manager Oviedo presented the staff report.

A MOTION was made by Council Member Farnam, seconded by Council Member Cashman, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, IN SUPPORT OF PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

3.2 Resolution Establishing Procedures for Submitting Ballot Arguments for City Measures Submitted at the November 2, 2010 General Municipal Election

City Clerk Lee presented the item and the staff report.

Discussion ensued regarding the mandate to have the Measure on the ballot.

Council Member Ade stated the City should do an argument just in case an argument shows up against. The City should be prepared.

A MOTION was made by Council Member Cashman, seconded by Council Member Ade, to direct Staff to draft the argument and present it for approve at the next City Council meeting.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Moore. Motion carried.

CITY MANAGER REPORT

City Manager Oviedo reported SCE is looking at electrical vehicles for the future and they are educating the elected officials regarding this. They are holding seminars on various dates and places, and there is also a webinar scheduled. Also, there is a dedication of a portion of I-15 on August 6, in memory of a Sheriff's Deputy.

CITY ATTORNEY REPORT

City Attorney Biggs reported they have been in contact with the County regarding the assessment district and augmentation payment. At this point there is no resolution, but talks are moving forward.

COUNCIL COMMUNICATIONS

Council Member Farnam stated he will be absent at the next Council meeting.

Council Member Cashman stated he attended the Wildomar Historical Society meeting at which they discussed there should be an historical area defined in the City. They will be coming to the Council in the future on their thoughts.

Mayor Pro Tem Swanson stated she and City Manager Oviedo attended a meeting with EVMWD. The District is bringing some great things to the City, one of which is efficient landscape design on their website. They are also going to be doing more work in the streets, but hope to be done soon.

FUTURE AGENDA ITEMS

E-Verify information and education

ADJOURNMENT

There being no further business, Mayor Pro Tem Swanson declared the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated July 30, and August 5, 2010

STAFF REPORT

RECOMMENDATION:

That the City Council adopt the following Warrant Registers:

1. Dated July 30, 2010 in the amount of \$233,255.97; and
2. Dated August 5, 2010 in the amount of \$631,773.48.

BACKGROUND:

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

DISCUSSION:

None.

FISCAL IMPACTS:

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

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

City of Wildomar

Warrant Register

30-Jul-10

Check	Date	Name	Memo/Description	Amount
2544	7-21-2010	Sean Raymond	Concerts in the Park	\$ 500.00
2546	7-21-2010	Unum	Life Insurance Premium July--August 2010	\$ 2,506.92
2545	7-21-2010	Edison	July 2010-CSA 142, CSA 103, CSA 22 & Lamps	\$ 18,294.32
2548	07-28-2010	Paula Willette	Reimbursement	\$ 1,008.00
2549	07-28-2010	Protection Rescue Security Services - Vendor	Park Security	\$ 425.00
2550	07-28-2010	International Council of Shopping Centers	annual membership	\$ 135.00
2551	07-28-2010	DirecTV	City Hall service	\$ 83.99
2552	07-28-2010	California Public Employee Retirement Sys	June payment	\$ 3,137.46
2553	07-28-2010	AppleOne	temp service for front counter vacation coverage	\$ 518.40
2554	07-28-2010	Aetna	Medical Insurance payments	\$ 4,835.00
2555	07-28-2010	AFLAC	Insurance payments	\$ 604.74
2556	07-28-2010	A Better Party	rental equipment City park	\$ 2,124.60
2557	07-28-2010	American Forensic Nurses	Police support costs	\$ 86.20
2558	07-28-2010	Bio-Tox Laboratories	Police support costs	\$ 539.00
2559	07-28-2010	TLMA Administration	Slurry Seal	\$ 105,800.00
2560	07-28-2010	DataQuick	Code Enforcement support	\$ 154.12
2561	07-28-2010	Data Ticket, Inc.	Code Enforcement support	\$ 200.00
2562	07-28-2010	MIT Engineering and Construction	Bus Lic Overpayment	\$ 30.00
2563	07-28-2010	Wildomar Little League	Support costs for Softball program	\$ 1,080.00
2564	07-28-2010	Image Printing System		\$ 146.82
2565	07-28-2010	CTAI Pacific Greenscape	Park maintenece	\$ 4,445.85
2566	07-28-2010	PV Maintenance Inc.	road maint, 3 months payment	\$ 78,501.55
2567	07-28-2010	Misty V. Cheng	accounting services	\$ 8,099.00
				\$ 233,255.97

City of Wildomar

Warrant Register

5-Aug-10

Check	Date	Name	Memo/Description	Amount
2568	08-05-2010	A & A Janitorial Services	Park Services	\$ 619.02
2569	08-05-2010	American Forensic Nurses	Police Support Services	\$ 290.90
2570	08-05-2010	AT&T Mobility	Cell Phones	\$ 514.68
2571	08-05-2010	TLMA Administration	Signal Maint.	\$ 320.05
2572	08-05-2010	County of Riverside	Radar Trailer Rental-2 weeks	\$ 600.00
2573	08-05-2010	County of Riverside - Dept. of Environ. Health	Vector Control	\$ 145.00
2574	08-05-2010	Riverside County Sheriff's Department	May-June Service	\$ 383,445.90
2575	08-05-2010	Edison	Electricity for Parks, CSA's	\$ 5,292.92
2576	08-05-2010	Elsinore Valley Municipal Water District	Water for Parks, CSA's	\$ 5,145.22
2577	08-05-2010	Murrieta Lock & Safe Inc.	City Hall	\$ 75.00
2578	08-05-2010	Gary Nordquist	Monthly Medical Insurance Reimbursement	\$ 1,200.00
2579	08-05-2010	North County Times	Legal and Public Notices	\$ 1,520.72
2580	08-05-2010	HWH Unlimited, Inc	Refund of overpay for abandoned property	\$ 100.00
2581	08-05-2010	Riverside Habitat Conservation Agency	Pass Thru Fee	\$ 250.00
2582	08-05-2010	Protection Rescue Security Services - Vendor	Park Security	\$ 425.00
2583	08-05-2010	PAL Office Products	Check and envelope supply	\$ 101.12
2584	08-05-2010	California Public Employee Retirement Sys	annual fee for survivor option	\$ 388.80
2585	08-05-2010	Guardian	Dental and Vision Insurance Payment	\$ 907.46
2586	08-05-2010	Wells Fargo Bank	Bank Credit Card Charges/Fees	\$ 4,179.00
2587	08-05-2010	Republic ITS	Signal Maint City wide	\$ 4,385.01
2588	08-05-2010	Department of Transportation	Maint and Electrical - 3 months -State Signals	\$ 2,784.69
2589	08-05-2010	WRCOG	Membership Dues, FY 10-11	\$ 9,571.50
2590	08-05-2010	Paul Hilzer.	Project Deposit Refund	\$ 1,171.93
2591	08-05-2010	Crystal Clean Maintenance	City Hall	\$ 698.00
2592	08-05-2010	Naples Plaza Ltd.-Oak Creek II	Monthly Lease	\$ 10,114.56
2593	08-05-2010	California State Treasurer - Condemnation Fund	Clinton Keith Interchange Project Deposit	\$ 62,358.00
2594	08-05-2010	California State Treasurer - Condemnation Fund	Clinton Keith Interchange Project Deposit	\$ 135,169.00
				\$ 631,773.48

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Establishing Code Enforcement Vehicle Parking Fee Schedule
(Continued from 07-14-10)

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING FINES FOR CERTAIN PARKING VIOLATIONS
CONTAINED IN CHAPTER 12.20 OF THE WILDOMAR MUNICIPAL CODE.

BACKGROUND/DISCUSSION:

The City is concerned with the safety and general well being of the community and preservation of its aesthetic aspects. Toward this end, Municipal Code requirements are adopted and enforced. The City undertakes code enforcement efforts when a complaint is received or City staff observes a violation. The Code Enforcement Department enforces permitting requirements regarding buildings to protect health and life safety and responds to zoning, home occupation and public nuisance issues. Additionally, the service of enforcing parking infractions is also part of the department's activities; however the fee and penalty schedule for this activity was not established for the City after succeeding Riverside County in performance of this service. The recommended resolution addresses this matter.

FISCAL IMPACTS:

Partial cost recovery of this service is achieved.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS:

Resolution No. 2010 - _____
Cost of Service Exhibits

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING FINES FOR CERTAIN PARKING VIOLATIONS
CONTAINED IN CHAPTER 12.20 OF THE WILDOMAR MUNICIPAL CODE.**

WHEREAS, Section 12.20.180 of the Wildomar Municipal Code provides that any person who violates any provision of Chapter 12.20 ("Parking") of the Wildomar Municipal Code shall be guilty of an infraction punishable by a fine as provided for in the California Vehicle Code; and,

WHEREAS, California Vehicle Code Section 40203.5(a) provides that "[t]he schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued;" and,

WHEREAS, Section 1.03.030(b) of the Wildomar Municipal Code provides a general schedule of penalties for Code violations that are infractions; and,

WHEREAS, the City desires to adopt fines that specifically apply to violations of certain provisions of Chapter 12.20 of the Wildomar Municipal Code; and,

WHEREAS, the City Council has determined that the proposed fines are reasonable and do not exceed the City's authority to adopt fines for such violations under the California Vehicle Code; and,

WHEREAS, on August 11, 2010, the City Council conducted a public hearing, at which time the City Council considered the Staff report, public testimony and cost analyses associated with the proposed fines.

NOW, THEREFORE, the City Council of the city of Wildomar, California does resolve as follows:

1. The fine for a violation of Section 12.20.130 ("Spaces Marked for Handicapped Parking") of the Wildomar Municipal Code shall be \$340.00.
2. The fine for a violation of Section 12.20.170 ("Unlawful Parking of Recreational Vehicles") of the Wildomar Municipal Code shall be \$55.00.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

Exhibits

A, A.1 and A.2

Cost of Services Summary and Worksheets

City of Wildomar

Cost Analysis of Services Worksheet



Exhibit A.1

User Fee Description	Fund	Program	Account	Agency/Department/	Date
Vehicle Citation: PARKING IN HANDICAP DESIGNATED SPACE (12.20.130)	10	435	3201	Code Enforcement	7/14/2010

Description of Service, Demand, Subsidy and Other Comments:

Code Enforcement Officer takes complaint by phone/fax/email/ drives to the location of complaint, verifies the vehicle by description, calls Riverside Sheriffs Office (RSO) to validate registration and ownership, post written citation on vehicle, mail to registred owner, mail to Revenue Experts(contract service) for payment processing.

Personnel Costs

Position	Rates			Total Burdened Labor Cost / Hr.	Hours by Position Per Unit	Total Labor Cost per Unit of Service
	Hourly Rate	Paid Benefit Rate	Department Rate			
City Support Staff	\$45.00			\$45.00	0.75	\$33.75
Code Enforcement	\$109.00			\$109.00	1.00	\$109.00
Total Burdened Personnel Costs per Unit of Service						\$142.75

Material & Rental Costs

Description	Cost Each	Quantity Required	Unit Cost
Citation	\$1.00	1.0	\$1.00
Vehicle Costs	\$0.50	10.0	\$5.00
Total Material & Rental Costs per Unit of Service			6.00

Other Costs (Equipment, Building Usage, Part-time Labor w/o Benefits)

Description	Cost Each	Quantity Required	Unit Cost
Revenue Experts Processing Cost (Average)	\$20.00	1	\$20.00
Rco Support Costs	\$128.07	1	\$128.07
Total Other Costs per Unit of Service			148.07

Fee Comparison Data

Jurisdiction	Fee per Unit	More or (Less) than Wildomar's Fee per Unit of Service	
		Dollars	Percentage
City of Wildomar	\$340.00		
City of Canyon Lake	\$ 280.00	\$ (60.00)	-18%
City of Lake Elsinore	\$425.00	\$ 85.00	25%
City of Menifee	\$400.00	\$ 60.00	18%
California Vehicle Code	\$950.00	\$ 610.00	179%
County of Riverside	\$300.00	\$ (40.00)	-12%

Total Service Direct Costs	\$296.82
General & Administrative Rate @ 15.00%	\$44.52
Total Service Cost / Unit	\$341.34
Recommended Fee	\$340.00 **
Recommended fee Subsidy	\$1.34
Current Fee Amount	0
Fee Increase/(Decrease)	\$340.00
Annual Usage (Reservable Hours)	5
Projected Annual Revenue Impact	\$1,700.00

City of Wildomar



Exhibit A.2

Cost Analysis of Services Worksheet

User Fee Description	Fund	Program	Account	Agency/Department/	Date
Recreation.Vehicle,trailer,boat. Parking/storage on public streets(12.20.170)	10	435	3201	Code Enforcement	7/14/2010

Description of Service, Demand, Subsidy and Other Comments:

Code Enforcement Officer takes complaint by phone/fax/email/ drives to the location of complaint, verifies the vehicle by description, calls Riverside Sheriffs Office (RSO) to validate registration and ownership. Marks tires, post written citation on vehicle, mail to registred owner, mail to Revenue Experts(contract service) payment processing. Return to location 48hr to 72hrs after inspection to verify if vehicle removed. If not, (RSO) contacted in for towing of vehicle.

Personnel Costs

Position	Rates				Hours by Position Per Unit	Total Labor Cost per Unit of Service
	Hourly Rate	Paid Benefit Rate	Department Rate	Total Burdened Labor Cost / Hr.		
City Support Staff	\$45.00			\$45.00	0.75	\$33.75
Code Enforcement	\$109.00			\$109.00	1.00	\$109.00
Total Burdened Personnel Costs per Unit of Service						\$142.75

Material & Rental Costs

Description	Cost Each	Quantity Required	Unit Cost
Citation	\$1.00	1.0	\$1.00
Vehicle Costs	\$0.50	20.0	\$10.00
Total Material & Rental Costs per Unit of Service			11.00

Other Costs (Equipment, Building Usage, Part-time Labor w/o Benefits)

Description	Cost Each	Quantity Required	Unit Cost
Revenue Experts Processing Cost (Average)	\$20.00	1	\$20.00
Rco Support Costs	\$128.07	1	\$128.07
Total Other Costs per Unit of Service			148.07

Fee Comparison Data

Jurisdiction	Fee per Unit	More or (Less) than Wildomar's Fee per Unit of Service	
		Dollars	Percentage
City of Wildomar (field)	\$55.00		
City of Canyon Lake	57	\$ 2.00	
City of Lake Elsinore	35/100/50	\$ -	
City of Menifee	\$55.00	\$ -	
City of Murrieta	\$50.00	\$ (5.00)	
County of Riverside	\$50.00	\$ (5.00)	

Total Service Direct Costs	\$301.82
General & Administrative Rate @ 15.00%	\$45.27
Total Service Cost / Unit	\$347.09
Recommended Fee	\$55.00
Recommended fee Subsidy	\$292.09
Current Fee Amount	0
Fee Increase/(Decrease)	\$55.00
Annual Usage (Reservable Hours)	5
Projected Annual Revenue Impact	\$275.00

RESOLUTION NO. 2010- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADOPTING FINES FOR CERTAIN
PARKING VIOLATIONS CONTAINED IN CHAPTER 12.20 OF THE
WILDOMAR MUNICIPAL CODE.**

WHEREAS, Section 12.20.180 of the Wildomar Municipal Code provides that any person who violates any provision of Chapter 12.20 (“Parking”) of the Wildomar Municipal Code shall be guilty of an infraction punishable by a fine as provided for in the California Vehicle Code; and,

WHEREAS, California Vehicle Code Section 40203.5(a) provides that “[t]he schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued;” and,

WHEREAS, Section 1.03.030(b) of the Wildomar Municipal Code provides a general schedule of penalties for Code violations that are infractions; and,

WHEREAS, the City desires to adopt fines that specifically apply to violations of certain provisions of Chapter 12.20 of the Wildomar Municipal Code; and,

WHEREAS, the City Council has determined that the proposed fines are reasonable and do not exceed the City’s authority to adopt fines for such violations under the California Vehicle Code; and,

WHEREAS, on August 11, 2010, the City Council conducted a public hearing, at which time the City Council considered the Staff report, public testimony and cost analyses associated with the proposed fines.

NOW, THEREFORE, the City Council of the city of Wildomar, California does resolve as follows:

1. The fine for a violation of Section 12.20.130 (“Spaces Marked for Handicapped Parking”) of the Wildomar Municipal Code shall be \$340.00.
2. The fine for a violation of Section 12.20.170 (“Unlawful Parking of Recreational Vehicles”) of the Wildomar Municipal Code shall be \$55.00.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Michael Kashiwagi – Director of Public Works
SUBJECT: Community Service Area Charges for FY 2010-11

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING COMMUNITY SERVICE AREA CHARGES WITHIN THE CITY
FOR FISCAL YEAR 2010/2011

BACKGROUND:

Upon incorporation on July 1, 2008, the City of Wildomar assumed the responsibility for certain County Service Areas now within the City's jurisdictional boundaries, and now is responsible for the services and charges provided by County Service Areas 22, 103 (Drainage, Landscape), 103 (Lighting), and 142. On July 14, 2010, this City Council adopted a Notice of Intent to Establish Community Service Area Charges for Fiscal Year 2010-11 and set this evening for the public hearing to hear and consider testimony regarding the continuation of charges for the services within the County Service Areas.

Proposed charges for FY 2010-11 are attached in Exhibit 'A' and will be assessed upon adoption of the proposed resolution.

FISCAL IMPACTS:

Adoption of this resolution will allow the City of Wildomar to collect funds to meet its financial obligations for City of Wildomar Community Service Areas.

ALTERNATIVES:

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

Submitted by:

Approved by:

Michael Kashiwagi
Director of Public Works

Frank Oviedo
City Manager

ATTACHMENTS:

Resolution No. 2010 - _____

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING COMMUNITY SERVICE AREA CHARGES WITHIN THE
CITY FOR FISCAL YEAR 2010/2011**

WHEREAS, upon incorporation on July 1, 2008, the City of Wildomar assumed the responsibility for certain County Service Areas now within the City's jurisdictional boundaries, and now is responsible for the services and charges provided by County Service Areas 22, 103 (Drainage, Landscape), 103 (Lighting), and 142; and

WHEREAS, the City Council has determined that it is necessary to continue the County Service Area charges within such areas in order to continue to provide such extended services; and

WHEREAS, on July 1, 2008, the City Council of the City of Wildomar adopted all County of Riverside Ordinances in effect including Riverside County Ordinance No. 573; and

WHEREAS, Riverside County Ordinance No. 573 requires that the City Council annually shall cause to be prepared and filed with it a report of the services, parcels and charges provided by each Community Service Area for the upcoming fiscal year; and

WHEREAS, upon the filing of such report with the City Clerk, the City Council shall cause to be noticed and thereafter conduct a public hearing to hear and consider testimony regarding the continuation of charges for such extended services within such Community Service Areas within the City of Wildomar; and

WHEREAS, the City Clerk has confirmed that she has received and filed such report for fiscal year 2010/2011 for such Community Service Areas within the City; and

WHEREAS, a Public Hearing pursuant to Government Code Section 25210.66a was conducted by the City Council on August 11, 2010, to determine the establishment of charges for FY 2010/2011 as shown on Exhibit "A".

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Wildomar City Council, in regular session assembled on August 11, 2010, that the following Community Service Area charges are adopted for Fiscal Year 2010-11 as shown on Exhibit 'A' attached hereto and incorporated herein by reference.

PASSED, APPROVED, AND ADOPTED this 11th day of August, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

Exhibit 'A'

Current Fund No. to be changed by EDA	Fund Number Name	Date Formed	Escalator	Preliminary Parcels	FY 2009-2010 Total Levy		FY 2009-2010 Levy Range	Projected FY 2010-2011 Levy Range	Does it ESCALATE 2%
684641	LMD Wildomar			6850	\$191,884.00		\$28.00	\$28.00	No
							\$140.00	\$140.00	
684642	CSA #22	11/8/1965	Yes	878	\$29,685.85	Minimum	\$1.76	\$1.76	No/Yes
	Lake Elsinore					Maximum	\$55.14	\$56.24	
	Lighting								
684644	CSA #103	12/18/1973		1076	\$22,480.00	Minimum	\$20.00	\$20.00	No
	French Valley					Maximum	\$30.00	\$30.00	
	Drainage, Landscape								
684545	CSA#103	12/18/1973	Yes	3142	\$117,550.51	Minimum	\$28.86	\$28.86	No/Yes
	French Valley					Maximum	\$1,144.60	\$1,167.49	
	Lighting								

(1) Ranges represent all parcels previously levied and new parcels to be levied due to this year's audit, annexations, and Engineer's Reports processed through April 8, 2010, and may be changed as additional annexations, Engineer's Reports, and parcel changes are continually processed up until enrollment.

(2) Annual charge was increased by 2.0% per EDA's direction (Amber) rather than the CPI which was lower as Feb

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 2.3
PUBLIC HEARING
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: David Hogan, Planning Director
SUBJECT: Wildomar Square Extension of Time - CUP 08-0072

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING AN EXTENSION OF TIME FOR
CONDITIONAL USE PERMIT 08-0072 FOR THE WILDOMAR SQUARE
SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF
CLINTON KEITH AND HIDDEN SPRINGS ROADS, AND KNOWN AS
ASSESSOR'S PARCEL NO. 380-110-045

2. Provide direction to staff regarding extending the maximum time period to use an approved conditional use permit.

BACKGROUND:

Conditional Use Permit 3504R1 was originally approved by the Riverside County Board of Supervisors on April 22, 2008 for a period of two years. This project approval was scheduled to expire on April 22, 2008 unless project construction was initiated or a request for an extension of time was submitted. The applicant submitted a request for a one-year extension of time on April 21, 2010. The purpose of an extension of time is to allow the original approval to remain valid past the original two-year approval period if the City Council determines that the project is still appropriate for the location, is still consistent with the General Plan, and if changes in the physical setting or the regulatory environment have not substantially changed to make the project inappropriate in that location.

Pursuant to Section 17.200.060 of the Wildomar Municipal Code, the maximum duration of a conditional use permit is three years. Because the project has already received an approval for two years, only a single one-year extension of time is available to the

developer. However, the developer has inquired about the prospect of receiving a three-year extension of time due to the ongoing national economic conditions. This topic is discussed further in the staff report.

The Wildomar Square project approved by CUP 3504R1 consists of a 46,600 square foot commercial center on approximately 4.8 acres. The proposed project included one drive through restaurant, several sit-down style restaurants, and anticipated the sale of alcoholic beverages. Copies of the following full size documents have been provided to the City Council: Exhibit A-1 - Current Site Plan, Exhibit A-2 - Ultimate Site Plan, Exhibit L - Preliminary Landscape Plan, Exhibit P - Phasing Plan, Exhibits B & C - Floor Plans and Elevations, and Exhibit M - Colors and Materials Board.

The surrounding General Plan Land Use Designations and Zoning Districts are contained in Attachments C and D, respectively. A reduction of the site plan is contained in Attachment E. The surrounding land use, general plan, and zoning information is provided in the following table.

ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS			
Location	Current Use	General Plan Land Use Designation	Zoning
Subject Property	Vacant	Commercial Retail	Scenic Highway Commercial (C-P-S)
North	Commercial	Commercial Retail	Scenic Highway Commercial (C-P-S)
South	Vacant	Commercial Retail	Scenic Highway Commercial (C-P-S)
East	Interstate 15	Commercial Retail	Scenic Highway Commercial (C-P-S)
West	Commercial	Commercial Retail	Scenic Highway Commercial (C-P-S)

* Clinton Keith Road is presumed to be on the north side of the project site.

DISCUSSION:

Extension of Time for CUP 08-0072 (CUP 3504R1)

The Planning and Engineering Departments have reviewed the approved project for compliance with current City standards and requirements. Based upon this review staff has determined that the Wildomar Square project continues to comply with the project continues to conform to the City’s requirements for the Scenic Highway Commercial Zone, site access, building layout, architecture and building elevations, colors and materials, and landscaping. As a result, no major changes to the existing project or the conditions of approval are being recommended by staff.

In an effort to reduce processing costs for the applicant/developer, staff has created a hybrid set of conditions of approval that retain the format of the original County

conditions of approval. However, there are a number of minor changes that staff is recommending to be incorporated into the conditions of approval. These minor changes are summarized below.

- Updated condition 10.EVERY 2 to incorporate the standard indemnification provisions with the latest version requested by the city attorney on all project approvals;
- Updated condition 10.PLANNING 023 with the City's language relating to the requirement for continuous maintenance of the project landscaping;
- Updated condition 10.PLANNING 048 clarifying the landscaping requirements on those portions of the project site that are adjacent to the future Caltrans right-of-way and providing staff flexibility on the timing of landscaping these areas if project development occurs before the construction of the expanded interchange;
- Updated condition 20.PLANNING 4 to recognize that additional extensions of time (beyond the current final opportunity for an extension of time contained in this request) could apply to this project if an ordinance is adopted by the City Council prior to the expiration date of this conditional use permit;
- Added conditions 20.PLANNING 100 and 20.PLANNING 101 relating to the filing of the Notice of Determination pursuant to the California Environment Quality Act and the request for the applicant to sign and return a copy of the final conditions of approval to the City for the permanent file;
- Updated departmental responsibilities from the County to the City, as appropriate; and,
- Corrected spelling.

Staff recommends that the City Council approve the requested extension of time for Conditional Use Permit 08-0072 (CUP 3504R1) subject to the conditions of approval contained in Exhibit A to Attachment A.

Extension of Time for 36 Months

The developer has requested that the City Council approve an extension of time for a period of 36-months. This request for an extension of time (if approved by the City Council) would result in the project being extended longer than the maximum time period contained in the current zoning ordinance. Specifically, Section 17.200.060 states that a conditional use permit is valid for a total of three years unless the project is constructed and starts operation. (The zoning ordinance also allows a conditional use permit to be initially approved for either a one or two year period with possible extensions of time to extend the total life of the approval to a total of three years.) The text of Section 17.200.060 is provided in Attachment F.

Staff believes that the current three year period to implement a conditional use permit is probably unnecessarily narrow; especially when the current economic situation is considered. As a result, staff supports the applicant's request for a longer period of time to begin construction. However a longer time period is not possible under the current zoning code provisions. Consequently, and in conjunction with the City Attorney, staff has identified two zoning code amendment options that could allow for more time if the City Council wishes to extend the life of approved conditional use permits. The two options are as follows.

Option A. Adopt an Ordinance amending Section 17.200.060 to allow for more than one extension of time for conditional use permits. Under this option, the City could allow conditional use permits to be valid for a longer period of time (to allow for multiple extensions of time). This would make the City's requirements similar to the requirements of some of the surrounding cities which allow conditional use permits to be valid for periods up to five years.

Option B. Adopt an ordinance allowing for a one time automatic extension for all conditional use permits. Under this option, the City would allow an additional time period of (for example: two or three years) for all conditional use permits to reflect the current economic conditions. This approach is similar to what the State has done with subdivision maps in recent years; allowing an additional time for maps that had not expired and had not yet recorded.

The City Council could also consider the implementation of both options in a sequential manner. For example, the Council could choose to implement Option A initially to allow conditional use permits to be extended for longer than three years, and then, if market and other conditions warrant, the Council could choose to implement Option B at some future time. Any of these approaches would address short expiration period for conditional use permits.

If the City Council feels that additional time should be allowed for conditional use permits to be implemented/constructed, staff requests that the City Council provide direction on a potential code amendment. Either of these potential zoning ordinance amendment options would require Planning Commission consideration of the proposed amendment prior to an ordinance being brought to the City Council for consideration. The Council's direction will then be presented to the Planning Commission for their consideration and recommendation. If the City Council selects either of these options, staff believes that we could get a code amendment to the Planning Commission for a recommendation and back to the City Council for action in the next couple of months; well before Conditional Use Permit 08-0072 (CUP3504R1) would expire.

FINDINGS:

Conditional Use Permit

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

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of community serving commercial, service, and office businesses. The proposed commercial shopping center involving the sale of alcoholic beverages is allowed in the Scenic Highway Commercial (C-P-S) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the C-P-S zone. The design and layout of the center, the access and circulation have been configured to accommodate future development on adjacent parcels surrounding the project site. Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.

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

The site has been designed to meet all of the development standards of the Scenic Highway Commercial (C-P-S) zone relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the existing parking spaces and drive aisles meet the minimum standards established in the zoning ordinance. In addition, the proposed use will comply with the applicable waste collection and disposal requirements and does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

ENVIRONMENTAL ASSESSMENT:

The Board of Supervisors approved a Mitigated Negative Declaration for this project on April 22, 2008 and adopted mitigation measures to reduce the impacts to biologic resources, cultural (paleontologic) resources, geotechnical, hazards & hazardous materials, hydrology/water quality, noise, and transportation traffic. The Planning Director has reviewed the project's potential effects on the environment and has determined that the previously approved document continues to reflect potential environmental impacts to the project. As a result, the Planning Director recommends that the City Council determine that no additional environmental review is required and adopt a Notice of Determination for this extension of time.

ALTERNATIVES:

1. Deny the requested extension of time.
2. Approve the requested extension of time and provide alternate direction on future extensions of time.
3. Provide other direction.

Submitted By:

Approved By:

David Hogan
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

- A. Resolution of Approval for Conditional Use Permit 08-0072
Exhibit A – Conditions of Approval
- B. Vicinity Map
- C. General Plan Land Use Designation
- D. Zoning Districts Map
- E. Site Plan (ultimate)
- F. Text of Section 17.200.060

ATTACHMENT A

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING AN EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 08-0072 FOR THE WILDOMAR SQUARE SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF CLINTON KEITH AND HIDDEN SPRINGS ROADS, AND KNOWN AS ASSESSOR'S PARCEL NO. 380-110-045

WHEREAS, Conditional Use Permit 3504R1 was approved by the Riverside County Board of Supervisors on April 22, 2008; and

WHEREAS, the City of Wildomar incorporated on July 1, 2008; and

WHEREAS, an application to extend the period to initiate project construction for Conditional Use Permit 3504R1 (also know as EOT 08-0072) to construct and operate a 46,600 square foot commercial center including the sale of alcoholic beverages on April 21, 2010; and

WHEREAS, the City Council has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on an extension of time for Conditional Use Permit No. 08-0072; and

WHEREAS, on July 31, 2010, the City gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

WHEREAS, on August 11, 2010 the City Council held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed extension of time.

NOW THEREFORE, the City Council of the City of Wildomar, California, does hereby Resolve, Determine, Find, and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

A. The Board of Supervisors adopted a Mitigated Negative Declaration and Mitigation Monitoring Program on April 22, 2010 for Conditional Use Permit 3504R1 and a Notice of Determination was filed in accordance with CEQA requirements. There has been no legal challenge brought against the project or the environmental determination. The City Council reviewed the Initial Study previously approved for the project in light of applicant's submittal of an Extension of Time 08-0072 for CUP 3504R1. The City Council has concluded that Extension of Time 08-0072 for CUP 3504R1 is a subsidiary and implementing approval or permit contemplated under the larger project and that the extension of time complies with the City's Zoning Ordinance and other applicable standards. The City Council finds that Extension of Time 08-0072 for CUP 3504R1 will Conditional Use Permit 3404

not result in an increase in the density or intensity of the project and will not result in project changes that were not previously analyzed under the approved Mitigated Negative Declaration and Mitigation Monitoring Program. As such, Extension of Time 08-0072 for CUP 3504R1 and any effects it may have on the environment, fall within the scope of, and were analyzed under the previously approved Mitigated Negative Declaration and Mitigation Monitoring Program for the project. Furthermore, based on the Planning Department staff's knowledge of the project and surrounding developments, the City Council concludes that there has been no change in circumstances under which the project is being undertaken that would require additional analysis under CEQA. Finally, the City Council has not been presented with any information contrary to this conclusion nor any information from which it could be fairly argued that Extension of Time 08-0072 for CUP 3504R1 involves new significant effects on the environment or substantially increases the severity of a previously identified effect. Based thereon, the Planning Commission makes the following findings in accordance with CEQA Guidelines Section 15162:

B. Extension of Time 08-0072 for CUP 3504R1 does not propose substantial changes to Conditional Use Permit 3504R1 that would require major revisions to the existing Mitigated Negative Declaration and Mitigation Monitoring Program;

C. No substantial changes have occurred in the circumstances under which Conditional Use Permit 3504R1 or Extension of Time 08-0072 for CUP 3504R1 is being undertaken that would require major revisions to the Mitigated Negative Declaration and Mitigation Monitoring Program; and

D. No new information has been presented from which it may be fairly argued that Conditional Use Permit 3504R1 may involve a new significant environmental effect, or a substantial increase in the severity of previously identified significant effects, or demonstrating that a mitigation measure previously found to be infeasible is now feasible.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Wildomar Municipal Code, and in light of the record before it including the staff report dated July 28, 2010 and all evidence and testimony heard at the public hearing of Conditional Use Permit 08-0072, the City Council hereby finds as follows.

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

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of community serving commercial, service, and office businesses. The proposed commercial shopping center involving the sale of alcoholic beverages is allowed in the Scenic Highway Commercial (C-P-S) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance

since it meets and/or exceeds the minimum development standards of the C-P-S zone. The design and layout of the center, the access and circulation have been configured to accommodate future development on adjacent parcels surrounding the project site. Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.

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

The site has been designed to meet all of the development standards of the Scenic Highway Commercial (C-P-S) zone relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the existing parking spaces and drive aisles meet the minimum standards established in the zoning ordinance. In addition, the proposed use will comply with the applicable waste collection and disposal requirements and does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

SECTION 3. CITY COUNCIL ACTIONS.

A. In compliance with Public Resources Code §21152 and CEQA Guidelines §15075, the Planning Director shall prepare a Notice of Determination concerning the findings made in Section 1 of this Resolution, and within five (5) working days of approval of (identify current application), file the Notice with the Riverside County Clerk for posting.

B. Approval of Extension of Time. The extension of time for Conditional Use Permit 08-0072 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 08-0072	
Project Description: An extension of time for the Wildomar Square Shopping Center located at the south east corner of Clinton Keith and Hidden Springs Roads. The original County of Riverside Approval is CUP 3504R1.	
Assessor's Parcel Number(s): 380-110-045	
Approval Date: April 22, 2010	Expiration Date: April 22, 2011

General Conditions:

10. EVERY 001 GENERAL CONDITIONS USE - PROJECT DESCRIPTION

The use hereby permitted is to expand an approved, 2.96 net acre, three (3) building, 23,000 sq. ft. Commercial Center, which was approved on May 8, 2007 under Conditional Use Permit No. 3504; to include substantial changes to the site plan by adding on an additional 23,600 sq. ft. with three (3) new buildings, for a total of 46,600 sq. ft. The project site will now include an additional 1.85 net acres that have been acquired through Lot Line Adjustment No. 5270 from the property located southerly of the project site (APN: 380-230-006) and added to the project for a total of 4.81 net acres. In total, the project proposes six (6) buildings: Building 1 a proposed 5,660 sq. ft. sit-down restaurant, Building 2 a proposed 16,242 sq. ft. multi-tenant commercial building that includes the concurrent sale of beer and wine for off-premises consumption, Building 3 a proposed 5,375 sq. ft. sit-down restaurant, Building 4 a proposed 7,575 sq. ft. tire sales and service store, Building 5 a proposed 3,500 sq. ft. fast-food restaurant, and Building 6 a proposed 8,248 sq. ft. multi-tenant commercial building. The proposal also includes 32,349 sq. ft. of landscaping and 243 parking spaces. The project will be constructed in two (2) phases, Phase I will include the construction of Buildings 2, 3, 6, and all parking and landscaping improvements for the entire project site and Phase II will include the construction of Buildings 1, 4, and 5.

Note: "Current" and "Ultimate" site designs are proposed; these design concepts deal only with right-of-way improvements along Clinton Keith Road and not the project site. As such, the proposed on-site improvements are the same at the "Current" and "Ultimate" site layouts.

10. EVERY 002 GENERAL CONDITIONS USE - HOLD HARMLESS

The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and

instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

10. EVERY 003 GENERAL CONDITIONS USE - DEFINITIONS

The words identified in the following list that appear in all capitals in the attached conditions of Conditional Use Permit No. 3504, Revised Permit No. 1 shall be henceforth defined as follows:

- APPROVED EXHIBIT A-1 = Current Site Plan for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit A-1, Amended No. 1, dated 4/22/08.
- APPROVED EXHIBIT A-2 = Ultimate Site Plan for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit A-2, Amended No. 1, dated 4/22/08.
- APPROVED EXHIBIT G = Grading Plan for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit G (Sheets 1 - 3), Amended No. 1, dated 4/22/08.
- APPROVED EXHIBIT L = Preliminary Landscape Plan for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit L, Amended No. 1, dated 4/22/08.
- APPROVED EXHIBIT P = Phasing Plan for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit P, Amended No. 2, dated 4/22/08.
- APPROVED EXHIBIT B & C = Floor Plans and Elevations for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit B & C (Sheets 1 - 6), Amended No. 2, dated 4/22/08.
- APPROVED EXHIBIT M = Colors and Materials Board for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit M, Amended No. 1, dated 2/15/08.
- APPROVED EXHIBIT S = Sign Program for Conditional Use Permit No. 3504, Revised Permit No. 1, Exhibit S (Sheets 1 - 12), Amended No. 1, dated 2/15/08.

10. EVERY 004 GENERAL CONDITIONS USE - 90 DAYS TO PROTEST

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

10.BS GRADE 001 GENERAL CONDITIONS USE -GIN INTRODUCTION

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE 003 GENERAL CONDITIONS USE-G1.2 OBEY ALL GDG REGS

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

10.BS GRADE 004 GENERAL CONDITIONS USE-G1.3 DISTURBS NEED G/PMT

Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.

10.BS GRADE 005 GENERAL CONDITIONS USE-G1.6 DUST CONTROL

All necessary measures to control dust shall be implemented by the developer during grading. PM10 plan may be required at the time a grading permit is issued.

10.BS GRADE 006 GENERAL CONDITIONS USE-G2.3SLOPE EROS CL PLAN

Erosion control - landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457.

10.BS GRADE 007 GENERAL CONDITIONS USE-G2.5 2:1 MAX SLOPE RATIO

Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved.

10.BS GRADE 008 GENERAL CONDITIONS USE-G2.6SLOPE STABL'TY ANLYS

A slope stability report shall be submitted and approved by the County Geologist for all proposed cut or fill slopes steeper than 2:1 (horiz. to vert.) or over 30' in vertical height - unless addressed in a previous report.

10.BS GRADE 009 GENERAL CONDITIONS USE-G2.7DRNAGE DESIGN Q100

All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows. Additionally, the Building and Safety Department's conditional approval of this application includes an expectation that the conceptual grading plan reviewed and approved for it complies or can comply with any WQMP (water Quality Management Plan) required by Riverside County Flood Control & Water Conservation District.

10.BS GRADE 010 GENERAL CONDITIONS USE-G2.8MINIMUM DRNAGE GRADE

Minimum drainage grade shall be 1% except on portland cement concrete where .35% shall be the minimum.

10.BS GRADE 011 GENERAL CONDITIONS USE-G2.9DRNAGE & TERRACING

Provide drainage facilities and terracing in conformance with the California Building Code's chapter on "GRADING".

10.BS GRADE 012 GENERAL CONDITIONS USE-G2.10 SLOPE SETBACKS

Observe slope setbacks from buildings & property lines per the California Building Code as amended by Ordinance 457.

10.BS GRADE 013 GENERAL CONDITIONS USE-G2.23 OFFST. PAVED PKG

All offstreet parking areas which are conditioned to be paved shall conform to Ordinance 457 base and paving design and inspection requirements.

10.BS GRADE 014 GENERAL CONDITIONS USE-G.3.1NO B/PMT W/O G/PMT

Prior to the issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

10.BS GRADE 015 GENERAL CONDITIONS USE-G3.3RETAINING WALLS

Lots which propose retaining walls will require separate permits. They shall be obtained prior to the issuance of any other building permits - unless otherwise approved by the Building and Safety Director. The walls shall be designed by a Registered Civil Engineer - unless they conform to the County Standard Retaining Wall designs shown on the Building and Safety Department.

10.BS GRADE 016 GENERAL CONDITIONS USE-G3.4CRIB/RETAIN'G WALLS

Cribwall (retaining) walls shall be designed by a qualified professional who shall provide the following information for review and approval - this shall be in addition to standard retaining wall data normally required. The plans shall clearly show: soil preparation and compaction requirements to be accomplished prior to footing-first course installation, method/requirement of footing-first course installation, properties of materials to be used (i.e. Fc=2500 p.s.i.). Additionally special inspection by the manufacturer/dealer and a registered special inspector will be required.

10.BS GRADE 017 GENERAL CONDITIONS USE-G4.1E-CL 4:1 0R STEEPER

Plant & irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the Building & Safety Department's Erosion Control Specialist.

10.BS GRADE 018 GENERAL CONDITIONS USE-G4.3PAVING INSPECTIONS

The developer/applicant shall be responsible for obtaining the paving inspections required by Ordinance 457.

10.BS GRADE 019 GENERAL CONDITIONS USE-G2.17LOT TO LOT DRN ESMT

A recorded easement is required for lot to lot drainage.

10.BS GRADE 020 GENERAL CONDITIONS USE-G1.4 NPDES/SWPPP

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the NPDES. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the NPDES., this project (or subdivision) shall comply with them.

10.FIRE 001 GENERAL CONDITIONS USE-#50-BLUE DOT REFLECTOR

Blue retroreflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.

10.FIRE 002 GENERAL CONDITIONS USE-#01A - SHELL/FPE/COMM.

THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY. Shell building will receive a shell final only. No Certificate of Occupancy (human occupant and/or materials) will be issued until the building occupant has been identified with their occupancy classification and have been conditioned by Riverside County Fire Department. Occupant or tenant identification is imperative for orderly and prompt processing. Upon identification of the occupant or tenant a Fire Protection Analysis report maybe required prior to establishing the requirements for the occupancy permit. Failure to provide a comprehensive data analysis and/or technical information acceptable to the fire department may result in project delays.

10.FIRE 003 GENERAL CONDITIONS USE-#04-HIGH PILE/RACK STORAGE

A separate permit may be required for high-pile storage and/or racks. Sprinkler plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2001 CFC Article 81 compliance. Complete Article 81 information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities, classified using CFC Article 81, 2001 Edition and NFPA 13, 2001 Edition guidelines by a licensed Fire Protection Engineer (or other consultant approved by this jurisdiction).

10.FIRE 004 GENERAL CONDITIONS USE-#23-MIN REQ FIRE FLOW

Minimum required fire flow shall be 1625 GPM for a 2 hour duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type VN construction per the 2001 CBC and Building(s) having a fire sprinkler system.

10.FIRE 005 GENERAL CONDITIONS USE-#31-ON/OFF NOT LOOPED HYD

A combination of on-site and off-site super fire hydrant(s) (6"x4"x 2-2-1/2"), will be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways. The required fire flow shall be available from any adjacent hydrants(s) in the system.

10.FIRE 006 GENERAL CONDITIONS USE-#89-RAPID HAZMAT BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed on the outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10.FLOOD RI 001 GENERAL CONDITIONS USE FLOOD HAZARD REPORT

CUP 3504R1 is a proposal to expand an approved commercial centre on a 4.81-acres site in Rancho California area. The project is located on the south east corner of Clinton Keith Road and Hidden Springs Road.

The site receives minor tributary offsite runoff from the north. The development of this site would adversely impact downstream property owners by increasing the rate and volume of flood flows and impact water quality. Mitigation shall be required to offset these impacts. The developer has proposed to mitigate the increased runoff by detaining storm flows in a series of underground detention pipes. The onsite runoff will be collected in a private storm drain system, pass through storm water treatment units before discharging into two underground detention systems. The underground detention system for the northwestern half of the site will discharge to Hidden Springs Road via 18" culvert. The two detention system for the southeastern half will discharge via a storm drain to the energy dissipater before outletting into the existing low. This is acceptable in concept as shown. A preliminary drainage study to support the detention concept was submitted to the District for review. It shall be noted that the underground detention system may not have sufficient volume as shown on the tentative exhibit. However, the developer would still like to pursue the concept of using the underground detention facility. During the improvement plan check process it may be necessary to expand the detention pipes beyond what is shown on the tentative exhibit. The District will allow the applicant to defer the mitigation design to the plan check stage. During the plan check stage the developer must either: 1. Design underground storage to meet District criteria or 2. Redesign the project to accommodate a conventional basin that meets District criteria (see 60.FLOOD RI. 11 INCREASED RUNOFF CRITERIA). The later option would almost certainly require such redesign of the project that it would need to go back through substantial entitlement process. The site is located within the bounds of the Murrieta Creek/Murrieta Valley Area Drainage Plan (ADP) for which drainage fees have been established by the Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to permits for this project. Although the current fee for this ADP is \$4139 per acre, the fee due will be based on the fee in effect at the time of payment.

10.FLOOD RI 004 GENERAL CONDITIONS USE 100 YR SUMP OUTLET

Drainage facilities outletting sump conditions shall be designed to convey the tributary 100 year storm flows. Additional emergency escape shall also be provided.

10.FLOOD RI 005 GENERAL CONDITIONS USE PERP DRAINAGE PATTERNS

The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

10.FLOOD RI 006 GENERAL CONDITIONS USE COORDINATE DRAINAGE DESIGN

Development of this property shall be coordinated with development of adjacent properties to ensure that watercourses remain unobstructed and stormwaters are not diverted from one watershed to another. This may require the construction of temporary drainage facilities or offsite construction and grading. A drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

10.FLOOD RI 010 GENERAL CONDITIONS USE INCREASED RUNOFF

The development of this site will adversely impact downstream property owners by increasing the rate and volume of flood flows. To mitigate this impact, the developer has proposed a detention basin. Although final design of the basin will not be required until the improvement plan stage of this development, the applicant's engineer has submitted a preliminary hydrology and hydraulics study that indicates that the general size, shape, and location of the proposed basin is sufficient to mitigate the impacts of the development.

10.FLOOD RI 011 GENERAL CONDITIONS USE INCREASED RUNOFF CRITERIA

The development of this site would increase peak flow rates on downstream properties. Mitigation shall be required to offset such impacts. An increased runoff basin shall be shown on the exhibit and calculations supporting the size of the basin shall be submitted to the District for review. The entire area of proposed development will be routed through a detention facility(s) to mitigate increased runoff. All basins must have positive drainage; dead storage basins shall not be acceptable.

A complete drainage study including, but not limited to, hydrologic and hydraulic calculations for the proposed detention basin shall be submitted to the District for review and approval. \

Storms to be studied will include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year and 10-year return frequencies. Detention basin(s) and outlet(s) sizing will ensure that none of these storm events has a higher peak discharge in the post-development condition than in the pre-development condition. For the 2-year and 5-year events the loss rate will be determined using an AMC I condition. For the 10-year event AMC II will be used. Constant loss rates shall be used for the 1-hour, 3-hour and 6-hour events. A variable loss rate shall be used for the 24-hour events.

Low Loss rates will be determined using the following: 1. Undeveloped Condition --> LOW LOSS = 90% 2. Developed Condition --> LOW LOSS = .9 - (.8x%IMPERVIOUS) 3. Basin Site --> LOW LOSS = 10%

Where possible and feasible the on-site flows should be mitigated before combining with off-site flows to minimize the size of the detention facility required. If it is necessary to combine off-site and on-site flows into a detention facility two separate conditions should be evaluated for each duration/return period/before-after development combination studied; the first for the total tributary area (off-site plus on-site), and the second for the area to be developed alone (on-site). It must be clearly demonstrated that there is no increase in peak flow rates under either condition (total tributary area or on-site alone), for each of the return period/duration combinations required to be evaluated. A single plot showing the pre-developed, post-developed and routed hydrographs for each storm considered, shall be included with the submittal of the hydrology study.

No outlet pipe(s) will be less than 18" in diameter. Where necessary an orifice plate may be used to restrict outflow rates. Appropriate trash racks shall be provided for all outlets less than 48" in diameter.

The basin(s) and outlet structure(s) must be capable of passing the 100-year storm without damage to the facility. Embankment shall be avoided in all cases unless site constraints or topography make embankment unavoidable in the judgment of the General Manager-Chief Engineer.

Mitigation basins should be designed for joint use and be incorporated into open space or park areas. Side slopes should be no steeper than 4:1 and depths should be minimized where public access is uncontrolled.

A viable maintenance mechanism, acceptable to both the County and the District, should be provided for detention facilities. Generally, this would mean a CSA, landscape district, parks agency or commercial property owners association.

10.FLOOD RI 014 GENERAL CONDITIONS XXU SUBMIT FINAL WQMP >PRELIM

In compliance with the San Diego RWQCB Order, project submitted within the City of Wildomar for discretionary approval will be required to comply with the Water Quality Management Plan for Urban Runoff (WQMP). The WQMP addresses post-development water quality impacts from new development and redevelopment projects. The WQMP provides detailed guidelines and templates to assist the developer in completing the necessary studies. These documents are available on-line at: www.floodcontrol.co.riverside.ca.us under Programs and Services, Stormwater Quality.

To comply with the WQMP a developer must submit a "Project Specific" WQMP. This report is intended to: (a) Identify potential post-project pollutants and hydrologic impacts associated with the development; (b) Identify proposed mitigation measures (BMPs) for identified impacts including site design, source control and treatment control post-development BMPs; and (c) Identify sustainable funding and maintenance mechanisms for the aforementioned BMPs. A template for this report is included as 'Exhibit A' in the WQMP. A final Project Specific WQMP must be approved by the City prior to issuance of building or grading permits.

Projects requiring Project Specific WQMPs are required to submit a preliminary project Specific WQMP along with the land-use application package. The format of the preliminary report shall mimic the format/template of the final report but can be less detailed. For example, points (a), (b), and (c) above must be covered, rough calculations supporting sizing must be included, and footprint/locations for the BMPs must be identified on the tentative exhibit. Detailed drawings will not be required. This preliminary project specific WQMP must be approved by the City prior to issuance of recommended conditions of approval.

The developer has submitted a report that minimally meets the criteria for a preliminary project specific WQMP. The report will need significant revisions to meet the requirements of a final project specific WQMP. Also, it should be noted that if 401 certification is necessary for the project, the Water Quality Control Board may require additional water quality measures.

10.FLOOD RI 015 GENERAL CONDITIONS USE WQMP ESTABL MAINT ENTITY

This project proposes BMP facilities that will require maintenance by public agency or commercial property owner association. To ensure that the public is not unduly burdened with future costs, prior to final approval or recordation of this case, the City will require an acceptable financial mechanism be implemented to provide for maintenance of treatment control BMPs in perpetuity. This may consist of a mechanism to assess individual benefiting property owners, or other means approved by the City. The site's treatment control BMPs must be shown on the project's improvement plans - either the street plans, grading plans, or landscaping plans. The type of improvement plans that will show the BMPs will depend on the selected maintenance entity.

10.PLANNING 001 GENERAL CONDITIONS USE - COMPLY WITH ORD./CODES

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes. The development of the premises shall conform substantially with that as shown on Approved Exhibits A-1 & A-2, dated 4/22/08, unless otherwise amended by these conditions of approval.

10.PLANNING 002 GENERAL CONDITIONS USE - FEES FOR REVIEW

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10.PLANNING 003 GENERAL CONDITIONS USE - LIGHTING HOODED/DIRECTED

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING 004 GENERAL CONDITIONS USE - COLORS & MATERIALS

Building colors and materials shall be in substantial conformance with those shown on Approved Exhibit M, dated 2/15/08.

10.PLANNING 006 GENERAL CONDITIONS USE - HOURS OF OPERATION

Use of the facilities approved under this conditional use permit shall be limited to the following hours of operation, Monday through Sunday, except as otherwise provide herein:

- Building One (1): 5:00am to 12:00am
- Building Two (2): 5:00am to 12:00am
- Building Three (3): 5:00am to 2:00am, except Sunday's in which the operation shall close at 12:00am
- Building Four (4): 7:00am to 8:00pm
- Building Five (5): 5:00am to 1:30am
- Building Six (6): 5:00am to 12:00am

NOTE: These hours of operation are set forth in the interest of public safety and in order to reduce conflict with adjacent zones and/or land uses. The Riverside County Board of Supervisors determined during the noticed public hearing on April 22, 2008 that any request to deviate from the Hours of Operation as referenced above for Buildings One (1) through Six (6) shall necessitate a Revised Conditional Use Permit as described in County Ordinance No. 348, Section 18.43.

10.PLANNING 007 GENERAL CONDITIONS USE - BASIS FOR PARKING

Parking for this project was determined primarily on the basis of County Ordinance No. 348, Section 18.12.a.(2).b, Community and Regional Commercial Centers: 5.5 spaces per 1,000 sq. ft. of net leasable floor area. Total Parking Stalls Provided: 243.

10.PLANNING 008 GENERAL CONDITIONS USE - LIMIT ON SIGNAGE

Signage for this project shall be limited to the signs shown on APPROVED EXHIBIT S, dated 2/15/08. Any additional signage shall be approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING 009 GENERAL CONDITIONS USE - NO OUTDOOR ADVERTISING

No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.

10.PLANNING 011 GENERAL CONDITIONS USE - PHASES ALLOWED

Construction of this project may be done in two (2) phases as shown on APPROVED EXHIBIT P, dated 4/22/08. Any additional phases, or modifications to the approved phasing, may be permitted provided a plan for each phase of development is submitted to and approved by the Planning Department. Phasing approval shall not apply to the requirements of any agency other than the Planning Department unless otherwise indicated by the affected agency.

10.PLANNING 012 GENERAL CONDITIONS USE - PHASE BY NEW PERMIT

Construction of this project may be done progressively in phases provided a plan is submitted with appropriate fees to the Planning Department and approved prior to issuance of any building permits. Phasing approval shall not apply to the requirements of any agency other than the Planning Department unless so indicated by the affected agency.

10.PLANNING 013 GENERAL CONDITIONS USE - LANDSCAPE SPECIES

Drought tolerant and native plant species shall be preferred over non-drought tolerant and non-native species. However, the quantity and extent of those species shall depend on the project's climatic zones. Alternative types of low volume irrigation are encouraged to be used in order to conserve water.

10.PLANNING 017 GENERAL CONDITIONS USE - RECLAIMED WATER

The permit holder shall connect to a reclaimed water supply for landscape watering purposes when secondary or reclaimed water is made available to the site.

10.PLANNING 019 GENERAL CONDITIONS USE - NO RESIDENT OCCUPANCY

No permanent occupancy shall be permitted within the property approved under this conditional use permit as a principal place of residence. No person shall use the premises as a permanent mailing address nor be entitled to vote using an address within the premises as a place of residence.

10.PLANNING 021 GENERAL CONDITIONS USE - EXTERIOR NOISE LEVELS

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 55 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities.

10.PLANNING 023 GENERAL CONDITIONS USE - VIABLE LANDSCAPING

All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape

plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.

10.PLANNING 025 GENERAL CONDITIONS USE - CAUSES FOR REVOCATION

In the event the use hereby permitted under this permit, (a) is found to be in violation of the terms and conditions of this permit, (b) is found to have been obtained by fraud or perjured testimony, or (c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10.PLANNING 026 GENERAL CONDITIONS USE - CEASED OPERATIONS

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10.PLANNING 031 GENERAL CONDITIONS USE - MT PALOMAR LIGHTING AREA

Within the Mt. Palomar Special Lighting Area, as defined in Ordinance No. 655, low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or cutoff luminaires, shall be utilized.

10.PLANNING 033 GENERAL CONDITIONS USE - ORD 810 O S FEE (1)

In accordance with Riverside County Ordinance No. 810, to assist in providing revenue to acquire and preserve open space and habitat, an Interim Open Space Mitigation Fee shall be paid for each development project or portion of an expanded development project to be constructed in Western Riverside County. The amount of the fee for commercial or industrial development shall be calculated on the basis of "Project Area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development.

Any area identified as "NO USE PROPOSED" on the Approved Exhibit shall not be included in the Project Area.

10.PLANNING 038 GENERAL CONDITIONS USE - BUSINESS LICENSING

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license.

10.PLANNING 039 GENERAL CONDITIONS USE - GEO 1938

County Geologic Report (GEO) No. 1938, submitted for this project (CUP03504R1), was prepared by Leighton Consulting, Inc. and is entitled: "Preliminary Geotechnical Investigation Report for the Proposed Wildomar Square, Southeast Corner of the Intersection of Clinton Keith Road and Hidden Springs Road, Wildomar, Riverside County, California, Project No. 602009-001", dated September 13, 2007. In addition, Leighton Consulting, Inc. submitted the following report entitled:

Addendum Geotechnical Response to Riverside County Planning Department, Building and Safety Review Comments, County Geologic Report No. 1938, Proposed Wildomar Square Commercial/Retail Development adjacent to Hidden Springs Road and Clinton Keith Road

at Freeway I-15, Wildomar, County of Riverside, California, Project No. 602009-001" dated December 21, 2007.

This document is herein incorporated as a part of GEO No. 1938.

GEO No. 1938 concluded:

A. This site is underlain at shallow depth by Pauba Formation sandstone considered acceptable for support of the proposed fills and structures.

B. Based on literature review, site mapping, a previously excavated fault investigation trench and aerial photo review there is no evidence for any active faults crossing or trending toward this site. Therefore the potential for this site to be affected by surface fault rupture is considered low.

C. Aside from the hazard of strong ground shaking, the potential for this site to be affected by secondary seismic hazards such as liquefaction, seismically induced landsliding, seiche/tsunami or seismically induced flooding is considered low.

GEO No. 1938 recommended:

1. All previously placed undocumented fills, top soils, weathered bedrock and alluvium should be removed to expose Pauba Formation bedrock exhibiting an in-place relative compaction of at least 85% as determined by ASTM Test Method D 1557-02. Prior to placing any fill, the approved removal bottoms should be scarified to depth of 12 inches, brought to near optimum moisture content and compacted to a minimum of 90% of the maximum dry density as determined by ASTM D 1557-02.
2. The on-site soils are considered to be acceptable for use as compacted fill provided they are cleaned of organic materials and/or debris. All fill soils should be placed in 6 to 8 inch lifts, brought to within 2% of optimum moisture content and compacted to a minimum of 90% of the maximum dry density as determined by ASTM D 1557-02. Where the footprint of any proposed structure spans a cut/fill transition, the cut portion of the building pad should be over-excavated to a depth equal to one-half of the fill thickness for the fill portion of the pad with a minimum of three feet required.
3. Subsequent to the construction of the pad fills, they should be tested for expansion index in order provide final foundation design recommendations.
4. Due to the potential for this site to be affected by strong seismic shaking, all structures should be designed in accordance with the provisions of the California Building Code for a site located 1.7 miles from a CBC Type B seismic source and overlying a CBC Type Sd soil. The site should be expected to experience peak horizontal accelerations on the order of 0.65g with a 10% probability of exceedence in 50 years.
5. The consultant should be provided with the grading and foundation plans to determine if future investigation may be required by changes made to those plans subsequent to this report.

GEO No. 1938 satisfies the requirement for a Geologic Study for Planning /CEQA purposes. GEO No. 1938 is hereby accepted for Planning purposes. This approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building

code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

10.PLANNING 040 GENERAL CONDITIONS MAP - IF HUMAN REMAINS FOUND

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

10.PLANNING 041 GENERAL CONDITIONS MAP - INADVERTENT ARCHAEO FIND

If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find.
2. At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.
3. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation.

10.PLANNING 042 GENERAL CONDITIONS USE - NO SECOND FLOOR

No tenant improvement permit, or any other building permit, shall be granted for any second story, second floor, mezzanine, or interior balcony unless a plot plan, conditional use permit, public use permit, substantial conformance or a revised permit is approved by the Planning Department pursuant to Section 18.12 of Ordinance No. 348 in order to assure adequate parking remains within the property. Only single-story buildings were approved as part of this permit and reviewed for parking standards.

10.PLANNING 043 GENERAL CONDITIONS USE - MAINTAIN LICENSING

At all times during the conduct of the permitted use the permittee shall maintain and keep in effect valid licensing approval from the California Alcoholic Beverage Control Board (ABC), or equivalent agency as provided by law. Should such licensing be denied, expire or lapse at any time in the future, the permit that allows the sale of beer and wine for off-premises consumption shall become null and void.

10.PLANNING 044 GENERAL CONDITIONS USE - ABC20 OFF SALE BEER/WINE

OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

The ABC Type 20 License for the sale of beer and wine for off-premises consumption is permitted within Building 2, more specifically for the Matteo's Wine & Deli Shop (or other equivalent tenant).

10.PLANNING 047 GENERAL CONDITIONS USE - VIABLE LANDSCAPING

All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit. To ensure that this occurs, the Planning Department shall require inspections in accordance with the Planning Department's Milestone 90 condition entitled "USE - LNDSCP/IRRIG INSTALL INS."

10.PLANNING 048 GENERAL CONDITIONS USE - LANDSCAPING REVIEW/COMPL

All landscaping plans shall be prepared in accordance with Ordinance 859 (as adopted and any amendments thereto), the Riverside County Guide to California Landscaping, and Ordinance 348, Section 18.12. Such plans shall be reviewed and approved by the Planning Department, the appropriate maintenance authority, and shall be in conformance with the Preliminary Landscaping Plans. If project construction occurs simultaneously with the construction of the expanded interchange, the Planning Director may allow the phasing of the landscaping along the northern portion of the site during these construction periods.

10.TRANS 001 GENERAL CONDITIONS USE - TS/CONDITIONS

The Transportation Department has reviewed the traffic study submitted for the referenced project. The study has been prepared in accordance with County-approved guidelines. We generally concur with the findings relative to traffic impacts.

The Comprehensive General Plan circulation policies require a minimum of Level of Service 'C', except that Level of Service 'D' may be allowed in community development areas at intersections of any combination of secondary highways, major highways, arterials, urban arterials, expressways or state highways and ramp intersections.

The study indicates that it is possible to achieve adequate levels of service for the following intersections based on the traffic study assumptions.

Grand Avenue (NS) at Clinton Keith Road (EW) Palomar Street (NS) at Clinton Keith Road (EW) Hidden Springs Road (NS) at Clinton Keith Road (EW) I-15 Southbound Ramps (NS) at Clinton Keith Road (EW) I-15 Northbound Ramps (NS) at Clinton Keith Road (EW) Arya Drive (NS) at Clinton Keith Road (EW).

As such, the proposed project is consistent with this General Plan policy.

The associated conditions of approval incorporate mitigation measures identified in the traffic study, which are necessary to achieve or maintain the required level of service.

10.TRANS 006 GENERAL CONDITIONS USE - STD INTRO 3(ORD 460/461)

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Ordinance 460 and Riverside County Road Improvement standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. These Ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS 007 GENERAL CONDITIONS USE - ASSESS/BENEFIT DIST 1

Should this project lie within any assessment/benefit district, the project proponent shall, prior to issuance of a building permit, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district.

Prior to a Certain Date:

20.PLANNING 004 PRIOR TO A CERTAIN DATE USE - EXPIRATION DATE-CUP

This approval shall be used within two (2) years of the original approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two initial (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of this initial two year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, this approval shall become null and void on April 22, 2011, unless the maximum allowable term to use a conditional use permit approval is modified by the City Council prior to the expiration of this permit,. Any future authorized extensions of time shall comply with the procedural requirements for conditional use permits.

20.PLANNING 100 PRIOR TO A CERTAIN DATE USE – FILING NOTICE OF DETERMINATION

The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Sixty-Four Dollar (\$64.00) County administrative fee, to enable the City to file the Notice of Determination for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the applicant/developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].

20.PLANNING 101 PRIOR TO A CERTAIN DATE USE – FILING NOTICE OF DETERMINATION

The applicant shall sign the Concurrence and Acceptance of these Conditions of Approval and provide the signed original to the Planning Department. The signature line is provided on the last page of these conditions of approval.

Prior to Grading Permit Issuance:

60.BS GRADE 001 PRIOR TO GRADING PRMT ISSUANCE USE-G2.1 GRADING BONDS

Grading in excess of 199 cubic yards will require performance security to be posted with the Building and Safety Department. Single Family Dwelling units graded one lot per permit and proposing to grade less than 5,000 cubic yards are exempt.

60.BS GRADE 002 PRIOR TO GRADING PRMT ISSUANCE USE-G2.3SLOPE EROS CL PLAN

Erosion control - landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457.

60.BS GRADE 003 PRIOR TO GRADING PRMT ISSUANCE USE-G2.4GEOTECH/SOILS RPTS

Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department's Grading Division for review and approval prior to issuance of a grading permit.

All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County. The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the Riverside County Geotechnical Guidelines For Review Of Geotechnical And Geologic Reports.

60.BS GRADE 004 PRIOR TO GRADING PRMT ISSUANCE USE-G2.7DRNAGE DESIGN Q100

All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

Additionally, the Building and Safety Department's conditional approval of this application includes an expectation that the conceptual grading plan reviewed and approved for it complies or can comply with any WQMP (Water Quality Management Plan) required by Riverside County Flood Control & Water Conservation District.

60.BS GRADE 006 PRIOR TO GRADING PRMT ISSUANCE USE-G2.14OFFSITE GDG ONUS

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions

necessary to perform the grading herein proposed.

60.BS GRADE 007 PRIOR TO GRADING PRMT ISSUANCE USE-G2.15NOTRD OFFSITE LTR

A notarized letter of permission, from the affected property owners or easement holders, is required for any proposed off site grading.

60.BS GRADE 009 PRIOR TO GRADING PRMT ISSUANCE USE-G1.4 NPDES/SWPPP

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the NPDES. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 657-1146.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the NPDES., this project (or subdivision) shall comply with them.

60.BS GRADE 010 PRIOR TO GRADING PRMT ISSUANCE USE IMPORT/EXPORT

In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Building and Safety department. If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Building and Safety Department Director for approval. Additionally, if the movement of import/export occurs using county roads, review and approval of the haul routes by the Transportation Department will be required.

60.EPD 001 PRIOR TO GRADING PRMT ISSUANCE EPD - 30 DAY BURROWING OWL SUR

Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan, within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the Environmental Programs Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season (March 1 through August 31) by a qualified biologist shall be required. The County Biologist shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within 30 days of the survey a new survey shall be required.

60.EPD 002 PRIOR TO GRADING PRMT ISSUANCE - BIOLOGICAL MONITOR

Prior to the issuance of a grading permit, the applicant must contract with a biological consultant who has an MOU with the county, to provide biological monitoring of all grading activities. The applicant must provide the Planning Department with a copy of the contract.

60.EPD 003 PRIOR TO GRADING PRMT ISSUANCE - RIPARIAN FLAGGING

Prior to the issuance of a grading permit, the biological monitor shall flag and fence the area mapped as "South Coast Live Oak Riparian Forest" on CUP03504R1 AMD. #1 dated 12/10/2007. The biologist must submit documentation to the Planning Department certifying that all areas meeting the definition of Riparian/Riverine, as defined in Section 6.1.2 of the Multiple Species Habitat Conservation Plan (MSHCP), have been flagged and fenced for avoidance during construction. The Planning Department staff may also conduct site visits to ensure that the fencing has been completed in accordance with the MSHCP.

60.FLOOD RI 002 PRIOR TO GRADING PRMT ISSUANCE USE SUBMIT PLANS

A copy of the improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. The plans must receive District approval prior to the issuance of grading permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit.

60.FLOOD RI 003 PRIOR TO GRADING PRMT ISSUANCE USE EROS CNTRL AFTER RGH GRAD

Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing these measures shall be submitted to the District for review.

60.FLOOD RI 004 PRIOR TO GRADING PRMT ISSUANCE USE OFFSITE EASE OR REDESIGN

Offsite drainage facilities shall be located within dedicated drainage easements obtained from the affected property owner(s). Document(s) shall be recorded and a copy submitted to the District prior to issuance of permits. If the developer cannot obtain such rights, the project shall be redesigned to eliminate the need for the easement.

60.FLOOD RI 005 PRIOR TO GRADING PRMT ISSUANCE USE WRITTEN PERM FOR GRADING

Written permission shall be obtained from the affected property owner(s) allowing the proposed grading and/or facilities to be installed outside of the project boundaries. A copy of the written authorization shall be submitted to the District for review and approval.

60.FLOOD RI 008 PRIOR TO GRADING PRMT ISSUANCE USE MURRIETA VALLEY ADP

The County Board of Supervisors has adopted the Murrieta Creek/Murrieta Valley Area Drainage Plan (ADP) for the purpose of collecting drainage fees. This project may require earlier construction of downstream ADP facilities. To mitigate this effect, the District recommends that this project be required to pay a flood mitigation fee. The mitigation fee should be based upon the fee structures set for land divisions having comparable anticipated impermeable surface areas.

CUP 3504,R1 is located within the limits of the Murrieta Creek/Murrieta Valley Area Drainage Plan for which drainage fees have been adopted to help mitigate the impacts of this development. The mitigation charge for this proposal shall equal the prevailing Area Drainage Plan fee rate multiplied by the area of the new development. This new development has a total of 4.81 acres subject to the fee. The charge is payable to the Flood Control District by cashier's check or money order only, and shall be paid after final approval of the staff report/conditions of approval by the Board of Supervisors and prior to issuance of permits.

60.FLOOD RI 009 PRIOR TO GRADING PRMT ISSUANCE USE SUBMIT FINAL WQMP

A copy of the project specific WQMP shall be submitted to the City for review and approval.

60.PLANNING 001 PRIOR TO GRADING PRMT ISSUANCE USE - PALEONTOLOGIST REQUIRED

The land divider/permit holder shall retain a qualified paleontologist for paleontological monitoring of the grading as recommended in the paleontological resource assessment prepared by Brian F. Smith Associates, dated November 14, 2007. The developer shall submit a copy of a fully executed contract for monitoring services to the Planning Department and the Department of Building and Safety. The paleontologist shall submit in writing to the Planning Department - Development Review Division the results of the initial consultation, and the paleontologist shall include details of the fossil recovery plan, if recovery was deemed necessary. A pre-grade meeting between the paleontologist and the excavation and grading contractor shall be arranged. When necessary, in the professional opinion of the retained paleontologist (and/or as determined by the Planning Director), the paleontologist or representative shall have the authority to monitor actively all project related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of paleontological resources.

60.PLANNING 009 PRIOR TO GRADING PRMT ISSUANCE USE - SKR FEE CONDITION

Prior to the issuance of a grading permit, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 4.81 acres (net) in accordance with Approved Exhibits A-1 & A-2, dated 4/22/08. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded

and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

60.PLANNING 013 PRIOR TO GRADING PRMT ISSUANCE USE - FEE STATUS

Prior to the issuance of grading permits for Conditional Use Permit No. 3504, Revised Permit No. 1, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

60.PLANNING 014 PRIOR TO GRADING PRMT ISSUANCE USE - SECTION 1601/1603 PERMIT

Should any grading or construction be proposed within or along the banks of any natural watercourse or wetland located either on-site or on any required off-site improvement area, the permit holder shall provide written notification to the County Planning Department that the appropriate California Department of Fish and Game notification pursuant to Sections 1601/1603 of the California Fish and Game Code has taken place. Or, the permit holder shall obtain an "Agreement Regarding Proposed Stream or Lake Alteration" (Section 1601/1603 Permit). Copies of any agreement shall be submitted with the notification

60.PLANNING 015 PRIOR TO GRADING PRMT ISSUANCE USE - SECTION 404 PERMIT

Should any grading or construction be proposed within or alongside the banks of the watercourse or wetland, the permit holder shall provide written notification to the County Planning Department that the alteration of any watercourse or wetland, located either on-site or on any required off-site improvement area, complies with the U.S. Army Corps of Engineers Nationwide Permit Conditions. Or, the land divider shall obtain a permit under Section 404 or the Clean Water Act. Copies of any agreements shall be submitted along with the notification.

60.PLANNING 016 PRIOR TO GRADING PRMT ISSUANCE MAP - PALEONTOLOGIST REQUIRED

The land divider/permit holder shall retain a qualified paleontologist for paleontology monitoring services as recommended in the Paleontology Report (PD_P-01283) prepared by Brian F. Smith & Associates, dated Nov. 14, 2007, for this project. The developer shall submit a copy of a fully executed contract for paleontology services, including the name, telephone number and address of the retained, qualified paleontologist to the Planning Department and the Department of Building and Safety. A pre-grade meeting between the paleontologist and the excavation and grading contractor shall be arranged. When necessary, in the professional opinion of the retained paleontologist (and/or as determined by the Planning Director), the paleontologist or representative shall have the authority to monitor actively all project related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of paleontological resources.

60.PLANNING 017 PRIOR TO GRADING PRMT ISSUANCE USE- PALEONTOLOGY MITIGATION

Because the project property has a high potential to impact significant nonrenewable fossil resources present in the subsurface, the following mitigation measures are required:

1. Prior to the initiation of excavation activities, a field reconnaissance of the entire project property shall be conducted, to assess paleontologic sensitivity in more detail and to recover any exposed paleontologic remains.
2. Monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor is required for all excavation. Based upon the results of this review, monitoring should be conducted throughout all excavation into undisturbed sediments of the Pauba Formation and the unnamed sandstone, both at the surface and in the subsurface. Paleontologic monitors must be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.
3. Preparation of any recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources.
4. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented.
5. Preparation of a report of findings with an appended itemized inventory of specimens is required. The report and inventory, when submitted to the appropriate lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.
6. A report of the results of paleontologic monitoring shall be submitted to the County Archaeologist.

60.PLANNING 018 PRIOR TO GRADING PRMT ISSUANCE MAP*- NATIVE AM. MONITORING

Tribal monitor(s) from the appropriate Native American Tribe(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above mentioned Tribe and the land divider/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department and to the Department of Building and Safety. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources, in coordination with the project archaeologist.

60.PLANNING 019 PRIOR TO GRADING PRMT ISSUANCE MAP - ARCHAEOLOGIST
RETAINED

Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the land divider for archaeological monitoring services. A pre-grade meeting between the archaeologist, the Native American tribal representative(s), and the excavation and grading contractor shall take place to discuss appropriate grading and ground disturbing methods within and around those archaeologically and culturally sensitive areas within the project. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American tribal representative(s) shall actively monitor all project related grading and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of archaeological and/or cultural resources. Prior to the issuance of grading permits, a copy of a fully executed contract for archaeological monitoring services, including the name, address and telephone number of the retained archaeologist shall be submitted to the Planning Department and the B&S Grading Division.

60.PLANNING 020 PRIOR TO GRADING PRMT ISSUANCE MAP- CULTURAL RES. DISP.
AG.

Prior to grading permit issuance, the applicant shall provide the Planning Director evidence of a fully executed agreement with the appropriate Native American Tribe that addresses the treatment and disposition of all cultural resources impacted as a result of the development. The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area to the Soboba Band of Luiseno Indians for proper treatment and disposition, upon submittal of the Phase IV Archaeological Monitoring Report by the Project Archaeologist.

60.TRANS 001 PRIOR TO GRADING PRMT ISSUANCE USE - TRANSPORTATION
CLEARANCE

A clearance from the Transportation Department is required prior to the issuance of a grading permit.

Prior to Final Grading Inspection:

70.EPD 001 PRIOR TO GRADING FINAL INSPECT - BIO MONITOR DOCUMENT

Prior to final inspection, the biological monitor will submit documentation to the Planning Department confirming that all grading was done in accordance with the Multiple Species Habitat Conservation Plan (MSHCP), and that there were no impacts to Riparian/Riverine resources. In the event that unplanned impacts do occur, the report will include a description of the impacts and propose mitigation measures. The Planning Department staff may also conduct site visits to ensure that the grading has been completed in accordance with the MSHCP.

Prior to Building Permit Issuance:

80.BS GRADE 001 PRIOR TO BLDG PRMT ISSUANCE USE* -G3.1NO B/PMT W/O G/PMT

Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

80.E HEALTH 001 PRIOR TO BLDG PRMT ISSUANCE USE - WATER/SEWER WILL SERVE

A "will-serve" letter from the appropriate water and sewer company/district shall be required to Environmental Health along with the filing fee in effect at the time of submittal.

80.FIRE 001 PRIOR TO BLDG PRMT ISSUANCE USE-#17A-BLDG PLAN CHECK \$

Building Plan check deposit base fee of \$1,056.00, shall be paid in a check or money order to the Riverside County Fire Department after plans have been approved by our office.

80.FIRE 002 PRIOR TO BLDG PRMT ISSUANCE USE-#4-WATER PLANS

The applicant or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 10 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

80.FLOOD RI 002 PRIOR TO BLDG PRMT ISSUANCE USE SUBMIT PLANS

A copy of the improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. The plans must receive District approval prior to the issuance of building permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit.

80.FLOOD RI 004 PRIOR TO BLDG PRMT ISSUANCE USE NURRIETA VALLEY ADP

The County Board of Supervisors has adopted the Murrieta Creek/Murrieta Valley Area Drainage Plan (ADP) for the purpose of collecting drainage fees. This project may require earlier construction of downstream ADP facilities to mitigate this effect, the District recommends that this project be required to pay a flood mitigation fee. The mitigation fee should be based upon the fee structures set for land divisions having comparable anticipated impermeable surface areas.

CUP 3504 R1 is located within the limits of the Murrieta Creek/Murrieta Valley Area Drainage Plan for which drainage fees have been adopted to help mitigate the impacts of this development. The mitigation charge for this proposal shall equal the prevailing Area Drainage Plan fee rate multiplied by the area of the new development. This new development has a total of 4.81 acres subject to the fee. The charge is payable to the Flood Control District by cashier's check or money order only, and shall be paid after final approval of the staff report/conditions of approval by the Board of Supervisors and prior to issuance of permits.

80.FLOOD RI 005 PRIOR TO BLDG PRMT ISSUANCE USE SUBMIT FINAL WQMP

A copy of the project specific WQMP shall be submitted to the District for review and approval.

80.PLANNING 003PRIOR TO BLDG PRMT ISSUANCE USE - CONFORM TO ELEVATIONS

Elevations of all buildings and structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBIT B & C, dated 4/22/08.

80.PLANNING 004 PRIOR TO BLDG PRMT ISSUANCE USE - CONFORM TO FLOOR PLANS

Floor plans shall be in substantial conformance with that shown on APPROVED EXHIBIT B & C, dated 4/22/08.

80.PLANNING 005 PRIOR TO BLDG PRMT ISSUANCE USE - ROOF EQUIPMENT SHIELDING

Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

80.PLANNING 012 PRIOR TO BLDG PRMT ISSUANCE USE - PLANS SHOWING BIKE RACKS

Bike rack spaces or bike lockers shall be shown on the project's parking and landscaping plan submitted to the Planning Department for approval.

80.PLANNING 017 PRIOR TO BLDG PRMT ISSUANCE USE - WASTE MGMT. CLEARANCE 1

A clearance letter from Riverside County Waste Management District shall be provided to the Riverside County Planning Department verifying compliance with the conditions contained in their letter dated 11/02/07, summarized as follows:

1. Prior to issuance of a building permit for EACH building, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to Design Guidelines for Recyclables Collection and Loading Areas, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.
2. Prior to issuance of a building permit, a Waste Recycling Plan (WRP) shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department,

Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or arrangements can be made through the franchise hauler and/or a construction clean-up business.

3. Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to facilities that are permitted to receive them, in accordance with local, state, and federal regulations. For further information, please contact the Household Hazardous Waste Collection Program at 1-800-304-2226.
4. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
5. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

80.PLANNING 018 PRIOR TO BLDG PRMT ISSUANCE USE - SCHOOL MITIGATION

Impacts to the Lake Elsinore Unified School District shall be mitigated in accordance with California State law.

80.PLANNING 021 PRIOR TO BLDG PRMT ISSUANCE USE - LIGHTING PLANS

All parking lot lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

80.PLANNING 023 PRIOR TO BLDG PRMT ISSUANCE USE - FEE STATUS

Prior to issuance of building permits for Conditional Use Permit No. 3504, Revised Permit No. 1, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

80.PLANNING 024 PRIOR TO BLDG PRMT ISSUANCE USE - FENCING PLAN REQUIRED

A fencing plan shall be submitted showing all wall and fence locations and typical views of all types of fences or walls proposed including retaining walls and screen walls. This plan shall require anti-graffiti coatings on fences and walls, where applicable.

80.PLANNING 025 PRIOR TO BLDG PRMT ISSUANCE USE - SAFETY FENCE (1)

A three (3') foot high safety fence shall be constructed along the southerly project boundary on top of the proposed retaining wall, which is shown on the APPROVED EXHIBIT L. The total height of the safety fence shall only be increased per the request of the Department of Building and Safety. The safety fence shall be constructed of wrought iron or tubular steel material. Note this requirement on all Wall and Fence Plans and Landscape Plans.

80.PLANNING 031 PRIOR TO BLDG PRMT ISSUANCE USE - LANDSCAPING SECURITIES

Performance securities, in amounts to be determined by the Director of Building and Safety to guarantee the installation of plantings, irrigation system, walls and/or fences, in accordance with the approved plan, shall be filed with the Department of Building and Safety. Securities may require review by County Counsel and other staff. Permit holder is encouraged to allow adequate time to ensure that securities are in place. The performance security may be released one year after structural final, inspection report, and the One-Year Post Establishment report confirms that the planting and irrigation components have been adequately installed and maintained. A cash security shall be required when the estimated cost is \$2,500.00 or less.

80.PLANNING 032 PRIOR TO BLDG PRMT ISSUANCE USE - LANDSCAPE INSPECTION

Prior to issuance of building permits, the permit holder shall open a Landscape DBF case and deposit the prevailing DBF amount to cover the Six Month and One Year Landscape Inspections. In the event that no Landscape DBF case type is available through the County, then the applicant shall open and deposit sufficient funds into an HR case type at the current prevailing, Board adopted, hourly rate. The amount of hours for the Six Month and One Year Landscape Inspections will be determined by the County Planning Department's Landscape personnel prior to approval of the requisite Minor Plot Plan for Planting and Irrigation.

80.PLANNING 033 PRIOR TO BLDG PRMT ISSUANCE USE - LANDSCAPE PLOT PLAN APPR

When the Landscaping Plot Plan is located within a County Service Area (CSA), prior to landscape plan submittal to the Planning Department, the permit holder shall show evidence to the Planning Department that CSA No. 152A or other department as approved by the Planning Department has approved said plans.

80.PLANNING 034 PRIOR TO BLDG PRMT ISSUANCE USE - PARKING/LNDSCPNG PLAN

Prior to issuance of building permits, seven (7) copies of a Shading, Parking, Landscaping, and Irrigation Plan shall be submitted to and approved by the Planning Department. The location, number, genus, species, and container size of plants shall be shown. Plans shall meet all requirements of Chapter 17.276 of the Wildomar Municipal Code (and the associated implementation guidelines), the Riverside County Guide to California Friendly Landscaping, and Ordinance No. 348, Sections 18.12, and 19.300 through 19.304 and as specified herein. The irrigation plan shall include a smart controller capable of adjusting watering schedule based on weather data. In addition, the plan will incorporate the use of in-line check valves, or sprinkler heads containing check valves to prohibit low head drainage.

The parking/landscaping plan shall be in substantial conformance with approved Exhibit L.

80.TRANS 001 PRIOR TO BLDG PRMT ISSUANCE USE - TS/DESIGN

The project proponent shall be responsible for the design of modified traffic signal(s) at the intersections of:

Hidden Springs Road (NS) at Clinton-Keith Road (EW) (modification) with no fee credit given for Traffic Signal Mitigation fees.

The project proponent may also contribute cash-in-lieu to the County for any signal work not included in the County's Clinton Keith Road/I-15 Interchange Project, and said signal modifications will be included in the County's interchange project. Installation of the signals shall be per 90.TRANS.1.

80.TRANS 002 PRIOR TO BLDG PRMT ISSUANCE USE - TS/GEOMETRICS

The intersection of Hidden Springs Road (NS) at Clinton-Keith Road (EW) shall be improved to provide the following geometrics:

Northbound: One left-turn lane, one through lane, one right-turn lane Southbound: One left-turn lane, one shared through/right-turn lane Eastbound: One left-turn lane, two through lanes, one shared through/right-turn lane Westbound: two left-turn lanes, two through lanes, one shared through/right-turn lane or as approved by the Transportation Department.

The portion of the improvements along Clinton Keith Road that are being constructed by the County's Clinton Keith Road/I-15 interchange shall not be required to be constructed by this project. Any off-site widening required to provide these geometrics shall be the responsibility of the landowner/developer.

80.TRANS 004 PRIOR TO BLDG PRMT ISSUANCE USE - CALTRANS ENCRCHMNT PRMT

If required, prior to issuance of a building permit or any use allowed by this permit, and prior to doing any work within the State highway right-of-way, clearance and/or an encroachment permit must be obtained by the applicant from the District 08 Office of the State Department of Transportation in San Bernardino.

80.TRANS 008 PRIOR TO BLDG PRMT ISSUANCE USE - STREETLIGHTS - L&LMD

The project proponent shall submit to the Transportation Department L&LMD No. 89-1-C Administrator the following:

1. Completed Transportation Department application
2. Two sets of street lighting plans approved by Transportation Department.
3. Appropriate fees for annexation.
4. "Streetlight Authorization" form from SCE, IID or other electric provider.

80.TRANS 011 PRIOR TO BLDG PRMT ISSUANCE USE - R & B B D

Prior to the issuance of a building permit, the project proponent shall pay fees in accordance with Zone A of the Southwest Road and Bridge Benefit District. All fees are based upon the fee schedule in effect at the time of issuance of the permit. The project gross acreage is 3.42 acres.

80.TRANS 013 PRIOR TO BLDG PRMT ISSUANCE USE - MAP CORNER CUT-BACK I

All corner cutbacks shall be applied per Standard 805, Ordinance 461, except for corners at Entry streets intersecting with General Plan roads, they shall be applied per Exhibit ' C' of the Countywide Design Guidelines.

80.TRANS 017 PRIOR TO BLDG PRMT ISSUANCE USE - STREETLIGHT PLAN 1

A separate street light plan is required for this project. Street lighting shall be designed in accordance with County Ordinance 460 and Streetlight Specification Chart found in Specification Section 22 of Ordinance 461. For projects within SCE boundaries use County of Riverside Ordinance 461, Standard No's 1000 or 1001.

80.TRANS 018 PRIOR TO BLDG PRMT ISSUANCE USE - LANDSCAPING COMM/IND

Landscaping within public road right-of-way shall comply with Transportation Department standards and Ordinance 461 and shall require approval by the Transportation Department. Landscaping plans shall be designed within Clinton Keith Road and Hidden Springs Road and submitted to the Transportation Department. Landscaping plans shall be submitted on standard County Plan sheet format (24" X 36"). Landscaping plans shall be submitted with the street improvement plans.

Assurance of continuous maintenance is required by processing and filing a 'Landscape Maintenance Agreement' through the Transportation Department Plan Check Division; or if desired the developer may file an application for annexation into Landscaping and Lighting Maintenance District No. 89-1-Consolidated by contacting the City Engineer.

80.TRANS 019 PRIOR TO BLDG PRMT ISSUANCE USE - TUMF

Prior to the issuance of a building permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 673.

Prior to Building Final Inspection:

90.BS GRADE 001 PRIOR TO BLDG FINAL INSPECTION USE*G4.3PAVING INSPECTIONS

The developer/applicant shall be responsible for obtaining the paving inspections required by Ordinance 457.

90.E HEALTH 001 PRIOR TO BLDG FINAL INSPECTION USE - HAZMAT BUS PLAN

The facility will require a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

90.E HEALTH 002 PRIOR TO BLDG FINAL INSPECTION USE - HAZMAT REVIEW

If further review of the site indicates additional environmental health issues, the Hazardous Materials Management Division reserves the right to regulate the business in accordance with applicable County Ordinances.

90.E HEALTH 003 PRIOR TO BLDG FINAL INSPECTION USE - HAZMAT CONTACT

Contact a Hazardous Materials Specialist, Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.

90.FIRE 001 PRIOR TO BLDG FINAL INSPECTION USE-#45-FIRE LANES

The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

90.FIRE 002 PRIOR TO BLDG FINAL INSPECTION USE-#12A-SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 1999 edition in all buildings requiring a fire flow of 1500 GPM or greater. Sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and a minimum of 25 feet from the building(s). A statement that the building(s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a U.L. Central Station Monitored Fire Alarm System. Monitoring system shall monitor the fire sprinkler system(s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact fire department for guideline handout

90.FIRE 003 PRIOR TO BLDG FINAL INSPECTION USE-#27-EXTINGUISHERS

Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

90.FLOOD RI 002 PRIOR TO BLDG FINAL INSPECTION USE BMP - EDUCATION

The developer shall distribute environmental awareness education materials on general good housekeeping practices that contribute to protection of stormwater quality to all initial users. The developer may obtain NPDES Public Educational Program materials from the District's NPDES Section by either the District's website www.floodcontrol.co.riverside.ca.us, e-mail fcnpdes@co.riverside.ca.us, or the toll free number 1-800-506-2555. Please provide Project number, number of units and location of development. Note that there is a five-day minimum processing period requested for all orders.

The developer must provide to the District's PLAN CHECK Department a notarized affidavit stating that the distribution of educational materials to the tenants is assured prior to the issuance of occupancy permits.

90.FLOOD RI 003 PRIOR TO BLDG FINAL INSPECTION USE IMPLEMENT WQMP

All structural BMPs described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all non-structural BMPs described in the

approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The District will not release occupancy permits for any portion of the project exceeding 80% of the project area prior to the completion of these tasks.

90.PLANNING 003 PRIOR TO BLDG FINAL INSPECTION USE - PARKING PAVING MATERIAL

A minimum of 243 parking spaces shall be provided as shown on the Approved Exhibits A-1 & A-2, dated 4/22/08, unless otherwise approved by the Planning Department. The parking area shall be surfaced with asphaltic concrete or concrete to current standards as approved by the Department of Building and Safety.

90.PLANNING 004 PRIOR TO BLDG FINAL INSPECTION USE - ACCESSIBLE PARKING

A minimum of 10 accessible parking spaces for persons with disabilities shall be provided as shown on APPROVED EXHIBITS A-1 & A-2, dated 4/22/08. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning (951) 245-3300."

In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least 3 square feet in size.

90.PLANNING 006 PRIOR TO BLDG FINAL INSPECTION USE - LOADING SPACES

A minimum of three (3) loading spaces shall be provided in accordance with Section 18.12.a.(2)f(3).b. of Ordinance 348, and as shown on Approved Exhibits A-1 & A-2, dated 4/22/08. The loading spaces shall be surfaced with six (6) inches of concrete over a suitable base and shall not be less than 10 feet wide by 35 feet long, with 14 feet vertical clearance.

90.PLANNING 007 PRIOR TO BLDG FINAL INSPECTION USE - COMPACT PARKING SPACES

A maximum of 49 parking spaces may be sized for compact cars (8 1/2' x 16') and shall be clearly marked "COMPACT".

90.PLANNING 008 PRIOR TO BLDG FINAL INSPECTION USE - ROOF EQUIPMENT SHIELDING

Roof-mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

90.PLANNING 010 PRIOR TO BLDG FINAL INSPECTION USE - INSTALL BIKE RACKS

Six (6) bicycle racks with a minimum of five (5) spaces per rack shall be provided in convenient locations to facilitate bicycle access to the project area as shown on Approved Exhibits A-1 & A-2, dated 4/22/08. The bicycle racks shall be shown on project landscaping and improvement plans submitted for Planning Department approval, and shall be installed in accordance with those plans.

90.PLANNING 011 PRIOR TO BLDG FINAL INSPECTION USE - UTILITIES UNDERGROUND

All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Planning Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

90.PLANNING 012 PRIOR TO BLDG FINAL INSPECTION USE - SPECIMEN

Landscaping plans shall incorporate the use of specimen (24" box or greater) canopy trees long streets and within the parking areas. All trees and shrubs shall be drawn to reflect the average specimen size at 15 years of age. All trees shall be double-staked and secured with non-wire ties.

90.PLANNING 013 PRIOR TO BLDG FINAL INSPECTION USE - CURBS ALONG PLANTERS

A six inch high curb with a twelve (12) inch wide walkway shall be constructed along planters on end stalls adjacent to automobile parking areas. Public parking areas shall be designed with permanent curb, bumper, or wheel stop or similar device so that a parked vehicle does not overhang required sidewalks, planters, or landscaped areas.

90.PLANNING 016 PRIOR TO BLDG FINAL INSPECTION USE - TRASH ENCLOSURES

Seven (7) trash enclosures which are adequate to enclose a minimum of two (2) bins per enclosure shall be located as shown on the Approved Exhibits A-1 & A-2, dated 4/22/08, and shall be constructed prior to the issuance of occupancy permits. The enclosure(s) shall be a minimum of six (6) feet in height and shall be made with a decorative finish that resembles the architectural style of the commercial center including stone veneer and trellises over each enclosure, landscaping screening, and a solid gate which screens the bins from external view. Additional enclosed area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The recycling collection area shall be a minimum of fifty percent (50%) of the area provided for the trash/rubbish enclosure(s) or as approved by the Riverside County Waste Management Department. All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin.

90.PLANNING 021 PRIOR TO BLDG FINAL INSPECTION USE - REMOVE OUTDOOR ADVERTISE

All existing outdoor advertising displays, signs or billboards shall be removed.

90.PLANNING 022 PRIOR TO BLDG FINAL INSPECTION USE - WALL & FENCE LOCATIONS

Wall and/or fence locations shall be in conformance with Approved Exhibits A-1, A-2, and G, dated 4/22/08.

90.PLANNING 023 PRIOR TO BLDG FINAL INSPECTION USE - PHASES MUST BE COMPLETE

If the project has been phased, all facilities meant to serve the current phase of development shall be installed in a usable condition. Project landscaping may not all be deferred until the final phase.

90.PLANNING 026 PRIOR TO BLDG FINAL INSPECTION USE - SKR FEE CONDITION

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection, whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary, depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 4.81 acres (net) in accordance with Approved Exhibits A-1 & A-2, dated 4/22/08. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING 027 PRIOR TO BLDG FINAL INSPECTION USE - CONDITION COMPLIANCE

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

90.PLANNING 030 PRIOR TO BLDG FINAL INSPECTION USE - ORD 810 O S FEE (2)

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection prior to use or occupancy for cases without final inspection or certificate of occupancy (such as an SMP), whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 810, which requires the payment of the appropriate fee set forth in the Ordinance. The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval. The Project Area for Conditional Use Permit No. 03504 Revised Permit No. 1 is calculated to be 4.81 net acres. In the event Riverside County Ordinance No. 810 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 810 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING 031 PRIOR TO BLDG FINAL INSPECTION USE - ORD NO. 659 (DIF)

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as defined in the Ordinance, which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. The Project Area for Conditional Use Permit No. 3504, Revised Permit No. 1 has been calculated to be 4.81 net acres.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING 034 PRIOR TO BLDG FINAL INSPECTION USE - PALEO MONITORING REPORT

Prior to Final Inspection, the applicant shall submit to the County Archaeologist two (2) copies of the Paleontology Monitoring report. The report shall be certified by a professional paleontologist listed on the County's Paleontology Consultant List.

90.PLANNING 035 PRIOR TO BLDG FINAL INSPECTION USE - SAFETY FENCE (2)

Prior to building permit final inspection, a three (3') foot high safety fence shall be constructed along the southerly project boundary on top of the retaining wall, which is shown on the approved Wall and Fence Plan. The total height of the safety fence shall only be increased per the request of the Department of Building and Safety. The safety fence shall be constructed of wrought iron or tubular steel material.

90.PLANNING 036 PRIOR TO BLDG FINAL INSPECTION USE - WASTE MGT. CLEARANCE (2)

A clearance letter from the Riverside County Waste Management Development shall be provided to the Riverside County Planning Department verifying compliance with the conditions of their letter dated 11/02/07, summarized as follows:

1. Prior to the final building inspection for each building, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Building and Safety Department through site inspection.
2. Prior to issuance of an occupancy permit, evidence (i.e., receipts or other type verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside

County Waste Management Department in order to clear the project for occupancy permits.

90.PLANNING 037 PRIOR TO BLDG FINAL INSPECTION USE - LNDSCPE/IRRIG INSTALL

The permit holder's landscape architect responsible for preparing the Landscaping and Irrigation Plans shall arrange for an Installation Inspection with the Planning Department at least fifteen (15) working days prior to final Inspection of the structure or issuance of occupancy permit, whichever occurs first. Upon successful completion of the Installation Inspection and compliance with the Planning Department's Milestone 80 conditions entitled "USE-LANDSCAPING SECURITIES and LANDSCAPE INSPECTION DEPOSIT," both the County Planning Department's Landscape Inspector and the permit holder's landscape architect shall execute a Certificate of Completion that shall be submitted to the Planning Department and the Department of Building and Safety.

90.PLANNING 038 PRIOR TO BLDG FINAL INSPECTION USE - COMPLY W/ LNDSCP/IRR PLN

All required landscape planting and irrigation shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans, Ordinance No. 859 (as adopted and any amendments thereto), and the Riverside County Guide to California Landscaping. All landscape and irrigation components shall be in a condition acceptable to the Planning Department through the implementation of the Department's Milestone 90 condition entitled "USE - LNDSCP/IRRIG INSTALL INS." The plants shall be healthy and free of weeds, disease or pests. The irrigation system shall be properly constructed and determined to be in good working order.

90.PLANNING 040 PRIOR TO BLDG FINAL INSPECTION USE - ARCHO MONITORING REPORT

Prior to Final Inspection, the applicant shall submit to the County Archaeologist two (2) copies of the Phase IV Cultural Resources Monitoring Report. The report shall follow the posted report scope of work on the TLMA website and be certified by a County Registered Archaeologist.

90.TRANS 001 PRIOR TO BLDG FINAL INSPECTION USE - TS/INSTALLATION

The project proponent shall be responsible for the modification of the traffic signal(s) at the following locations:

Hidden Springs Road (NS) at Clinton-Keith Road (EW) (modification) with no fee credit given for Traffic Signal Mitigation fees.

or as approved by the Transportation Department.

90.TRANS 002 PRIOR TO BLDG FINAL INSPECTION USE - IMPROVEMENTS

The Transportation Department is in the process of performing environmental and design work to improve the Clinton Keith Road/I-15 Interchange, which includes improvements along the frontage of this project on Clinton Keith Road between I-15 and Hidden Springs. The interchange improvements are being funded by TUMF, RBBD, and other funds. In lieu of the project constructing frontage improvements on Clinton Keith Road, and in recognition

that the project is contributing additional right-of-way along Clinton Keith Road and paying TUMF and RBBD fees, the project proponent shall do the following:

1. Dedicate the right-of-way necessary for the construction of the interchange along all project frontages, as determined by the Transportation Department, including the necessary access easements through the property to access a potential retaining wall to be built by the County, or as approved by the Transportation Department.
2. Deposit with the Transportation Department cash-in-lieu for 120% of the estimated cost of installing landscaping, sidewalk, and street lights along Clinton Keith Road which are beyond the curb-to-curb interchange improvements currently being designed by the Transportation Department, or as approved by the Transportation Department. Upon receipt of these funds, the Transportation Department will include these frontage improvements as part of the construction of the interchange project. Either the Transportation Department or the project proponent may request a review of the actual costs incurred in constructing said landscaping, sidewalk, and street lights, and based on that review there will be a reconciliation between estimated costs and actual costs, resulting in either a refund from the Transportation Department or an additional payment from the project proponent. Should the improvements be under construction or completed prior development of this project, applicant shall reimburse the City of Wildomar for costs associated with the improvements described herein.

Hidden Springs Road along project boundary is a paved County maintained road designated as a Secondary Highway and shall be improved with 6" concrete curb and gutter located 32 feet from centerline to curb line and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within the 44 foot half-width dedicated right-of-way in accordance with County Draft Standard No. 94. (Modified - 32'/44')

NOTE: A 6' sidewalk shall be constructed adjacent to curb line within the 12' parkway.

90.TRANS 003 PRIOR TO BLDG FINAL INSPECTION USE - IMP PLANS

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County.

90.TRANS 005 PRIOR TO BLDG FINAL INSPECTION USE - CALTRANS 1

The project proponent shall comply with the Caltrans recommendations.

90.TRANS 006 PRIOR TO BLDG FINAL INSPECTION USE - SIGNING & STRIPING

A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan. Traffic signing and striping shall be performed by County forces with all incurred costs borne by the applicant, unless otherwise approved by the County Traffic Engineer.

90.TRANS 009 PRIOR TO BLDG FINAL INSPECTION USE STREETLIGHT AUTHORIZATION

Prior to OCCUPANCY, the project proponent shall submit to Transportation Department Permits the following:

1. "Streetlight Authorization" form approved by L&LMD No. 89-1-C Administrator.
2. Letter establishing interim energy account from SCE or other electric provider.

90.TRANS 010 PRIOR TO BLDG FINAL INSPECTION USE - STREET LIGHTS INSTALL

Install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of County Ordinances 460 and 461.

Street light annexation into L&LMD or similar mechanism as approved by the Transportation Department shall be completed.

It shall be the responsibility of the Developer to ensure that street lights are energized along the streets associated with this development where the developer is seeking Building Final Inspection (Occupancy).

90.TRANS 012 PRIOR TO BLDG FINAL INSPECTION USE - UTILITY PLAN

Electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes.

90.TRANS 013 PRIOR TO BLDG FINAL INSPECTION USE - UTILITY INSTALL

Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with ordinance 460 and 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site.

A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

90.TRANS 014 PRIOR TO BLDG FINAL INSPECTION USE - LANDSCAPING COMM/IND

Landscaping within public road right-of-way shall comply with Transportation Department standards and Ordinance 461 and shall require approval by the Transportation Department. Landscaping shall be improved within Clinton Keith Road and Hidden Springs Road. Assurance of continuous maintenance is required by processing and filing a 'Landscape Maintenance Agreement' through the Transportation Department Plan Check Division; or if desired the developer may file an application for annexation into Landscaping and Lighting Maintenance District No. 89-1-Consolidated by contacting the City Engineer.

90.TRANS 015 PRIOR TO BLDG FINAL INSPECTION USE - ST DESIGN/IMP
CONCEPT

The street design and improvement concept of this project shall be coordinated with the design of Clinton Keith Road/I-15 interchange, project number A20264. Please contact Tayfun Saglam, project manager of said interchange, at (951) 955-2871 for any necessary coordination.

Concurrence with, and Acknowledgement of the Receipt of, these Conditions of Approval:

Applicant's Signature

Date

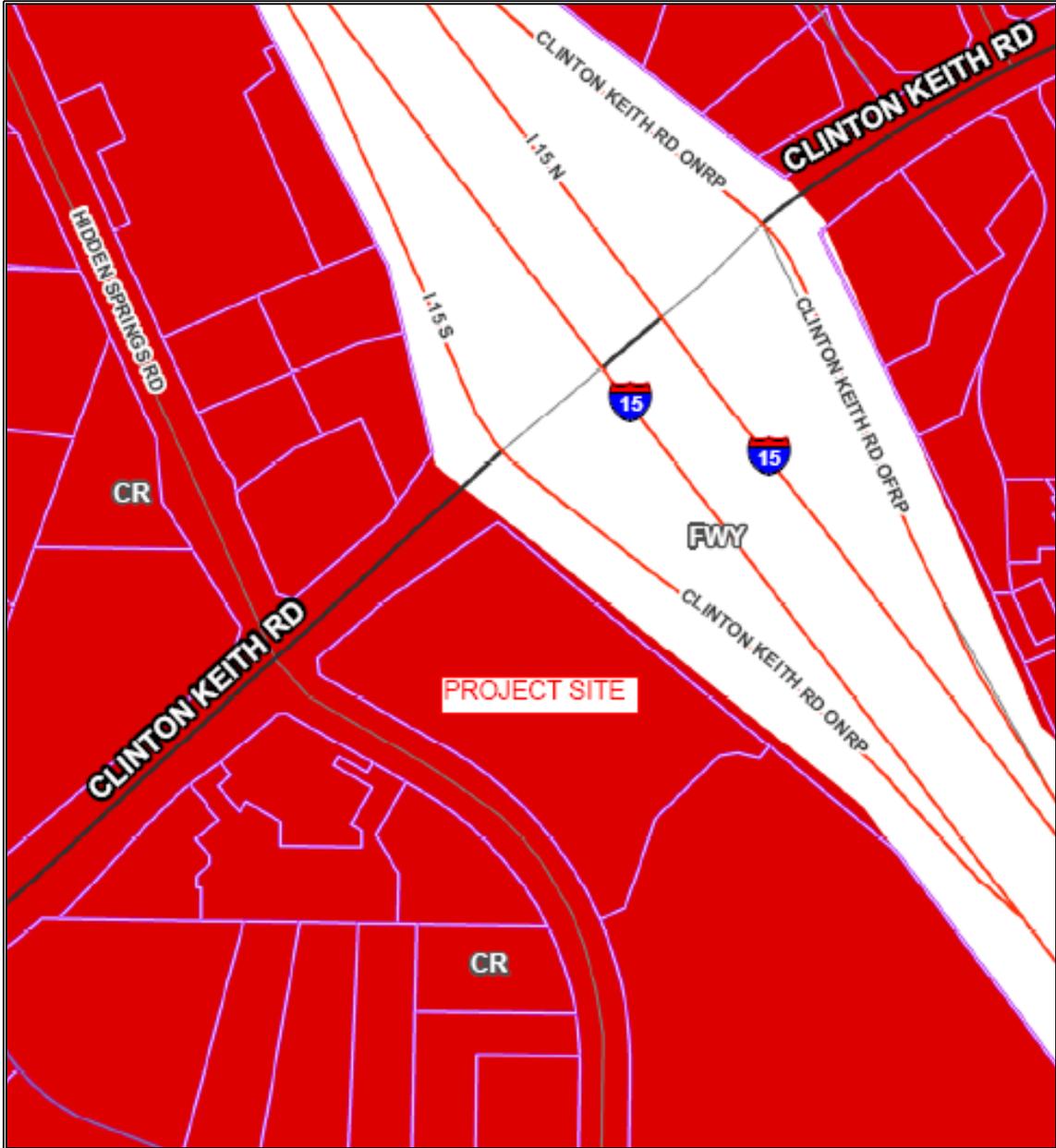
ATTACHMENT B

VICINITY MAP



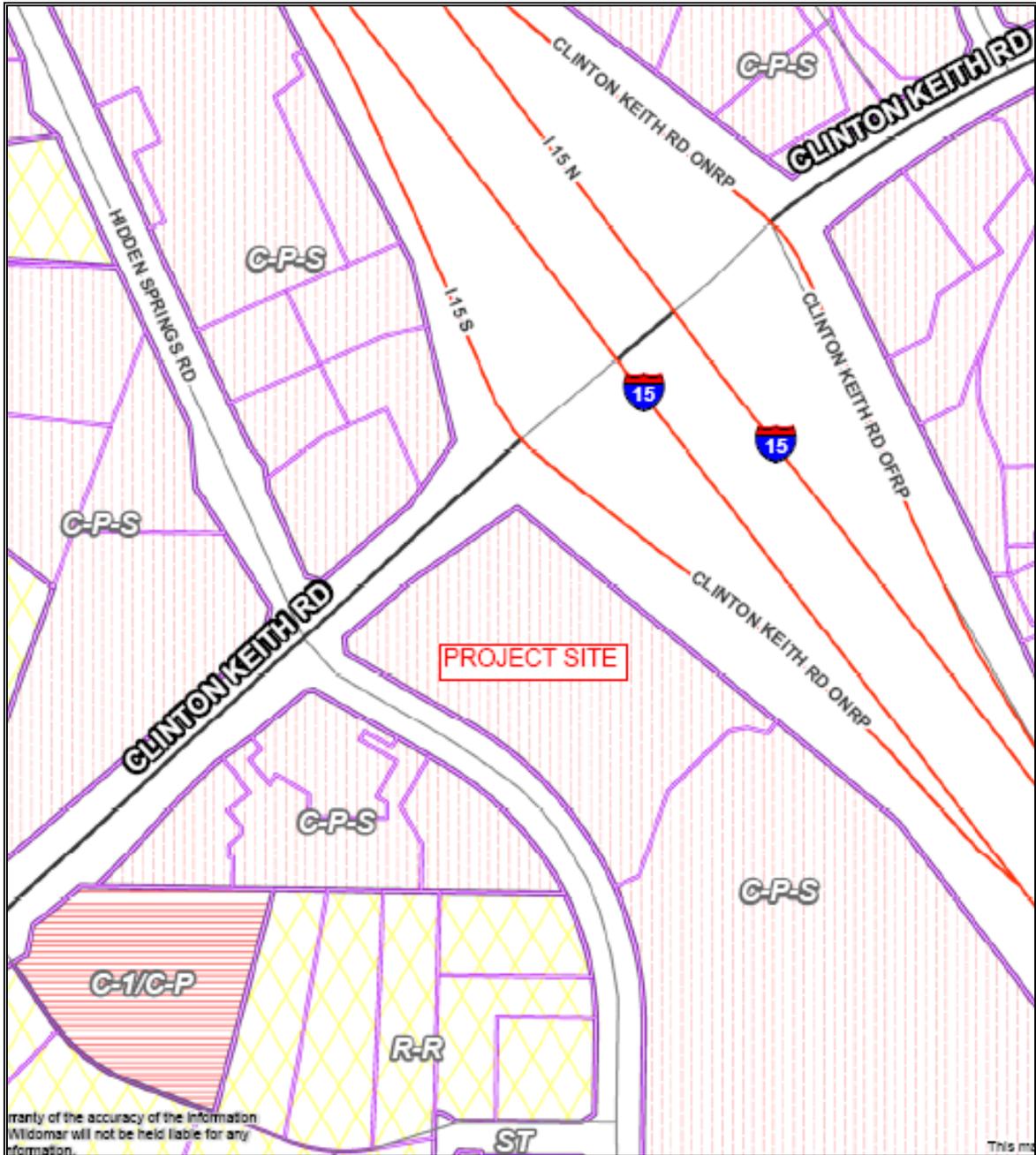
ATTACHMENT C

GENERAL PLAN LAND USES

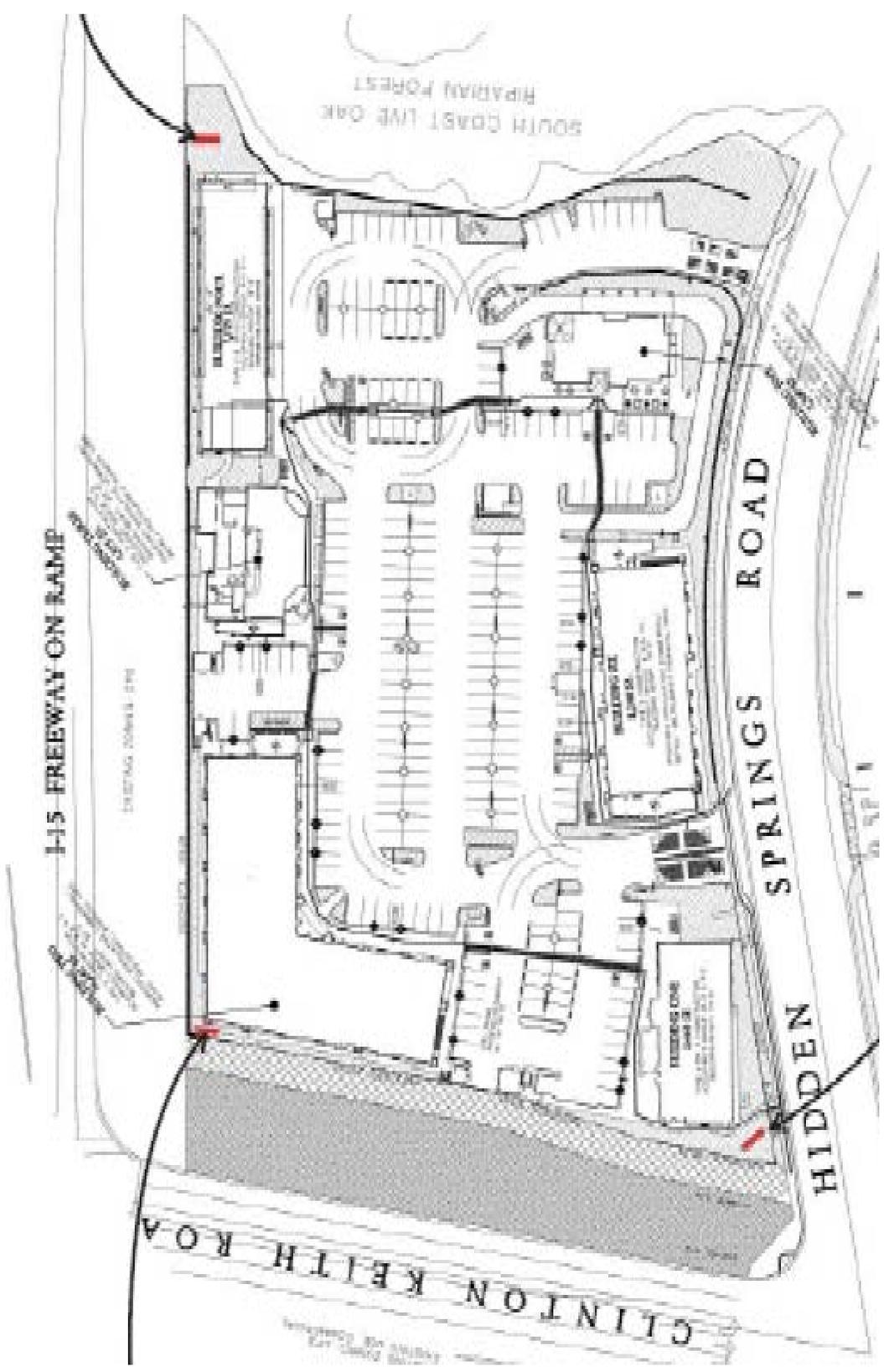


ATTACHMENT D

EXISTING ZONING



ATTACHMENT E



ATTACHMENT F

TEXT OF ZONING ORDINANCE SECTION 17.200.060 *

“17.200.060 Use of Permit.

Any conditional use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set in the conditions of approval, ***which shall not exceed a total of three years***; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the board of supervisors, on forms provided by the planning department and shall be filed with the planning director, accompanied by the fee set forth in county Ordinance No. 67I. Within thirty (30) days following the filing of a request for an extension, the planning director shall review the applications, make a recommendation thereon, and forward the matter to the clerk of the board, who shall place the matter on the regular agenda of the board. An extension of time may be granted by the board upon a determination that valid reason exists for permittee not using the permit within the required period of time. ***If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years***, calculated from the effective date of the issuance of the permit. The term "use" means the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to Chapter 17.192.”

* - The text relating to the three year maximum duration for a conditional use permit are highlighted in ***bolded italics***.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.1
CONSENT CALENDAR
Meeting Date: August 11, 2010

TO: Mayor and Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Five-Year Capital Improvement Program (Fiscal Years 2010/11-2014/15)

STAFF REPORT

RECOMMENDATION:

That the City Council adopt:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT
PROGRAM FOR FISCAL YEARS 2010/11 TO 2014/15 AND AMENDING
THE FISCAL YEAR 2010/11 BUDGET

BACKGROUND:

The proposed City of Wildomar Capital Improvement Program (CIP) is a five-year planning tool that identifies anticipated capital improvements and their funding sources from fiscal years 2010/2011 through 2014/2015. The CIP does not appropriate funds, but rather, it functions as a budgeting and planning tool which supports actual appropriations that are made through adoption of the budget.

On June 23, 2010, the City Council approved the Fiscal Year 2010/11 revenues and expenditures of the Capital Improvement Program in the operating budget. At the same meeting, the City Council also approved the Five-Year Measure A Expenditure Plan which identifies the Measure A revenues and allocations to various projects and programs in the next five years. Measure A is the predominant source of funding in the Capital Improvement Program.

Since the Council action, two additional revenue sources need to be amended to the CIP and budget. First, \$134,140 in state energy funds was formally approved by the State Energy Commission for the Wildomar LED Light Replacement Project. This project will replace traffic signal lights to upgraded LED lights and includes some light replacement at the park. Second, RCTC approved \$285,250 for sidewalk improvements in Wildomar (this is the second project funded through SB 821 funds for Wildomar). Both these changes are reflected in the CIP attached and therefore need Council approval to add to the approved FY 10/11 budget.

On July 21, 2010, the City Planning Commission, in its role as Planning Agency for the City of Wildomar, found the CIP to be consistent with the General Plan.

Capital Improvement Program

This staff report summarizes the five-year funding strategy to fund capital improvements in the City of Wildomar. The expenditures shown for the first year of the CIP are consistent with the operating budget in fiscal year 2010/11. The subsequent four years are subject to change due to more detailed engineering analysis becoming available, City Council direction on project priorities, updates to revenues, and changes in project costs. This is why the Five-Year CIP is updated annually. (See Table 1 and 2).

**Table 1
Programmed Funding by Fiscal Year**

Funding Source	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	2010-15 Total	2010-15 % Total
Measure A	\$455,080	\$328,440	\$338,560	\$351,440	\$369,840	\$1,843,360	82.4%
Air Quality (AB 2766)	\$20,900	\$21,318	\$21,744	\$22,179	\$22,623	\$108,764	4.9%
State Grants	\$285,000	-	-	-	-	\$285,000	12.7%
Totals:	\$760,980	\$349,758	\$360,304	\$373,619	\$392,463	\$2,237,124	100.0%

CIP programs are dedicated to enhancing accessibility and safety throughout the City by targeting various improvements. Five distinct programs and one LED (light emitting diode) lighting project are identified and their costs are summarized in Table 2 below.

**Table 2
Capital Improvement Program Expenditures by Fiscal Year**

Program/Project	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	5-Year Total
1. Accessibility Improvements Program	\$305,000	\$20,000	\$20,000	\$20,000	\$20,000	\$385,000
2. Roadway Safety Improvement Program	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
3. Slurry Seal Program	\$155,000	\$155,000	\$155,000	\$155,000	\$155,000	\$775,000
4. Unpaved Roadway Enhancement Program	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
5. Citywide Maintenance Program	\$67,000	\$75,000	\$85,000	\$99,000	\$117,000	\$443,000
6. LED Light Replacement Project	\$134,000	0	0	0	0	\$134,000
TOTAL	\$761,000	\$350,000	\$360,000	\$374,000	\$392,000	\$ 2,237,000

FISCAL IMPACTS:

The City of Wildomar's Capital Improvement Program consists of five programs totaling \$2.2 Million and constrained against \$2.2 Million of anticipated revenue. The fiscal impact of the CIP is already identified in the adopted operating budget for FY 10/11. All funds and expenditures identified beyond FY 10/11 have no direct fiscal impact because the CIP it is not a financial commitment by Council but a planning and forecasting tool.

ATTACHMENTS:

1. Five-Year Capital Improvement Program
2. Resolution

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

Frank Oviedo
City Manager

Wildomar

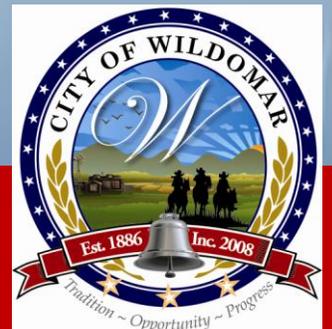
DRAFT



CAPITAL IMPROVEMENT PROGRAM

2010-2015

Drafted July 2010



This page intentionally left blank

Introduction

The 2010-2015 Capital Improvement Program (CIP) describes transportation capital improvements planned by the City for the five-year period from Fiscal Year 2010-11 through Fiscal Year 2014-15 and sets forth a funding strategy for their implementation.

The CIP will be updated each year and presented to the City Council for consideration. The capital improvements listed in the CIP necessitate the expenditure of public funds over and above the City's annual operating expenditures.

As a multi-year program which includes forecasts of anticipated capital improvement expenditures, the CIP links the project development process with the fiscal planning process of the City. The expenditures shown for the first year of the CIP comprise the Capital Budget for the current fiscal year (FY 10-11), which is adopted annually by the City Council. Subsequent years are also included in the CIP, although these "future years" are subject to change due to more detailed engineering analysis becoming available, possible changes in priorities, updates or revisions to anticipated revenues, and/or changes in cost and funding projections.

The information included in the CIP is based on the best information available at the time the program was developed. A new five-year CIP will be submitted for consideration to the City Council each year with recommended adjustments to project budgets, funding sources, descriptions, and/or schedules. Financial information included in the CIP is shown in 2010 dollars.

The CIP includes all active transportation projects and programs and those expected to be undertaken during the coming five fiscal years. Specific projects and their scheduled completions are selected based upon:

- Implementation of the City's General Plan;
- Existing traffic patterns and associated improvement needs;
- Projected traffic patterns, based on assumptions regarding the quantity and location of expected development;
- The need to establish a coherent roadway network, with strategic connections that distribute traffic flows efficiently;
- Minimizing disruptions associated with construction activity;
- Availability of funding; and
- City Council direction.

Approximately \$2.2 million is planned to be invested on CIP programs and projects over the five-year planning horizon. (The City does receive \$1.18 million in Gas Tax funding for Fiscal Year 2010/11; however, this funding is used for maintenance operations and therefore is not currently assumed as a funding source for the capital programs.) A summary of the programmed funding for the CIP, by funding source and fiscal year, is shown in the table below. Refer to the Funding Source Summaries section of the CIP for more detailed information regarding the specific funding sources.

**2010-2015 Capital Improvement Program
Programmed Funding by Fiscal Year**

Funding Source	5-Year CIP					2010-15 Total	2010-15 %
	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15		
Measure A	455,080	328,440	338,560	351,440	369,840	1,843,360	82.4%
Air Quality (AB 2766)	20,900	21,318	21,744	22,179	22,623	108,764	4.9%
State Grants	285,000	-	-	-	-	285,000	12.7%
Totals:	760,980	349,758	360,304	373,619	392,463	2,237,124	100.0%

CIP programs are dedicated to enhancing accessibility and safety throughout the City by targeting various improvements relating to pedestrian accessibility, roadway safety, and traffic signs, markings, and signals.

The CIP contains three sections:

- **Funding Source Summaries** - Information regarding key transportation funding sources utilized in the program, including how funds are generated, restrictions on use, and appropriations by fiscal year, historical use, and legislative references.
- **Ongoing Transportation Program Summaries** - A description, funding plan, and schedule information for each annual transportation program in the CIP.
- **County Lead Agency CIP Project Summaries** - A description, funding plan, and schedule information for County-led CIP projects that directly benefit the City. Projects are funded by regional development impact fees, local development impact fees, benefit districts, and other funding sources and are included for informational purposes only.

Each section above includes a separate table of contents.

CIP Funding Sources

Air Quality Fund (AB 2766).....	F-1
Measure A Fund.....	F-2
State Grant Funds.....	F-3

**City of Wildomar
Capital Improvement Program
2010 – 2015**

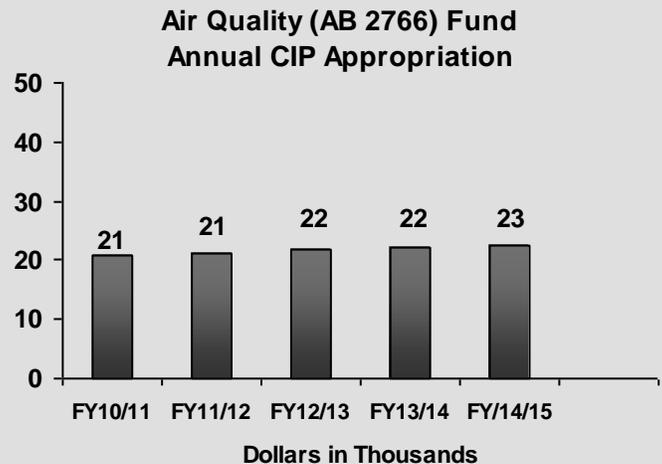
Funding Sources

Air Quality Fund (AB 2766)

Air Quality (AB 2766) fees are collected by the Department of Motor Vehicles and are subvented to the South Coast Air Quality Management District (AQMD) for the purpose of funding three programs: The Local Government Subvention Fund Program, The AQMD Program Fund, and The Discretionary Fund Program.

How are these funds used?

Air Quality funds may be utilized to fund expenditures relating to promoting alternative fueled vehicles, vehicle emissions abatement, land use strategies that reduce automobile trips and emissions, reducing single occupancy vehicle trips, traffic management and signal coordination, developing and/or installing bikeways, bike lockers/racks and other bicycle-related improvements, paving roads and shoulders, purchasing AQMD Rule 1186.1 compliant street sweepers, public education on options that reduce single occupancy vehicle trips, and other miscellaneous projects that reduce emissions.



What are the restrictions on the use of these funds?

Air Quality funds must be used for expenditures that meet the criteria and guidelines established by the California Air Resources Board (CARB).

What legislation governs the use of these funds?

To protect public health, Assembly Bill 2766 was signed into law in September 1990 and added Section 44223 to the California Health and Safety Code.

**City of Wildomar
Capital Improvement Program
2010 – 2015**

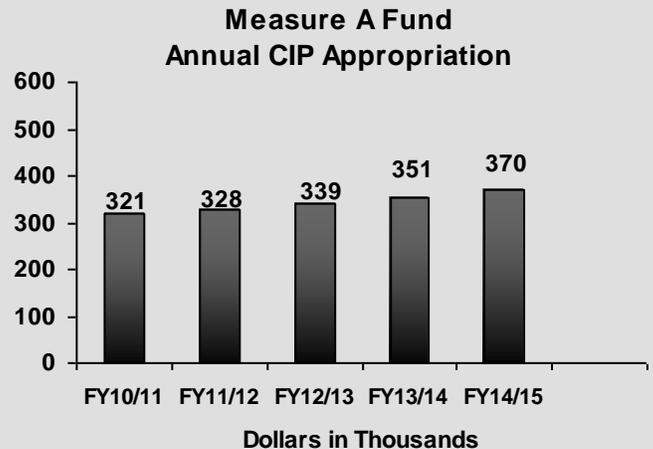
Funding Sources

Measure A Fund

Measure A Fund revenues are generated from a 20-year countywide one-half percent sales tax for transportation improvements approved by voters in 1988 and 2002. The program is administered by the Riverside County Transportation Commission (RCTC), who distributes the proceeds to jurisdictions within Riverside County via a population-based formula, with a specific amount to be spent on maintenance and a specific amount to be spent on capital improvements. The Measure A Ordinance requires recipients of Measure A funding to provide a five-year expenditure plan to the Commission on an annual basis.

How are these funds used?

Measure A funds are used to fund the City's ongoing transportation programs (Accessibility Improvements, Roadway Safety Improvements, Slurry Seal, Traffic Signal, Unpaved Roadway Enhancement, and Citywide Maintenance).



What are the restrictions on the use of these funds?

Measure A funds must be spent on specific projects and programs as approved by voters in the original ballot measure. Modifications to the list can be made but such amendments must be approved by the RCTC.

What legislation governs the use of these funds?

Local Transportation Authority and Improvement Act. (Public Utilities Code Division 19, Section 180000 et seq. added by Statutes of 1987, Chapter 786).

**City of Wildomar
Capital Improvement Program
2010 – 2015**

Funding Sources

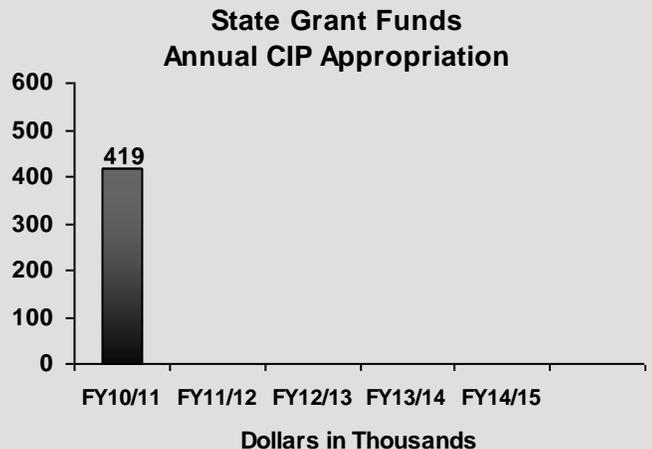
State Grant Funds

Revenues for State Grant Funds are generated through various grants received from state government or other agencies. Each dollar spent from these funds must be accounted for and these funds may be audited to ensure that monies were spent for their intended purpose. Examples of state grants included in the CIP are:

- RCTC SB821 Sidewalk Grant
- Caltrans Safe Routes to School Grant

How are these funds used?

State Grants provide funding for the Accessibility Improvements Program and the Lighting Retrofit and LED Replacement Project.



What are the restrictions on the use of these funds?

Use of funds is restricted to the specific project or purpose for which the grant was given.

What legislation governs the use of these funds?

There is no specific ordinance or legislation directing the use of State Grants. Granting agencies allocating the funds to the City for capital projects administer any legal or administrative requirements specific to each grant.

Program Summaries

Accessibility Improvements Program	Page 2
Roadway Safety Improvements Program.....	Page 3
Slurry Seal Program	Page 4
Unpaved Roadway Enhancement Program	Page 5
Citywide Maintenance Program.....	Page 6
Lighting Retrofit and LED Replacement Project.....	Page 7

Accessibility Improvements Program Funding Plan and Tentative Schedule

Program Description:

This program is dedicated to improving ADA accessibility through various types of repairs to curbs, gutters, and sidewalks throughout the City. Priority is given to safety-related issues and those which have been requested by citizens. This first year includes costs to prepare legally-mandated ADA Transition Plan.

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Measure A	45	20	20	20	20	20	\$ 145
SB 821	187	285	-	-	-	-	\$ 472
Safe Routes To School	403	-	-	-	-	-	\$ 403
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 635	\$ 305	\$ 20	\$ 20	\$ 20	\$ 20	\$ 1,020
Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	635	305	20	20	20	20	\$ 1,020
Totals	\$ 635	\$ 305	\$ 20	\$ 20	\$ 20	\$ 20	\$ 1,020
Schedule	09/10	10/11	11/12	12/13	13/14	14/15	
PE, ROW, Construction							

Notes:

1. All dollar figures in thousands

Roadway Safety Improvements Program Funding Plan and Tentative Schedule

Program Description:

This program is dedicated to improving roadway safety through upgrading existing and/or adding new high-visibility traffic signs, pavement markings, and other geometric improvements (i.e. site distance).

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Measure A	\$ 50	50	50	50	50	50	\$ 300
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 300
Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	\$ 50	50	50	50	50	50	\$ 300
Totals	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 300
Schedule	09/10	10/11	11/12	12/13	13/14	14/15	
PE, ROW, Construction							

Notes:

1. All dollar figures in thousands

Slurry Seal Program Funding Plan and Tentative Schedule

Program Description:

This program is dedicated to resurfacing pavement with slurry seal on various city streets to improve ride-ability and maintain pavement integrity.

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Measure A	155	155	155	155	155	155	\$ 930
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 155	\$ 930					

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	155	155	155	155	155	155	\$ 930
Totals	\$ 155	\$ 930					

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
PE, ROW, Construction						

Notes:

1. All dollar figures in thousands

Unpaved Roadway Enhancement Program Funding Plan and Tentative Schedule

Program Description:

This program is dedicated to maintaining and improving unpaved public roadways throughout the City. Eligible roadways are those which the City can accept through dedication.

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Measure A	50	29	29	28	28	27	\$ 191
AB 2766 Air Quality	45	21	21	22	22	23	\$ 154
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 95	\$ 50	\$ 345				

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	95	50	50	50	50	50	\$ 345
Totals	\$ 95	\$ 50	\$ 345				

Schedule	09/10	10/11	11/12	12/13	13/14	14/15	
PE, ROW, Construction							

Notes:

1. All dollar figures in thousands

Citywide Maintenance Program Funding Plan and Tentative Schedule

Program Description:

This program is dedicated to right-of-way maintenance and repair including, but not limited to: striping, stenciling, repairs to streets and culvert/drainage facilities, storm damage/flood control projects, and widening streets.

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Measure A	194	67	75	85	99	117	\$ 637
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 194	\$ 67	\$ 75	\$ 85	\$ 99	\$ 117	\$ 637
Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	194	67	75	85	99	117	\$ 637
Totals	\$ 194	\$ 67	\$ 75	\$ 85	\$ 99	\$ 117	\$ 637
Schedule	09/10	10/11	11/12	12/13	13/14	14/15	
PE, ROW, Construction							

Notes:

1. All dollar figures in thousands

Lighting Retrofit and LED Replacement Project Funding Plan and Tentative Schedule

Program Description:

This project will retrofit and/or replace signal lights with current, more energy efficient light emitting diode (LED) lights. Project will also install energy efficient lights around the snack bar at the city park.

5-Year CIP							
Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
State Energy Grant	-	134	-	-	-	-	\$ 134
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	-	\$ 134	-	-	-	-	\$ 134
Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
PE, ROW, Construction	-	134	-	-	-	-	\$ 134
Totals	-	\$ 134	-	-	-	-	\$ 134
Schedule	09/10	10/11	11/12	12/13	13/14	14/15	
PE, ROW, Construction							

Notes:

1. All dollar figures in thousands

This page intentionally left blank

County Lead Agency CIP Project Summaries (Alphabetical)

Baxter Road/I-15 Traffic Signals	Page 8
Bundy Canyon Road Widening (Mission Trail to I-15)	Page 9
Clinton Keith Road/I-15 Interchange	Page 10
Clinton Keith Road Widening (Arya to Copper Craft).....	Page 11
Grand Avenue Widening (Ortega Hwy to Central).....	Page 12
Palomar Street Widening (Mission Trail to Jefferson)	Page 13

Note: The projects included in this section were approved as part of the County-adopted Transportation Improvement Program 2009-10 Annual Edition (approved November 24, 2009). Funding for these projects is provided by regional development impact fees, local development impact fees, benefit districts, and other funding sources. The County is the lead agency to deliver these projects. These transportation projects directly benefit the City of Wildomar and are therefore included in this section solely for informational purposes.

Baxter Road/I-15 Traffic Signals Funding Plan and Tentative Schedule

Project Description:

Traffic signals will be installed at I-15 ramps and right-turn lanes added on Baxter Road.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
West County DIF Signal Mit Fund	-	-	217	-	-	-	\$ 217
Unfunded	-	-	1,768	-	-	-	\$ 1,768
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	-	-	\$ 1,985	-	-	-	\$ 1,985

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	-	-	-	-	-	-	-
Design	-	-	-	-	-	-	-
Right-of-Way	-	-	-	-	-	-	-
Construction	-	-	1,985	-	-	-	\$ 1,985
Totals	-	-	\$ 1,985	-	-	-	\$ 1,985

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

Bundy Canyon Road Widening (Mission Trail to I-15) Funding Plan and Tentative Schedule

Project Description:

Bundy Canyon Road will be reconstructed, widened, and an interim four-lane section will be constructed.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Southwest Area R&B Benefit Dist	-	-	-	-	-	208	\$ 208
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	-	-	-	-	-	\$ 208	\$ 208

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	-	-	-	-	-	30	\$ 30
Design	-	-	-	-	-	170	\$ 170
Right-of-Way	-	-	-	-	-	-	-
Construction	-	-	-	-	-	8	\$ 8
Totals	-	-	-	-	-	\$ 208	\$ 208

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

Clinton Keith Road/I-15 Interchange Funding Plan and Tentative Schedule

Project Description:

I-15 interchange at Clinton Keith Road will be reconstructed and overcrossing will be widened.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
TUMF-Identified/Unfunded	-	566	5,134	-	-	-	\$ 5,700
Southwest Area R&B Benefit Dist	997	450	221	-	-	-	\$ 1,668
R&B Benefit District- Identified/Unfunded	-	-	8,129	-	-	-	\$ 8,129
Developer In-Lieu Funds	-	35	-	-	-	-	\$ 35
DIF AP19 Maj. Imp. Fund - SW Area	558	3,417	-	-	-	-	\$ 3,975
City of Murrieta	42	500	-	-	-	-	\$ 542
TUMF-Southwest Zone (WRCOG)	-	3,900	3,900	-	-	-	\$ 7,800
Totals	\$ 1,597	\$ 8,868	\$ 17,384	-	-	-	\$ 27,849

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	157	-	-	-	-	-	\$ 157
Design	882	-	-	-	-	-	\$ 882
Right-of-Way	552	116	-	-	-	-	\$ 668
Construction	6	8,752	17,384	-	-	-	\$ 26,142
Totals	\$ 1,597	\$ 8,868	\$ 17,384	-	-	-	\$ 27,849

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

Clinton Keith Road Widening (Arya to Copper Craft) Funding Plan and Tentative Schedule

Project Description:

Clinton Keith Road will be reconstructed and widened to four lanes.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
TUMF-Identified/Unfunded	-	-	1,590	3,402	-	-	\$ 4,992
TUMF-Southwest Zone (WRCOG)	101	-	34	23	-	-	\$ 158
Developer In-Lieu Funds	56	-	-	89	-	-	\$ 145
Unfunded	-	-	1,904	19,491	-	-	\$ 21,395
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	\$ 157	-	\$ 3,528	\$ 23,005	-	-	\$ 26,690

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	51	-	-	-	-	-	\$ 51
Design	106	-	398	-	-	-	\$ 504
Right-of-Way	-	-	2,970	-	-	-	\$ 2,970
Construction	-	-	160	23,005	-	-	\$ 23,165
	-	-	-	-	-	-	-
Totals	\$ 157	-	\$ 3,528	\$ 23,005	-	-	\$ 26,690

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

Grand Avenue Widening (Ortega Hwy to Central) Funding Plan and Tentative Schedule

Project Description:

Grand Avenue will be widened from two to four thru lanes.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
TUMF-Identified/Unfunded	-	-	-	-	1,000	1,240	\$ 2,240
TUMF-Southwest Zone (WRCOG)	-	-	-	-	352	163	\$ 515
Unfunded	-	-	-	-	2,076	11,102	\$ 13,178
	-	-	-	-	-	-	\$ -
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	-	-	-	-	\$ 3,428	\$ 12,505	\$ 15,933

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	-	-	-	-	300	150	\$ 450
Design	-	-	-	-	1,150	2,250	\$ 3,400
Right-of-Way	-	-	-	-	1,963	10,100	\$ 12,063
Construction	-	-	-	-	15	5	\$ 20
Totals	-	-	-	-	\$ 3,428	\$ 12,505	\$ 15,933

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

Palomar Street Widening (Mission Trail to Jefferson) Funding Plan and Tentative Schedule

Project Description:

Palomar Street will be widened to four lanes and realigned to connect to Jefferson Avenue.

Funding Source	09/10	10/11	11/12	12/13	13/14	14/15	Totals
TUMF-Identified/Unfunded	-	-	-	-	3,767	3,167	\$ 6,934
Unfunded	-	-	-	-	315	20,227	\$ 20,542
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Totals	-	-	-	-	\$ 4,082	\$ 23,394	\$ 27,476

Expenditures	09/10	10/11	11/12	12/13	13/14	14/15	Totals
Environmental	-	-	-	-	49	-	\$ 49
Design	-	-	-	-	585	100	\$ 685
Right-of-Way	-	-	-	-	3,300	3,300	\$ 6,600
Construction	-	-	-	-	148	19,994	\$ 20,142
Totals	-	-	-	-	\$ 4,082	\$ 23,394	\$ 27,476

Schedule	09/10	10/11	11/12	12/13	13/14	14/15
Environmental						
Design						
Right-of-Way						
Construction						

Notes:

1. All dollar figures in thousands

RESOLUTION NO. PC10-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR DETERMINING THAT THE 2010-2015 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE CITY GENERAL PLAN

WHEREAS, the City of Wildomar adopted its General Plan on July 1, 2008; and

WHEREAS, the General Plan contain a Circulation Element which describes the future layout and configuration of the road network within the City; and

WHEREAS, the City Council of the City of Wildomar has designated the City Planning Commission as the planning agency for the City of Wildomar; and

WHEREAS, State Law requires that designated planning agencies review the capital improvement program to ensure compliance with the adopted General Plan; and

WHEREAS, the City has identified a number of priority road projects for implementation during the five year period of the capital improvement program; and

WHEREAS, the Planning Commission examined the capital construction projects identified in the capital improvement program; and

WHEREAS, the Planning Commission compared these future roadway projects with the projected roadway improvements identified in the adopted Circulation Element; and

WHEREAS, the Planning Commission also examined the ongoing capital maintenance projects in the capital improvement program and determined that these projects are specifically supported by Circulation Element Policies 3.2, 3.12, 3.13, and 3.15; and

WHEREAS, on July 21, 2010 the Planning Commission, during a regularly scheduled meeting, considered the Draft Capital Improvement Program and its conformity to the adopted City General Plan; and

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

SECTION 1. FINDINGS. The capital improvement projects and ongoing activities that are contained in the 2010-2015 Capital Improvement Program (CIP) are consistent with the adopted General Plan as described below.

- A. The Baxter Road CIP project consists of interim improvements that are consistent with Baxter Road's designation as a Secondary Highway (interim turn lanes and traffic signals within a 4-lane undivided cross section).

- B. The Bundy Canyon Road CIP project consists of interim improvements between Mission Trail to the interchange with Interstate-15 that are consistent with Bundy Canyon Road's designation as an Urban Arterial Highway (4-lane interim improvements within a 6-lane divided cross section).
- C. The Clinton Keith Road/Interstate 15 Interchange CIP project consists of improvements to accommodate six travel lanes that are consistent with Clinton Keith Road's designation as an Urban Arterial Highway (6-lane divided road improvements within a 6-lane divided cross section).
- D. The Clinton Keith Road CIP project consists of interim improvements between Arya Drive and Copper Craft Drive that fit within and are consistent with Clinton Keith Road's designation as an Urban Arterial Highway (4-lane interim improvements within a 6-lane divided cross section).
- E. The Grand Avenue CIP project consists of improvements to accommodate four travel lanes that are consistent with Grand Avenue's designation as an Secondary Highway (4-lane improvements within a 4-lane cross section).
- F. The Palomar Street CIP project consists of 4 lane interim improvements and the connection to Jefferson Avenue that are consistent with Clinton Keith Road's designation as an Arterial Highway (4-lane improvements and a new road segment within a 4-lane cross section).
- G. The ongoing maintenance and safety programs included in the CIP are consistent with the General Plan by furthering the goals and policies of the Circulation Element, including Policies 3.2, 3.12, 3.13, and 3.15.

SECTION 2. PLANNING COMMISSION FINDING. The Planning Commission hereby finds that the 2010–2015 Capital Improvement Program is consistent and in conformance with the adopted General Plan for the City of Wildomar.

PASSED, APPROVED AND ADOPTED this 21st day of July 2010.


 Harv Dykstra
 Vice Chairman

APPROVED AS TO FORM:


 Thomas Jex
 Assistant City Attorney

ATTEST:


 David Hogan
 Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

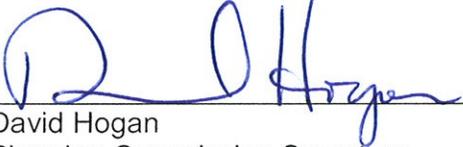
I, David Hogan, Planning Commission Secretary of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. PC10-10 was duly adopted at a regular meeting held on July 21, 2010 by the Planning Commission of the City of Wildomar, California, by the following vote:

AYES: Dykstra, Andre, Benoit, Kazmier,

NOES: none

ABSTAIN: none

ABSENT: Devine



David Hogan
Planning Commission Secretary
City of Wildomar

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADOPTING A FIVE-YEAR CAPITAL
IMPROVEMENT PROGRAM FOR FISCAL YEARS 2010/11 TO 2014/15
AND AMENDING THE FISCAL YEAR 2010/11 BUDGET**

WHEREAS, the City of Wildomar (“City”) has prepared a five-year Capital Improvement Program which sets forth a funding strategy for proposed capital programs; and

WHEREAS, City of Wildomar’s Capital Improvement Program is a planning tool that identifies anticipated capital improvements for fiscal years 2010/2011 through 2014/2015; and

WHEREAS, the Capital Improvement Program also identifies the funding sources to finance the capital improvements proposed to be undertaken in the next five fiscal years and includes recommended time schedules and cost estimates of the various capital improvement programs; and

WHEREAS, the expenditures shown for the first year of the CIP comprise the Capital Budget starting in Fiscal Year 2010/11. Subsequent years are also included in the CIP, although these “future years” are subject to change due to more detailed engineering analysis becoming available, possible changes in project priorities, updates or revisions to anticipated revenues, and/or changes in cost and funding projections; and

WHEREAS, the Capital Improvement Program is anticipated to be updated annually, as a whole, and amendments can be considered by Council at any time; and

WHEREAS, on June 23, 2010, the City Council approved the CIP budgets as part of FY 10/11 budget; and

WHEREAS, two additional funding sources have been added to the CIP since the budget action, representing \$134,140 for the LED Light Replacement Project and \$285,250 for the Sidewalk Replacement Project and these necessitate budget amendments; and

WHEREAS, on July 21, 2010, the Planning Commission, in its role of Planning Agency, found the CIP to be consistent with the General Plan.

NOW, THEREFORE, the City Council of the City of Wildomar, California, does resolve as follows:

1. The City Council adopts a Five-year Capital Improvement Program for the City of Wildomar for Fiscal Years 2010/11 – 2014/15.

2. The City Council approves budget amendments adding \$134,140 in Energy Grant Funds to the LED Light Replacement Project and \$285,250 in SB 821 Funds to the Sidewalk Replacement Project (programmed in the Accessibility Improvements Program of the CIP).

PASSED, APPROVED, AND ADOPTED this 11th day of August, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: E-Verify Program Discussion

STAFF REPORT

RECOMMENDATION:

That the City Council discuss the Department of Homeland Security's E-Verify Program and, if appropriate, provide further direction to Staff.

BACKGROUND:

The City Council requested that Staff place on the agenda, for the purpose of discussion only, the Department of Homeland Security's (DHS) E-Verify Program. As stated from the DHS website:

“**E-Verify** is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of that employee to work in the United States. For most employers, the use of E-Verify is voluntary and limited to determining the employment eligibility of new hires only. There is no charge to employers to use E-Verify. The E-Verify system is operated by the Department of Homeland Security in partnership with the Social Security Administration.

More than 212,000 employers are enrolled in the program, with over 8.7 million queries run through the system in fiscal year 2009. There have been over 12 million queries run through the system in fiscal year 2010 (as of July 10, 2010).

E-Verify is mandatory for some employers, such as those employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause and employers in certain states.”

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Submitted and Approved By:

Frank Oviedo
City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: Economic Development Subcommittee Work Plan

STAFF REPORT

RECOMMENDATION:

That the City Council approve the Ad Hoc Economic Development Subcommittee work plan and ask the Subcommittee to report back to the City Council quarterly on progress from each of the goals outlined in the plan

BACKGROUND:

The City Council formed an Economic Development Ad Hoc Subcommittee on February 10, 2010. The Subcommittee members include Mayor Pro Tem Marsha Swanson and Council member Sheryl Ade.

When the Subcommittee was formed the purpose was to address the issues associated with economic development in the City. Recognizing that the economy is slowly recovering from a deep recession the City Manager decided to create an Ad-Hoc Committee to help advise the City Council on the type of economic development activities the City should be undertaking so we remain competitive in attracting, retaining, and growing businesses in the City.

As a result of the new Ad Hoc Committee two separate meetings were held to discuss ideas so staff could develop a work plan. The first meeting took place to brainstorm and outline the various areas the committee was interested in addressing. The second meeting took place to refine the work plan based on the direction given to staff. The subcommittee came up with four goals that it would like the City to achieve in addressing the economic development needs. The goals were articulated to staff and are included in the overall work plan. The work plan then takes each of the goals and adds measurable action items to each one for the purpose of following up with the Council. Below are the four goals the Economic Development Ad Hoc Subcommittee developed for the purpose of the City's work plan:

1. Retain and grow our existing businesses in Wildomar for long term economic stability
2. Develop a business attraction program to actively market Wildomar as a preferred place to do business in the region

3. Develop a business friendly environment in the City of Wildomar through good policy development and organizational efficiency
4. Promotion of Community Events

The various goals are broad enough to allow for further refinement as action items. It is expected that staff will include more involvement from the Wildomar Chamber of Commerce, the larger business community, and the general public through future outreach.

For the City Council's consideration attached, as Exhibit A, is the work plan as developed by the Ad Hoc Economic Development Subcommittee. If the Council agrees with the work plan staff is asking the Council to approve the Ad Hoc Economic Development Subcommittee work plan and ask the Subcommittee to report back to the City Council quarterly on progress from each of the goals outlined in the plan.

FISCAL IMPACT:

There is no fiscal impact by adopting this plan. However, there is staff costs associated with the implementation of the work plan. Specifically, when the City develops a marketing program there will be costs associated producing materials (i.e. maps, brochures, etc.). However, staff will make every effort to complete action items by existing employees or with available resources.

ATTACHMENTS:

Economic Development Work Plan

Submitted and Approved By:

Frank Oviedo
City Manager

**CITY OF WILDOMAR
ECONOMIC DEVELOPMENT WORK PLAN
ECONOMIC DEVELOPMENT SUB-COMMITTEE
COUNCIL MEMBERS MARSHA SWANSON AND SHERYL ADE
FRANK OVIEDO, CITY MANAGER AND GARY NORDQUIST, ASSISTANT CITY MANAGER**

Mission Statement

To increase economic opportunity while enhancing our quality of life for all Wildomar residents.

Work Plan

Goals:

1. Retain and grow existing businesses in Wildomar for long term economic stability
2. Develop business attraction program to actively market Wildomar as a preferred place to do business in the region
3. Develop a business friendly environment in the City of Wildomar through good policy development and organizational efficiency
4. Promotion of Community Events

GOAL #1

Retain and grow our existing businesses in Wildomar for long term economic stability

Action Items:

- Create a cooperative agreement through an MOU to work jointly with the Wildomar Chamber of Commerce on developing programs and resource sharing to assist with retaining and growing Wildomar businesses
- Develop a “kitchen cabinet” roundtable of individuals with various expertise in the community who are interested in advancing business opportunities in Wildomar by sharing their collective knowledge in the private sector with the Economic Development Sub-Committee
- Develop a new business program for businesses trying to establish themselves (i.e. free booth at the farmer’s market, flexibility on grand opening signage, etc.)
- Create a shop local campaign to encourage residents to shop in Wildomar to keep their tax dollars local
- Develop a resources guide for businesses in Wildomar who may need additional assistance to either stay in business or are interested in expanding
- Create a program that provides more exposure through marketing for City’s businesses (i.e. street light banners, highway signs for restaurants, Facebook and other electronic media, etc.)
- Create an outreach program so that business owners have the opportunity to share their experiences directly with the City staff and the economic development sub-committee of the City Council
- Develop a quarterly business lunch roundtable for the manager’s of the stores in shopping centers and areas of the City that are major sales tax producers and the largest employers in the City

GOAL #2

Develop customized business attraction program to actively market Wildomar as a preferred place to do business in the region

Action Items:

- Develop a demographic profile and explore hiring a firm to create a targeted market profile of the City to actively use in attracting retail, commercial, and industrial uses in the City
- Create a customized list or niche of businesses and amenities that fits the overall vision of Wildomar within the context of the Southwest County
- Create a marketing program using all the latest social media (i.e. Facebook, YouTube, Twitter, etc.) that highlights the City and Southwest region's amenities showing off our unique ranch and family lifestyle"
- Create partnerships with other cities in the region, the Economic Development Corporation, the Chamber of Commerce, and the City of Wildomar to actively attract key businesses to our region
- Develop a program and resource guide for targeting university student entrepreneurs to set up businesses in Wildomar using social media to attract their attention.
- Work closely with the Commercial Real Estate brokers in the region and beyond by actively communicating with them through marketing outreach and social media
- Create strategic partnerships with developers and property owners who can influence the type and quality of businesses in the City
- Explore all opportunities to create incentives to assist private businesses to invest in the City of Wildomar
- Use the Economic Development Subcommittee as ambassadors for developers who may be interested in developing projects within the City

GOAL #3

Develop a business friendly environment in the City of Wildomar through good policy development and organizational efficiency

Action Items:

- Hire employees and consultant contractors who have significant experience and a proven track record with economic development so the City can build a team of in house experts to address businesses that need assistance in getting through all phases of the development process smoothly
- Review the City administrative operations to ensure our development processes are efficient
- Continue the positive customer service experience for all individuals and businesses that come to City Hall to register businesses, pull permits, or being the development process.
- Review City policies toward development to ensure they are consistent with public agency best practices (i.e. fast track processing, public financing opportunities, fee deferrals, etc.)
- Develop policies and procedures to assist existing businesses not in compliance with code who are interested in operating legitimately in the City
- Provide economic development training to all employees, Planning Commission, and City Council
- Provide adequate resources through the budget process to have funding to carry out programs identified in the economic development plan

GOAL #4
Promotion of Community Events

Action Items:

- Develop or partner with an organization to develop an annual “signature event” the City will promote regionally, statewide, and nationally
- Actively seek out organizations inside and outside the City that are interested in promoting events in the City such as performing arts, creative arts, horse related events, food festivals, etc.
- Develop an internal event template in order to streamline the process for event organizers to easily obtain permits and approval for conducting events in the City of Wildomar
- To the financial extent possible approve a marketing budget annually to sponsor events that have an economic development impact on the City

DRAFT

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.4
GENERAL BUSINESS
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: City of Wildomar Personnel Rules

STAFF REPORT

RECOMMENDATION:

That the City Council introduce an Ordinance entitled:

ORDINANCE NO. 53
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AMENDING CHAPTER 2.06 OF THE WILDOMAR MUNICIPAL CODE
ESTABLISHING THE CITY OF WILDOMAR PERSONNEL RULES

BACKGROUND:

When the City incorporated July 1, 2008 the rules governing personnel matters were spelled out in the Riverside County Code. However, applying county government personnel rules to a municipal agency the size of Wildomar does not work managerially or administratively. County government organizational structures are much different and would be very difficult to apply in a city government with few employees. Additionally, moving away from a County government philosophy of personnel management would begin to distinguish the City of Wildomar's own beliefs regarding the rules public sector employees should be managed by.

At the time of incorporation the City Council implemented a staffing plan using a contract services model with an interim City Manager to get the City operations up and running. The priority for putting a new personnel system in place was not high since the city did not employ in house staff. Now that the City has three staff members and must contemplate the potential for future city employees it is important that the Council adopt policies governing the management of its personnel. The document included in this report consists of eighteen sections outlining all the rules covering basic class/compensation through electronic communications. The provisions Council will find in the ordinance mimic best practices and standardized personnel systems throughout the public sector.

The one exception Council should note in the rules that is significantly different than standard municipal personnel systems is the concept of "at will" employment. This practice is very common once an employee reaches positions in upper management. However, the system that is being presented expands the common definition to include

all employees in the City. This departs significantly from most personnel systems in the public sector that have defined steps outlining the process for removing employees from their positions. The civil service system has evolved to the point where disciplinary action has become very cumbersome and process oriented. By having “at will” employment the city is able to avoid many of the practices that govern disciplinary action toward employees of the City.

This philosophy does not relieve the city of its responsibility to follow all appropriate laws pertaining to fair employment practices. It also does not mean that the city’s management can dismiss an employee without using all the standard best practices employed by human resource professionals. It does, however, create a more flexible environment for restructuring the organization and dealing with personnel matters in the most efficient manner. With this one exception the rules contained in this ordinance are similar in scope to those found in most public sector personnel systems. The ordinance covers the following areas of employment with the City of Wildomar (Exhibit A):

1. General Provisions
2. Classification
3. Compensation
4. Applications, Recruitment and Examining
5. Appointments
6. Performance Evaluations
7. Hours of Work/Overtime
8. Leaves of Absence
9. Layoff/Separation/Retirement
10. Ethical Standards
11. Disciplinary Actions
12. Grievance Procedure
13. Employment Benefits
14. Drug/Alcohol Policy
15. Policy Against Harassment, Discrimination and Retaliation
16. Educational Assistance
17. Uniforms and Equipment

18. Electronic Communications Policy

FISCAL IMPACT:

There is no fiscal impact for implementing the City's Personnel Rules. However, significant time and expense were incurred drafting the ordinance by staff and the City Attorney's Office.

ATTACHMENTS:

ORDINANCE NO. 53

Submitted and Approved By:

Frank Oviedo
City Manager

ORDINANCE NO. 53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 2.06 OF THE WILDOMAR MUNICIPAL CODE ESTABLISHING THE CITY OF WILDOMAR PERSONNEL RULES

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

SECTION 1. Amendment of Chapter 2.06. Chapter 2.06, "Personnel Rules," in Title 2, "Administration and Personnel," of the Wildomar Municipal Code, is hereby amended to read in its entirety as follows:

"Chapter 2.06

PERSONNEL RULES

Sections:

- 2.06.010 General Provisions.
- 2.06.020 Classification
- 2.06.030 Compensation
- 2.06.040 Applications, Recruitment and Examining
- 2.06.050 Appointments
- 2.06.060 Performance ReportsEvaluations
- 2.06.070 Hours of Work/Overtime
- 2.06.080 Leaves of Absence
- 2.06.090 Layoff/Separation/Retirement
- 2.06.100 Outside Employment/Political ActivitiesEthical Standards
- 2.06.110 Disciplinary Actions
- 2.06.120 Grievance Procedure
- 2.06.130 Employment Benefits
- 2.06.140 Drug/Alcohol Policy
- 2.06.150 Policy Against Harassment, Discrimination and Retaliation Policy

- 2.06.160 Educational Assistance
- 2.06.170 Uniforms and Equipment
- 2.06.180 Electronic Communications Policy

2.06.010 General Provisions.

(a) *Purpose.* These Personnel Rules are intended to establish and maintain an efficient and uniform personnel program for the City of Wildomar.

(b) *Nature of Employment.* All employees of the City of Wildomar are at-will employees. Their employment can be terminated by the City or the employee at any time, with or without cause, with or without notice, and with or without the right of appeal. Nothing in these Personnel Rules, or any other policy adopted by the City, should be interpreted in a manner that would cause the employee's employment to be other than at-will.

(c) *Applicability.* Unless otherwise specifically stated, the provisions of these Personnel Rules apply to all employees of the City of Wildomar.

(d) *Not an Employment Contract.* None of these Personnel Rules shall be deemed to create a vested contractual right for any employee.

(e) *Amendment of Personnel Rules.* The City Council shall have authority to adopt, amend, or repeal these Personnel Rules. The Human Resources Officer shall have authority to prepare and recommend revisions to the Personnel Rules.

(f) *Adoption of Administrative Policies.* The Human Resources Officer is hereby authorized to adopt administrative policies, so long as said administrative policies are not in direct conflict with these Personnel Rules.

(g) *Delegation of Authority.* Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Personnel Rules or the Personnel Ordinance to the Appointing Authority, Human Resources Officer, Department Head, or any other person may be delegated, in writing, to any other employee at the discretion of the delegating individual.

(h) *Changes to the Law.* When any local, state, or federal ordinance, regulation, or law that is incorporated in the Personnel Rules or upon which the Personnel Rules rely is amended, the Personnel Rules shall be deemed amended in conformance with those amendments.

(i) *Severability.* If any section, subsection, sentence, clause, or phrase of the Personnel Rules is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of the Personnel Rules.

(j) *Definitions.*

(i) *General Definitions.* All words and terms used in these Personnel Rules and in any resolution or ordinance dealing with personnel policies, system, or procedures shall be defined as they are normally and generally defined in the field of personnel administration.

(ii) *Specific Definitions.*

(1) “Acting Appointment”. A temporary appointment of a person who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.

(2) “Advancement”. A salary increase within the limits of a pay range established for a class.

(3) “Allocation”. The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

(4) “Appointing Authority”. The City Manager or his/her designee.

(5) “At-Will Employee”. An employee whose employment can be terminated by the City or the employee, at any time, with or without cause and with or without notice.

(6) “Class”. All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.

(7) “Compensation”. The salary, wage, allowance, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but does not include expenses authorized and incurred incidental to employment.

(8) “Continuous Service”. Service in the employ of the City without a break or interruption. A severance of the employee from his/her employment initiated by either the City or the employee for periods of more than 15 days constitutes a break in continuous service.

(9) “Council”. The City Council of the City of Wildomar.

(10) “Day” or “Days”. Calendar day(s), unless otherwise stated.

(11) “Demotion”. The movement of an employee from one class to another class having a lower maximum base rate of pay.

(12) “Disciplinary Action”. The discharge, demotion, reduction in pay, suspension, or reprimand of an employee for punitive reasons.

(13) “Eligibility List”. The list which contains the names of successful applicants according to relative performance on the total weighted examinations.

(14) “Full-Time Employees”. Employees whose positions require the employee work at least 40 hours in a workweek. All positions shall be full-time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.

(15) “Human Resources Officer”. The City Manager or his/her designee.

(16) “Lay-Off”. The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for the above reasons or due to organization changes.

(17) “Part-Time Employees”. Employees whose positions work less than 1,000 hours per year, are paid on an hourly basis and only receive fringe benefits that are specifically provided to part-time employees by resolution of the City Council.

(18) “Position”. A group of duties and responsibilities in the service of the City requiring the full-time or part-time employment of one person.

(19) “Promotion”. The movement of an employee from one class to another class having a higher maximum base rate of pay.

(20) “Provisional Appointment”. A temporary appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligible employees.

(21) “Reinstatement”. The restoration without examination of a former employee to a classification in which the employee formerly served.

(22) “Suspension”. The temporary separation from service of an employee without pay for disciplinary purposes.

(23) “Temporary Employee”. An employee who is appointed to a non-position for a limited period of time and is only entitled to benefits as provided by resolution of the City Council.

(24) “Transfer”. The movement of an employee from one position to another position in the same class or to another class with the same maximum base rate of pay.

(k) *Equal Employment Opportunity.* The City is committed to a policy of equal employment opportunity for applicants and employees. It does not discriminate against qualified applicants or employees with respect to terms or conditions of employment based on race, color, ancestry, sex, sexual orientation, gender identity, age, religious or political affiliation or belief, ethnicity, national or geographical origin, creed, physical or mental disability, medical condition, marital status, pregnancy, childbirth, or related medical conditions, membership in or attitude toward any employee organization, or any other characteristic protected by state or federal law or local ordinance.

(l) *Disabled Applicants and Employees.* The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and disciplinary action) will not discriminate against disabled employees.

(i) The City will engage in the interactive process, as defined by the Americans with Disabilities Act (“ADA”) and the Fair Employment and Housing Act (“FEHA”), to determine whether an applicant or employee is able to perform his/her essential functions. During this process, the City will examine possible reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant’s health care provider.

(ii) Reasonable accommodation can include, but is not limited to job restructuring, reassignment to a vacant position for which the employee is qualified and making facilities accessible. Examples of accommodations that are considered unreasonable include, but are not limited to, promotion, the creation of a new position, or the reassignment of essential functions of the position.

2.06.020 Classification.

(a) *Preparation of Plan.* The Human Resources Officer shall ascertain and record the duties, responsibilities, minimum standards, and minimum qualifications of all positions in the City and shall recommend a classification/compensation plan for all positions. The classification/compensation plan need not be contained in only one document, but may be comprised of various documents. The classification/compensation plan shall consist of classes of positions defined by class specifications, including the title. The classification/compensation plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class. The classification/compensation plan will contain the General Salary Schedule and a General Benefits Schedule.

(b) *Allocation of Positions.* Following the adoption of the classification/compensation plan, the Human Resources Officer shall allocate every position in the employ of the City to one of the classes established by the plan.

(c) *New Positions.* A new position shall not be created and filled until the classification/compensation plan has been amended to provide for such position and an appropriate eligibility list is established for such position.

(d) *Reclassification.* Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Human Resources Officer to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

2.06.030 Compensation.

(a) *Salary on Appointment.*

(i) *New Employees.* New employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as approved by the City Manager.

(ii) *Advanced Step Hiring.* The Human Resources Officer may appoint a new employee to an advanced step of the pay range if it is determined that qualified applicants cannot be successfully recruited at the first step of the salary range.

(iii) *Reemployment / Reinstatement.* A person who previously held a position with the City and resigned in good standing may, at the discretion of the City Manager, when re-employed in the same or a comparable position held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination or the nearest lower applicable step for the range to which the person is appointed.

(b) *Salary Anniversary Dates.* Employees shall have a salary anniversary date of the first or sixteenth day of the month, whichever is closer to the date of his/her most recent appointment, promotion, demotion, reinstatement or reemployment. The salary anniversary date may be modified by the action of the appointing authority under Section 2.06.070(f)(i)(4).

(c) *Increases Within Salary Range.* Employees will normally become eligible for a merit adjustment in pay after 12 months of service. The adjustment shall be made only if recommended by the applicable department head, and, if approved, by the City Manager. The subsequent adjustments are based on performance evaluation, to encourage an employee to perform at his/her highest level, and to recognize seniority and increased skill on the job. Employees are normally eligible for these adjustments any time after the completion of 12 months of service. This period may be modified in conjunction with the performance report recommendations and as approved by the City Manager.

(d) *Salary Upon Promotion.* Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the range, any

employee who is promoted to a position in a class with a higher salary range shall be placed on the step in the new higher range which is at least equal to an advancement of a full step over the step he/she held in his/her former range. If the maximum of the range would be exceeded by such advancement, the employee shall receive the top step of the range. An employee thus promoted is assigned to a new salary anniversary date effective on the date of promotion.

(e) *Salary Upon Transfer.* Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same salary range, shall be compensated at the same step the salary range as he/she previously received and his/her salary anniversary date shall not change.

(f) *Salary on Change in Range Assignment.* Whenever a class is reassigned to either a higher or lower salary range by the Council, the salary of each incumbent in such class on the date the reassignment is effective shall be adjusted to the salary position in the new range that corresponds to the salary he/she was receiving in the former range and he/she shall retain the same salary anniversary date.

(g) *Salary on Reallocation of Position.* If the position is reallocated to a class having the same salary range, the salary and the salary anniversary date of the incumbent shall not change. If the position is reallocated to a class which has a higher salary range, the City Manager shall adjust the salary of the incumbent employee to fit the higher salary range which is at least as much as he/she was receiving in the former range and he/she shall retain the same salary anniversary date. If the position is reallocated to a class with a lower salary range, and the employee's salary exceeds the top step of the class to which his/her position is reallocated, his/her salary shall not change until it is exceeded by the top step of the class. The employee's salary anniversary date shall not change.

(h) *Salary on Demotion.* Any employee who is demoted to a position in a class with a lower salary range shall have his/her salary adjusted by one the following three methods:

(i) If a disciplinary demotion, the employee's salary may be reduced. A new salary anniversary date shall be established on the basis of the demotion.

(ii) If a non-disciplinary demotion, the employee's salary may be reduced. He/she shall retain his/her salary anniversary date.

(iii) In the discretion of the Human Resources Officer, a demoted employee's salary may be y-rated. A y-rated salary is one that is paid above the maximum established salary range for the incumbent's classification. An employee whose salary is y-rated will retain his/her current rate of pay until such time that the class has a higher maximum salary rate.

(i) *Acting Pay.* An employee who is required on the basis of an acting appointment to serve in a class with a higher salary range than that of the class in which he/she is normally assigned, shall receive the entrance salary rate of the higher salary range or one rate higher than the rate he/she normally receives, whichever is greater,

provided the employee shall perform all the duties and assume all the responsibilities of the higher class, and only after the employee has served for ten (10) consecutive working days in the higher classification.

(j) *Monthly Salary.* Monthly salary rates are based on a 40-hour work week and no authorization may be made for an employee to work less than such work week without a directly proportionate decrease in compensation.

(k) *Special Salary Adjustments.* Notwithstanding anything in these Personnel Rules to the contrary, in order to correct gross inequities, or to reward outstanding achievement and performance, the City Manager may adjust the salary rate of an incumbent of a particular position to any step within the salary range for the class to which the position is allocated.

(i) *Pay Periods.* The salaries and wages of all employees shall be paid semi-monthly, being the 15th day and the last day of every month. In the event a pay day falls on one of the holidays listed in these Personnel Rules, or on a Saturday or Sunday, the immediately previous working day shall become the pay day.

2.06.040 Applications, Recruitment and Examining.

(a) *Vacancies.* Vacant positions may be filled only by selection from an eligibility list, by acting appointment, by transfer, by reinstatement, or by demotion. Selection of employees is made by the department director for the position, subject to approval by the City Manager. Selection of department heads is made by the City Manager. <<<**NOTE TO CITY: Because we have removed all of the references to the probationary period and made all employees at-will, the personnel rules are now written to apply to all employees – including the City Manager and Department Directors. Typically, in cities with a civil/classified service, the City Manager, Department Directors and other classes of employees are exempted from the civil/classified service. One of the benefits to this exemption is that there is a bit more freedom in appointing upper level employees than in the civil/classified service. Please advise whether you would prefer to exempt those positions from these recruitment positions and leave it to the discretion of the City Council/City Manager to fill them, would like separate recruitment provisions for upper level positions, or would like to use the same procedures as for the general employees.>>>**

(b) *Announcement of Vacancies / Acceptance of Applications.* When a position becomes vacant, the applicable department head shall notify the Human Resources Officer. All positions shall be publicized by such methods as the Human Resources Officer deems appropriate. The announcements shall specify the title and pay range of the class; the nature of the work to be performed; the experience and education requirements; the knowledge, skills, and abilities desirable for the performance of the work; how to apply; the application deadline date; that a post-offer, pre-employment physical examination is required, which may include a drug test; and other relevant information. Applications will also be available in the office of the Human Resources Officer. Applications will be collected by the Human Resources Officer until the closing date for acceptance of applications.

(c) *Disqualification of Applicants.* The Human Resources Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position, or because the applicant has failed to fully complete the application or submit all required materials.

(d) *Ineligibility for Employment.* Further examination or consideration for employment of any applicant may be discontinued, and any temporary employment of any person may be terminated, when any of the following has been determined to the satisfaction of the Human Resources Officer:

(i) That the applicant has been convicted of a felony and such felony conviction, in the opinion of the Human Resources Officer, is contrary to the qualifications for the functions and duties of the position for which the employment application is made;

(ii) That the applicant has been convicted of a misdemeanor involving moral turpitude, dishonesty, fraud, or deceit; or

(iii) That the applicant has lied on his/her application for employment or the accompanying documentation.

(e) *Selection Process.* The selection process shall be impartial and relate to those subjects which, in the opinion of the Human Resources Officer, fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the class to which they seek to be appointed. The selection process may include but is not necessarily limited to achievement, aptitude, and other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests (including a drug test), successful completion of prescribed training, or other selection techniques as determined by the Human Resources Officer. The selection process shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements. The City also retains the right to conduct a thorough background check of each applicant.

The Human Resources Officer may enter into a contract with any competent agency or individual for the preparing and/or administering portions of the selection process. If the Human Resources Officer does not contract these duties to an agency or individual, then the Human Resources Officer shall ensure that such duties are performed.

(f) *Creation of Eligibility List.* As soon as possible after the completion of a recruitment, the Human Resources Officer shall prepare and maintain an eligibility list consisting of the names of candidates who qualified as finalists. Eligibility lists shall remain in effect for up to 12 months unless the Human Resources Officer abolishes the eligibility list after determining that the abolition of the list is in the best interest of the City. The name of any person appearing on an eligibility list shall be removed by the Human Resources Officer if the person requests in writing that his/her name be removed or if the person fails to respond to a notice of certification mailed to the last designated address. Persons on eligibility lists as a result of an internal recruitment

who leave the service of the City for any reason shall automatically be dropped from such lists.

(g) *Physician's Examination.* All job applicants are required to submit to a physician's examination at the City's expense upon being made a conditional offer of employment. The physician's examination shall include a drug and alcohol test for positions that are (1) safety-sensitive; or (2) involve a position of influence over children. When a drug and alcohol test is required, applicants shall be made aware of that in the announcement published under 2.06.040(b). No job commitment shall be made until a negative drug screen result is obtained and a physician has certified that the applicant is medically qualified to perform the essential functions of the position. When the applicant reports to the medical facility for the scheduled examination, personal identification shall be provided to the facility in the form of a photograph and verifiable signature (for example, a driver's license). All test results will be kept confidential. The applicant will be told whether the tests were passed or failed, but only the Human Resources Officer and his or her assistant will have access to the test results. If required, the drug/alcohol examination shall be administered in accordance with the City's Drug Free Workplace Policy.

2.06.050 Appointments.

(a) *Appointment of New Employee.* The hire date of a new employee shall be that of the first day actually worked.

(b) *Provisional Appointments.* It shall be the policy of the City to require all department heads and other appointing authorities, whenever possible to notify the Human Resources Officer of impending or anticipated vacancies in their departments sufficient in advance so as to allow for the establishment of an appropriate eligibility list. However, when the demands of the services are such that it is not practicable to give such notification and if it is not practicable to delay appointment until a new eligibility list can be certified, the appointing authority may make a provisional appointment to the position. As soon as practicable, but not longer than six months after a provisional appointment has been made, the Human Resources Officer may cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an eligibility list. No person shall be employed by the City under provisional appointment for a total of more than six months in any fiscal year except that the Human Resources Officer may extend the period of any provisional appointment for not more than 90 days by any one action; provided; however, no provisional appointment shall exceed a total of 12 months.

A person appointed to a position on a provisional basis shall not be entitled to credit for the time served under the provisional appointment toward if the employee is awarded the position on a non-provisional basis.

No special credit shall be allowed in any examination or the establishment of any eligibility lists for services rendered under a provisional appointment.

(c) *Acting Appointments to a Higher Class.* An acting appointment may be made to a higher class or position occupied by a person on temporary leave or

disability. Such acting appointment shall not exceed six months. The Human Resources Officer may extend acting appointments for successive 30-day periods. Acting appointments shall be made in accordance with the provisional appointments section of these Personnel Rules. Upon the return of the incumbent from leave or disability, the acting appointment shall be immediately terminated, and the appointee shall resume regular duties, compensation and privileges as if he/she had continued his/her duties in his/her regular classification.

(d) *Reinstatement.* With the approval of the Human Resources Officer, an employee who has completed at least 12 months of service and who has resigned in good standing may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. For purposes of reinstatement, "good standing" shall mean that the employee was not terminated for cause under these Personnel Rules, did not resign in lieu of termination, provided the required amount of notice of resignation, and was evaluated at least as "fully meets job standards" or an equivalent rating on his/her last performance evaluation. No credit for former employment shall be granted in computing salary, vacation, sick leave, retirement benefits, or other benefits except on the specific written direction of the Human Resources Officer at the time of reinstatement. Such reinstatement action may, at the discretion of the Human Resources Officer, take precedence over any eligibility list except a reemployment list.

(e) *Transfer.* The Human Resources Officer may transfer an employee from one position to another in the same class or a comparable class at the same salary level. While the Human Resources Officer retains the right to order the transfer, consideration will be given to the affected employee's and the department directors' wishes.

(f) *Nepotism.*

(i) *Definition* - For the purpose of this Section, the definition of "relative" or "relationship" shall include persons related in the following contexts by blood, marriage, domestic partnership or adoption, including step and half relationships: spouse/domestic partner, child, sibling, parent, grandparent, grandchild.

(ii) *Inconsistent Relationships.* The City retains the right:

(1) To refuse to place one party to a relationship under the direct supervision of the other party to a relationship where such has the potential for creating adverse impact on supervision, safety, security or morale.

(2) To refuse to place both parties to a relationship in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest.

(iii) *Creation of Relationship - Current Employees.* Upon the marriage or registered domestic partnership of two City employees or any other creation of relationships between two City employees due to a marriage or domestic partnership, the Human Resources Officer shall be notified in writing by the employees involved.

Notification of new or impending relationships shall include the anticipated effect of the relationship and recommendation as to possible action to be taken in assuring continued efficient departmental operation(s). A relationship created between an employee and the City Manager or an elected or appointed City official will be evaluated on the same basis as the creation of a relationship between City employees. The Human Resources Officer and/or designated representative shall consult with the department head(s) and/or specific employees in reaching a recommendation in accordance with previously stated guidelines and the following suggested options. The City Manager shall be the final determining authority in such matters.

(1) *Acceptable Relationships.* The employment relationship is acceptable (a) if the relationship is not an inconsistent relationship as defined under section 2.06.050(f)(ii), (b) if no adverse impact is anticipated, related employees are not in a supervisory relationship, (c) if related employees are not in direct contact in the same or related departments; or (d) the relationship will in no way detrimentally affect departmental operations.

(2) *Determination of an Inconsistent Relationship.* If the City Manager determines that an inconsistent relationship exists, the City will remedy the inconsistent relationship by one of the following methods:

a. *Transfer.* Transferring one relative to an unrelated department may be approved where problems occur or are anticipated.

b. *Shift Adjustment.* Adjustment of shifts may be approved if it is believed the relationship will interfere with the work environment.

c. *Resignation/Termination.* Termination of one of the related employees may be recommended if the department head(s) finds the problems involved in the employment relationship are not solvable. If the City finds that termination is necessary, the involved employees will first be notified of that decision, and the employees shall be given a reasonable amount of time to choose which one of them will voluntarily resign their employment. Should the employees fail to come to decision within a reasonable amount of time, the City Manager will determine which employee will be terminated, and will notify the employee to be terminated of the same.

(iv) *Job Applicants.* The City retains the right to disqualify any applicant for employment, if the applicant has an inconsistent relationship, as defined in Section 2.06.060(f)(ii), with a current City employee or official.

2.06.070060 Performance Evaluations

(a) *Policy.* It is the policy of the City that regular evaluations be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is the responsibility of the City Manager, the department heads and their subordinate supervisors that these evaluations be made. It is the responsibility of the Human Resources Officer to provide and prescribe the forms and procedures to be used in such evaluations of performance and to assist in the training of supervisory personnel

so that the program of performance evaluation will be carried on in a sound and effective manner.

(b) *Authority to Make Evaluations.* The City Manager or his/her designee shall have the authority to prepare performance evaluations. He/she may, however, delegate such authority to such subordinate supervisory employees who are most familiar with work of the employees to be evaluated, provided that he/she shall review and approve all performance evaluations of personnel under his/her jurisdiction.

(c) *Time for Performance Evaluation.* An annual performance evaluation may be prepared and received before the employee's salary anniversary date, and shall evaluate the employee's performance in the last year. If the employee receives a rating of (or equivalent to) "improvement needed" or "unsatisfactory" in his/her annual performance evaluation, his/her supervisor shall be responsible for conducting an additional performance evaluation three months from receiving such rating and again three months subsequent to that. In addition, the employee may be given a performance evaluation at any other time during the year at the discretion of the appointing authority.

(d) *Postponement of Performance Evaluation.* An employee's performance evaluation due date shall be extended when the employee takes one or more leaves of absence totaling more than 15 days. The employee's performance evaluation due date shall be extended by the same period of time that the employee was absent.

(e) *Review with Employee.* Each performance evaluation shall be presented by the supervisor who prepared it and discussed with the employee. The employee shall sign the evaluation to acknowledge its contents. Such signature shall not necessarily mean the employee endorses the content of the evaluation. Employees may not appeal or grieve the contents of a performance evaluation or the rating(s) received by the employee. Employees who disagree with the contents of their performance evaluation shall have the right to attach a written statement explaining the basis of their disagreement to the performance evaluation.

(f) *Retention of Performance Evaluation.* After review and approval of the appointing authority, the performance evaluation, as well as any written statement provided by the employee, shall be made a part of the employee's personnel file.

(g) *Performance Ratings.*

(i) *Effects of "Improvement Needed" and "Unsatisfactory" Ratings.*

(1) Any employee who receives an "unsatisfactory" or "improvement needed" rating will not be eligible to be appointed off of any eligibility list until a satisfactory rating is established.

(2) Any employee who receives an "unsatisfactory" or "improvement needed" rating will not receive any merit salary increase during the period following the report, except as provided in subsection 3 below.

(3) If an employee who has been denied a merit salary increase improves his/her performance to such an extent that the appointing authority believes a merit salary increase is now justified, the appointing authority shall indicate the improvement on a report of performance form and may specifically award a merit salary increase. Additionally, in awarding the merit salary increase under this subsection, the appointing authority may change the merit salary increase anniversary date to the date of the award of the merit salary increase or may permit the anniversary date to remain the same. Any merit salary increase awarded under this subsection shall not be made retroactive.

2.06.070 Hours of Work/Overtime

(a) *FLSA Classification.* The Human Resources Officer shall designate those positions which are exempted from the provisions of the Fair Labor Standards Act ("FLSA") based on an assessment of the duties of each position.

(b) *Workweek.* It is the policy of the City that eight hours shall constitute a day's work and five days shall constitute a week's work, for all full-time employees, except that work days and work weeks of a different number of hours may be established in order to meet the varying needs of the different City departments. The work period shall be seven consecutive 24-hour periods. Full-time employees are expected to work 40 hours during this period. The standard period of work shall be five, eight-hour days in a seven day period. For employees who work this standard period of work, the workweek is defined as commencing on 12:01 a.m. on Monday and ending at 12:00 a.m. on the following Monday. Alternative workweeks shall be designated by administrative policy adopted by the City Manager. <<<**NOTE TO CITY: Please confirm the accuracy of the workweek included and advise if there are any alternative workweeks.**>>>

(b)

(c) *Daily Hours Of Work.* Daily hours of work or shifts for employees within departments shall be assigned by department heads as required to meet the operational requirements of such departments. The normal work shift for full-time employees is eight hours per day. Exceptions to the standard eight-hour workday may be made in writing by the City Manager.

(d) *Change in Working Hours.* The City reserves the right to regulate and/or change the designation of the specific hours or days to be worked by any employee, and no such change in the scheduling of days or hours worked shall be deemed to constitute overtime, provided the total number of hours and days does not exceed those specified as constituting the standard work year, work period, work week and workday hereunder.

(e) *Overtime.* A non-exempt employee shall be entitled to overtime at the rate of one and one-half his/her regular hourly rate of pay for each hour worked in excess of 40 hours in any one workweek. Exempt employees are not eligible to receive overtime compensation.

(i) *Approval of Overtime.* It is the policy of the City to avoid the necessity for overtime work whenever possible. All employees are required to get the approval of their respective department heads prior to working more than 40 hours in a workweek. Department heads are required to notify the Finance Department of any approved overtime at the end of the workday in which overtime is worked.

(ii) *Calculation of Hours Worked.* For the purposes of overtime compensation, "hours worked" shall only include those periods of time that the employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time during which an employee is suffered or permitted to work. As such, time spent on a paid leave of absence shall not be included in the calculation of hours worked.

(f) *Meal Periods.* No monetary compensation or compensatory time off for overtime, or any other compensation in addition to the employee's basic pay for overtime, shall be given to any employee for or on account of any of his/her meal periods.

2.06.080 Leaves of Absence.

(a) *Effect of Leave of Absence.*

(i) *Effect of Leave of Absence on Employment Benefits.*

(1) *Fully Paid Leave.* Unless otherwise required by law, an employee on a leave of absence who continues to receive full compensation through the use of his/her accrued leave banks will continue to receive full employment benefits. Such employment benefits, may include, but are not limited to, the accrual of paid leaves, accrual of seniority, and cafeteria contributions which remain at the rate the employee would receive if he/she was working their normal work schedule.

(2) *Partially Paid Leave.* Unless otherwise required by law, an employee on a paid leave of absence who is receiving less than full compensation from the City through the use of his/her accrued paid leaves shall receive a pro-rated share of his/her employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, or supplemental pay.

(3) *Unpaid Leave.* Unless otherwise required by law, an employee on an unpaid leave of absence shall not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, and supplemental pay.

(ii) *Effect of Leave on Performance Evaluations and Merit Increases.* An employee on one or more leaves of absence lasting longer than 15 days shall have his/her performance evaluation and merit increase, if relevant, postponed by an amount equal to the amount of leave taken.

(b) *Unauthorized Absences.* Any employee absent from his/her job for more than two consecutive working days without prior permission of the department director

may be considered to have voluntarily resigned from his/her employment with the City. Any unauthorized absence may be cause for disciplinary action as provided in these Personnel Rules.

(c) *Holidays.*

(i) The following days shall be recognized and observed as paid holidays:

- (1) New Years Day (January 1)
- (2) Martin Luther King Jr.'s Birthday
- (3) President's Day
- (4) Memorial Day
- (5) Independence Day (July 4)
- (6) Labor Day
- (7) Veteran's Day (November 11)
- (8) Thanksgiving Day
- (9) Day After Thanksgiving Day
- (10) Christmas Eve (December 24)
- (11) Christmas Day (December 25)

(ii) Employees shall receive one day's pay for each of the holidays listed above for the number of hours they would have been regularly scheduled to work.

(iii) When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

(iv) If any employee works on the day the City observes any of the holidays listed above, he/she shall be paid for all hours worked at the rate of two times his/her regular rate of pay and shall be granted eight hours of floating holiday time. Employee must take this day off by December 31st. If the employee does not, the floating holiday shall be cashed out at the employee's then-current rate of pay.

(d) *Vacation.*

(i) Full-time employees in all classifications shall accrue vacation, on a daily basis, according to the following schedule:

(1) From the date of hire through five years of service: 80 hours per year.

(2) Beginning the sixth year through ten years of service: 120 hours per year.

(3) Beginning the eleventh year of employment: 160 hours per year.

(ii) Vacation accrues on a pro rata basis during each pay period.

(iii) The maximum number of vacation days that may be accumulated by an employee is 240 hours. Once an employee reaches the maximum accumulation, he/she shall cease vacation accrual until his/her total number of vacation hours falls below the maximum allowable.

(iv) A maximum of 40 hours of vacation per calendar year may be converted to compensation and shall be paid at the employee's rate of pay at the time of the conversion.

(v) At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated vacation time at the employee's base rate of pay at the time of termination.

(vi) If a holiday falls on a work day during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

(vii) Vacations may be scheduled at any time during the year upon approval of the City Manager.

(viii) Part-time employees shall accrue vacation leave on a prorata basis based on the number of hours they are regularly scheduled to work.

(e) *Sick Leave.*

(i) Sick leave may only be taken for absences from duty made necessary by:

(1) The employee's illness, injury, incapacity, or quarantine due to exposure to a contagious disease. When an injury or illness is job-related, the employee shall be charged with sick leave usage only to the extent that their salary is not covered by Worker's Compensation.

(2) Medical, dental or eye examination or treatment for which appointment cannot be made outside of working hours.

(3) When the employee's presence is needed to attend to the illness or injury of a member of his/her immediate family. For purposes of sick leave, immediate family shall be defined as spouse, domestic partner, parent (including a biological, foster, or adoptive parent, a stepparent, or a legal guardian), child (including

a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, or any other person who is a legal dependent of the employee. Exceptions to this definition shall be reviewed and possibly approved by the City Manager.

(ii) Sick leave is not a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family (as defined in paragraph viii).

(iii) Full-time employees shall earn sick leave at the rate of eight hours per month. Part-time employees do not accrue sick leave. The maximum number of sick days that may be accumulated by an employee is 240 hours. Once an employee reaches the maximum accumulation, he/she shall cease sick accrual until his/her total number of sick hours falls below the maximum allowable.

(iv) In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

(v) The City Manager or supervisor may require a doctor's verification the employee's inability to work due to illness or injury when an employee has been absent due to illness or non-job related injury.

(vi) When an employee retires under the California Public Employees Retirement System (CalPERS), a credit for his/her unused sick leave shall be converted to additional service credit at the rate of 0.004 years of service credit for each day of unused sick leave (*i.e.*, 250 days of sick leave equals one additional year of service credit) per CalPERS contract with the City. <<<**NOTE TO CITY: Please confirm that this benefit is included in the City's PERS contract.**>>>

(vii) Sick leave may also be used for bereavement leave in the event of death in the immediate family, as long as the employee has exhausted all other available paid leaves of absence.

(f) *Conversion of Sick Leave to Vacation.* Employees may convert sick leave to vacation in the month of December in accordance with the following procedure. Sick leave is convertible to vacation at the rate of 80 hours of sick leave to 8 hours of vacation. Conversion of sick leave is not permitted when the employee is at the maximum accrual of vacation. Conversion of sick leave shall not be permitted in any case where the conversion would reduce the employee's accumulated sick leave balance below 80 hours of sick leave. For example, an employee with 240 hours of accumulated sick leave could exchange 160 hours of sick leave for 16 hours of vacation. After the conversion, the employee would have 80 hours of sick leave and 16 hours of vacation. This request must be approved prior to being used and is at the discretion of the City.

(g) *Military Leave.* Military leave with pay shall be granted in accordance with Section 395 of the California Military and Veteran's Code and the Uniformed Services Employment and Reemployment Rights Act.

(h) *Jury Duty.* This policy shall apply to employees in all classifications. An employee summoned for jury duty will immediately notify the City Manager. While serving on a jury, he/she will be given a leave of absence with pay for the duration of such jury duty. Such leave of absence with pay is conditional upon the employee returning to work upon his/her dismissal each day to complete his normal work day. Employees who fail to return to work are required to use other accrued paid leaves for that period of the employee's absence. Such leave is also conditional upon the employee's conveyance to the City of any compensation received as a juror, not including any travel allowance received.

(i) *Pregnancy Disability Leave.* Employees who are disabled due to pregnancy, childbirth, or related medical conditions shall be granted leave in accordance with the California Pregnancy Disability Leave Law, the Family Medical Leave Act, and the California Family Rights Act. The full provisions governing such leave will be set forth in an administrative policy.

(j) *Family Care and Medical Leave.* Employees shall be granted family care or medical leave in accordance with the Family Medical Leave Act and the California Family Rights Act. The full provisions governing such leave will be set forth in an administrative policy.

(k) *Leave of Absence Without Pay.* The Human Resources Officer, in his/her discretion, may grant an employee leave of absence without pay for up to three months. After the initial three months of leave of absence without pay, the Human Resources Officer may, in his/her discretion, extend the leave for an up to nine additional months in a maximum of three-month increments. However, unless otherwise required by law, in no circumstances shall the total amount of unpaid leave be longer than 12 months. The Human Resources Officer may require sufficient documentation establishing the employee's need for leave.

(i) *Exhaustion of Paid Leaves.*

(1) *Nonmedical Leave of Absence Without Pay.* An employee requesting leave under this section for nonmedical reasons is required to fully exhaust all of his/her paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.

(2) *Medical Leave of Absence Without Pay.* An employee requesting leave under this section for medical reasons is required to fully exhaust all of his/her paid leaves, including sick leave, in order to be eligible to receive a leave of absence without pay.

(ii) *Accrual of Benefits.* Leave of absence without pay shall not be construed as a break in service or employment, and rights accrued at the time of leave is granted shall be retained by the employee; however, vacation credits, sick leave

credits, increases in salary and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range he/she received when he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each 30 consecutive days taken.

(iii) *Failure to Return from Leave.* If an employee takes any action during his/her leave that is inconsistent with an intention to return to employment with the City, such as accepting full-time employment with another employer, he/she will be considered to have voluntarily terminated his/her employment. Failure of the employee to return to his/her employment upon the termination of any authorized leave of absence shall constitute an automatic termination from City service of that employee, unless such leave is extended. .

(l) *Management Leave.* Department heads shall receive 40 hours of management leave per calendar year. During their first year as a department head, they shall obtain a prorata amount of management leave commensurate with the time remaining in the calendar year. Management leave cannot be carried forward from year to year, and all unused management leave will be cashed out on December 31st at the employee's current rate of pay.

(m) *Part-Time Employees.* Employees who work less than 40 hours per workweek, including those on a temporarily reduced schedule, shall accrue all leaves of absence on a pro rata basis, based on the number of hours they work per workweek.

2.06.090 Layoff/Separation/Retirement.

(a) *Layoff.* Whenever, in the judgment of the City Manager, it becomes necessary to abolish any position or employment, the employee holding such position or employment, may be laid off without disciplinary action and without the right of appeal. The City Manager shall determine the class and number of positions within each class to be affected, as well as the effective date of the layoff.

(i) *Notification.* Employees to be laid off shall be given, whenever possible, at least 14 days prior notice.

(ii) *Order of Layoff.* In each class of position, employees shall be laid off according to the needs of the service as determined by the Department Head and the Human Resources Officer.

(iii) *Reemployment List.* The names of persons laid off or demoted in accordance with this Section shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every Department Head when a vacancy arises in the same or lower class of position before certification is made from an eligible list or starting a recruitment. Names of persons laid off shall be carried on a reemployment list for one year, except that persons appointed to a position of the same

level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for one year.

(b) *Resignations.* Resigning employees shall be required to file a written resignation stating the effective date and reason(s) at least two weeks prior to leaving the City's service, unless the time limit is waived by the City Manager. The resignation date should be the last day the employee actually worked.

(c) *Terminations.* The City Manager may terminate any employee at any time with or without cause and with or without notice.

(d) *Retirement/Disability Retirement.* In accordance with the City's contract with the California Public Employees' Retirement System (CalPERS), employees who meet the age and service credit minimums may qualify for a service retirement from CalPERS. Under CalPERS laws, an employee who is unable to perform his/her job because of an illness or injury which is expected to be permanent or last indefinitely, may be entitled to receive a disability retirement.

2.06.100 Ethical Standards.

(a) *Outside Employment, Enterprise, or Activity.* In accordance with California *Government Code* Title 1, Division 4, Chapter 1, Article 4.7, no employees may engage in any outside employment, enterprise, or activity that is inconsistent, incompatible, in conflict with, or adverse to his/her employment, their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of City operations.

(i) Employees are required to notify their Department Head in writing of all outside employment in which they are engaged, regardless of when that outside employment began, so that the City may assess whether such outside employment conflicts with the employee's City employment. An employee's outside employment, enterprise, or activity will be prohibited when any of the following are present:

(1) It involves the use for private gain or advantage of his/her City time, facilities, equipment and/or supplies; or the badge, uniform, prestige, or influence of his/her City employment;

(2) It involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee;

(3) It involves the performance of an act, in other than his/her capacity as a City employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City; or

(4) It involves the time demands as would render performance of his/her duties as a City employee less efficient.

(ii) When outside employment is reported to a Department Head, the Department Head shall notify the Human Resources Officer of all pertinent details of the outside employment. The Human Resources Officer shall determine whether the employee's outside employment conflicts with the performance of his/her duties, and shall advise the employee and the Department Head of his/her determination in writing. An employee who is unsatisfied with the decision of the Human Resources Officer may appeal the decision to the City Manager. An employee wishing to appeal this determination must file a written appeal to the City Manager within ten days of receipt of the Human Resources Officer's decision. The City Manager shall meet with the employee and determine whether the employee's outside employment conflicts with the performance of his/her duties. The City Manager shall advise the employee, the Department Head, and the Human Resources Officer of his/her determination in writing within 15 days of meeting with the employee.

(b) *Political Activities.* Consistent with the provisions of California *Government Code* Title 1, Division 4, Chapter 9.5, employees may not engage in political activity during working hours, while on City property on which members of the public would not be entitled to engage in political activities, or while in uniform.

(c) *Contracts and Conflicts of Interest.* In accordance with California *Government Code* Title 1, Division 4, Chapter 1, Article 4, no City employee can be financially interested in any contract made by him/her in his/her official capacity, or by any body or board of which he/she is a member. All employees of the City are required to adhere to the provisions of Article 4 of Title 1, Division 4, Chapter 1 of the *Government Code*.

(d) *Conduct During the Workday.* During the workday, employees are expected to devote their full time in the performance of their assigned duties. Any approved outside work, part-time job, hobbies, or personal business must be performed during off duty hours. Off duty hours include unpaid lunch break periods, but do not include other rest or break periods during which the employee continues to receive pay.

(e) *Employees with Access to Confidential Information.* In performing their duties, employees may have access to confidential information, including employees' personnel files and the personal or financial information of other City employees or persons who do business with the City. In addition, some City employees will be involved in some communications with the City Attorney's Office, which can be protected by the attorney-client privilege. Employees with such access are required to keep such information confidential.

(f) *Solicitation of Political Contributions.* Consistent with the provisions of California *Government Code* Title 1, Division 4, Chapter 9.5, no City employee may knowingly, directly or indirectly, solicit a political contribution from a City employee, City officer, or person on an employment list. However, this does not prohibit City employees from requesting political contributions if the solicitation is part of a solicitation made to a significant segment of the public, which may include City employees. This

also does not prohibit a City employee from soliciting or receiving political funds or contributions to promote the passage of or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City employees, provided that such solicitation cannot occur during working hours or while on City property. For purposes of this Section, "contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

2.06.110 Disciplinary Actions.

(a) *Reason for Disciplinary Action.* Disciplinary measures may be taken for any good and sufficient cause. Cause may include violation of the Personnel Ordinance or of these Personnel Rules or any policies, procedures, Personnel Rules and/or regulations of the employee's department, any act of insubordination or act detrimental to the public service, refusal or inability to comply with the duties of the position occupied by the employee, or any other type of misfeasance, malfeasance or nonfeasance relating to his/her duties, office or position.

(b) *Types of Disciplinary Actions.* The City employs a disciplinary system, which includes a variety of levels of disciplinary actions, up to and including termination of employment. However, nothing in this disciplinary policy should be interpreted in any way that would affect the employee's at will employment status. Notwithstanding any provision of this policy, all employees may be terminated at any time, with or without notice, and with or without cause. The City may take any of the following types of disciplinary actions against its employees:

(i) *Verbal Reprimand.* Verbal reprimand as a disciplinary action means the employee is informed of his/her poor performance verbally by his/her supervisor.

(ii) *Written Reprimand.* Written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with his/her services and that further disciplinary measures may be taken if such cause is not corrected. Official reprimand shall be given in the manner and on forms prescribed by the Human Resources Officer. Reprimand notices shall be made a part of the employee's official personnel record.

(iii) *Suspension Without Pay.* Suspension without pay shall be a temporary separation from City service.

(iv) *Reduction In Range.* Reduction in step within range as a disciplinary measure is the withdrawal of increments granted for merit, efficiency and length of service. Reduction in pay shall become effective on the first pay period following the effective date of the disciplinary action.

(v) *Involuntary Demotion.* Demotion without consent shall include a reduction in classification or rank, with commiserate reduction in salary.

(vi) Termination means the permanent dismissal of an employee from the City service and approved by the City Manager.

(c) *Authority for Disciplinary Actions.*

(i) The department heads and/or City Manager shall have authority to take disciplinary action and they may delegate to certain of their subordinate supervisory employees the authority to make official reprimands. Only the City Manager may terminate employees.

(ii) The Human Resources Officer shall be notified of any contemplated disciplinary action prior to the time it is taken.

(d) *Notice of Disciplinary Action.* When disciplinary action is to be taken against an employee, the department head or City Manager shall notify the employee in writing of the disciplinary action to be taken, the reasons for the disciplinary action, and the effective date of such disciplinary action, if applicable. Because all employees are at-will, there is generally no right to challenge disciplinary action. However, in certain circumstances, the employee may be entitled to a name-clearing hearing before the Human Resources Officer. If the employee satisfies the criteria in Section 2.06.110(e)(i), the City shall provide the employee with at least five days notice of their intent to discipline the employee. During those five days, the employee may request a name-clearing hearing. If the employee does not request a name-clearing hearing, then he/she will have been deemed to have waived his/her right to said hearing. If the employee requests a hearing in accordance with Section 2.06.110(e), then the Human Resources Officer will make all necessary arrangements for the hearing prior to imposing the disciplinary action. If the employee does not meet the criteria set forth in Section 2.06.1210(e)(i), then he/she is not entitled to any hearing, appeal, or waiting time before the disciplinary action is imposed on the employee.

(e) *Name-Clearing Hearing.* In certain circumstances, an employee may be entitled to a name-clearing hearing before the disciplinary action is imposed by the City. In such circumstances, the employee will be entitled to a name-clearing hearing in accordance with this section 2.06.110(e).

(i) *Criteria for Entitlement to a Name-Clearing Hearing.* When the following three elements are present, the employee is entitled to a name-clearing hearing:

- (1) A stigmatizing charge.
- (2) The employee's denial of the stigmatizing charge.
- (3) Public disclosure of the stigmatizing charge.

(ii) *Name-Clearing Hearing.* If the employee has satisfied all three criteria set forth in Section 2.06.110(e)(i), then the employee is entitled to a hearing in order to clear his/her name. If the employee desires a name-clearing hearing, he/she must file a written request with the Human Resources Officer within five days of

receiving notice from the City of its intent to impose disciplinary action. Failure to timely request a hearing shall constitute a waiver of the right to a hearing. The hearing shall be before the Human Resources Officer. The employee is not entitled to a full evidentiary hearing, but is only entitled to the opportunity to clear his/her name of the stigmatizing charge(s). All name-clearing hearings shall be held in private unless the employee requests a public hearing in writing.

2.06.120 Grievance Procedure.

(a) *Purpose of the Grievance Procedure.* The grievance procedure shall be used to resolve employee complaints regarding an alleged violation or interpretation of the City's Personnel Ordinance or these Personnel Rules. Specifically excluded from the grievance procedure are:

- (i) Performance evaluations;
- (ii) Deferred merit salary increases;
- (iii) Verbal counseling;
- (iv) Policy decisions of the City Council;
- (v) Disciplinary actions;
- (vi) Transfer to another position without a loss of pay; and
- (vii) Matters for which there is a separate appeal.

(b) *Grievance Procedure.*

(i) Step 1. The employee shall inform, in writing, his/her immediate supervisor of his/her grievance and relevant facts within seven days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The grievance must include a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. Failure to fully complete the grievance form may result in a delay in processing the grievance. At least one conference shall be held between the employee and his/her immediate supervisor after the employee has expressed his/her grievance. The supervisor shall advise the employee of his/her decision within 14 days following notification of the grievance.

(ii) Step 2. If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven days after receipt of his/her supervisor's response, submit the grievance to his/her department head. Such submittal shall be in writing and include the original of the grievance form. The grievance must include a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. After receipt of the grievance, the department head will meet with the grievant and make such investigation as is required. Within seven days of his/her

meeting with the grievant, the department head shall return the original of the grievance form to the employee along with his/her written decision on the grievance.

(iii) Step 3. If the grievance is not satisfactorily resolved in Step 2, the grievant may, within seven days of receipt of the department head's decision, submit the grievance to the Human Resources Officer for consideration by the City Manager. Such submittal shall include the original of the grievance form, a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses; a written statement of any issues which are still in dispute; and the specific basis upon which the grievant takes issues with the position of his/her department head. The City Manager or his/her designee shall take such review and investigative action as he/she deems necessary and inform the grievant of his/her decision within 14 days of receipt of the grievance. The decision of the City Manager is final and no further appeal may be had by the employee.

(c) *General Provisions.*

(i) No retribution or prejudice shall be suffered by employees making good faith use of the grievance procedure.

(ii) Failure by management at any step of this procedure to communicate the decision of the grievance within the specified time limits shall permit the grievant to proceed to the next step.

(iii) The grievant shall be entitled to be present at all steps of the procedure.

(iv) Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered, and the grievant waives all further appeal of the matter.

(v) The time limits specified at any step in this procedure may be extended by mutual written agreement.

(vi) The original of the grievance form shall accompany all requests for institution of the next step in the grievance procedure, and shall be maintained in the employee's personnel file at the completion of the grievance procedure.

(vii) Communication with grievant shall be processed by personal signed receipt of document, certified mail or registered mail.

2.06.130 Employment Benefits.

(a) *Health Benefits.*

(i) Accident, health, hospital, dental and vision insurance to cover non-occupational injuries and sickness for employees in all job classifications, and one dependent shall be provided by the City. The scope of coverage and the payment of premiums is subject to periodic review by the City Council.

(b) *Retirement Benefits.* The City has contracted with the California Public Employees' Retirement System (CalPERS) for the 2.7% at age 55 retirement plan. <<<**NOTE TO CITY: Please confirm the accuracy of the retirement benefit. Has the City agreed to pay the employee and employer contributions?**>>>

2.06.140 Drug/Alcohol Policy. It is the desire of the City that all work environments of employees be safe and productive and free of the influence of drugs and alcohol. The City is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by drug and alcohol abuse. The full provisions regarding drugs and alcohol in the workplace will be set forth in an administrative policy.

2.06.150 Policy Against Harassment, Discrimination and Retaliation. City policy prohibits unlawful harassment and discrimination based on an employee's race, religion, color, creed, national origin, sex, gender, sexual orientation, marital status, age, mental or physical disability, and/or any other category protected by federal and/or state law. In addition, City policy prohibits retaliation because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment discrimination investigation, proceeding or hearing. The City's full policy against unlawful harassment, discrimination, and retaliation will be set forth in an administrative policy.

2.06.160 Educational Assistance.

(a) *Educational Reimbursement for Training and Advancement.*

(i) The responsibility for developing training programs for employees is with the City Manager and department directors, jointly. When an educational course to be taken by an employee will benefit the City, the City Manager may authorize payment by the City of tuition charges and books. An "educational course" may include courses that are in furtherance of a degree, other college-credit courses, or training. In order to be eligible for educational reimbursement, the employee must obtain written approval of the City Manager prior to enrolling in any courses. Educational reimbursement shall not exceed \$1,500 in any fiscal year.

(ii) If an employee is entitled to additional compensation by earning a degree, as specified in their job description, it will be the responsibility of the employee to pay all fees for their courses and upon completing the course and earning a grade of C or better, to submit a cancelled check and receipt for reimbursement of the tuition charges and books. After the above information has been submitted to the City, the employee shall begin receiving any additional compensation that he/she is entitled to in the next pay period, and shall receive the educational reimbursement, if any, that he/she is entitled to under this Section.

(b) *Licenses and Certification Assistance.*

(i) In cases of enrollment for any certification which is a condition of employment, the City shall pay required application fees in advance.

(ii) The cost of licensing fees, renewal fees, and test fees for all levels of certification are reimbursable, upon receipt of the certification or license. To obtain reimbursement after successful completion of the test/renewal/license process, the employee is responsible for submitting proof of payment for test fees, renewal fees, and license fees, along with proof of the certification or license, to the City Manager. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

2.06.170 Uniforms and Equipment.

(a) *Uniforms.* The cost of such uniforms as employees are required to wear shall be borne by the City.

(b) *Equipment.* The City shall provide employees with the essential equipment to perform the duties of their positions. Employees are responsible for requesting training on equipment that they are unfamiliar with. Also, employees are responsible for the proper operation and maintenance of all equipment.

(c) *Safety Equipment and Protective Clothing.* Certain employees will be required to wear approved safety shoes and other safety equipment and protective clothing. Such employees failing or refusing to wear such safety equipment and protective clothing as appropriate will be subject to disciplinary action up to and including termination. If any employee is unable to wear such safety equipment and protective clothing for medical reasons, the employee must submit to the City a doctor's statement covering the reasons."

2.06.180 Electronic Communications Policy. The City provides its employees with certain electronic communications devices. Employees should be aware that no computer usage including messages transmitted or received on the computer system are private or confidential. The City's full policy regarding the use of electronic communications equipment will be set forth in an administrative policy.

SECTION 2. Intent to Supersede County and City Ordinances. The provisions of this ordinance shall supersede County Ordinance No. 440, as amended, as County Ordinance No. 440 was adopted by City Ordinance No. 08-01. The provisions of this ordinance shall also supersede City Ordinance No. 08-14.

SECTION 3. 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 4. Effective Date. This ordinance shall take immediate effect upon its passage by the City Council.

SECTION 5. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933. The City Clerk shall certify the passage of this ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 20092010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.5
GENERAL BUSINESS
Meeting Date: August 11, 2010

TO: Mayor and City Council
FROM: Julie Hayward Biggs, City Attorney
CONTACT: Debbie Lee, City Clerk
SUBJECT: Ballot Argument

RECOMMENDATION:

Review and approve the ballot argument to appear in support of Measure R on the November 2, 2010 ballot.

DISCUSSION:

At the meeting held on July 28, 2010, the Council directed Staff to prepare a ballot argument in support of the permanent Gann Limit which will be submitted to the voters, as required by law, at the November 2, 2010 election. That argument has now been prepared and is presented as Attachment A for Council review.

WRITTEN BALLOT ARGUMENT FOR OR AGAINST PROPOSED MEASURES

Arguments for and against the ballot measures are due on or before August 16, 2010, and rebuttal arguments will be due August 26, 2010.

ALTERNATIVES:

The Council could choose not to submit an argument in favor of or in opposition to the ballot measure or could revise the argument prepared by staff.

LEGAL REVIEW:

The City Attorney's office has diligently worked with the City Manager and the City Clerk to review the material presented.

FISCAL IMPACTS:

None.

Submitted By:

Approved By:

Julie Hayward Biggs
City Attorney

Frank Oviedo
City Manager

ARGUMENT IN FAVOR OF MEASURE R

The City Council of the City of Wildomar urges your support of Measure R, which will enact a permanent limit on tax proceeds appropriations for the City. Under California law, cities are required to establish such limits based upon tax revenues received in the first full fiscal year following incorporation as a City. This limitation is known as the “Gann Limit.”

The Gann Limit established by Measure R, correctly reflects the calculation required by California law and reduces the amount of money the City may appropriate for city expenditures. The provisional expenditure limit that was originally established before the City was formed was \$13,266,694. The new limit that will be established by Measure R will be \$7,728,041. Once approved by the voters, that appropriations limit will be in effect for a period of four years unless it is adjusted by a vote of the people before that time.

Approval of this measure is necessary to bring the City of Wildomar into compliance with the requirements of California Constitution Article XIII B. If the measure is not approved, the provisional limit established prior to incorporation will remain in effect and will not represent the true limitation that should apply.

It is important for Wildomar to comply with state law. To accomplish that your “yes” vote is essential. Please join with the leadership of the City in supporting Measure R so that Wildomar to assure compliance with state law and to establish certainty with regard to the fiscal operations of the City.

Mayor Bridgette Moore

Mayor Pro Tempore Marsha Swanson

Councilmember Sheryl Ade

Councilmember Bob Cashman

Councilmember Scott Farnam