

CITY OF WILDOMAR
CITY COUNCIL

AGENDA

September 10, 2008
Council Chambers
23873 Clinton Keith Road



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

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA SEPTEMBER 10, 2008

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

REPORTS: All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road and at the Mission Trail Library, 34303 Mission Trail Blvd., Wildomar, CA. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mail list to receive a copy of the agenda, a request must be made through the City Clerk's office in writing or by e-mail.

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

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

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

7:00 P.M.

Call to order the Wildomar City Council

Roll Call:

Flag Salute:

Invocation:

Presentations: Updates from Police and Fire Services
Gina Magee, TIP (Trauma Intervention Program Inc)

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

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

MOTION: Move to approve the Consent Calendar, Items 1 – 3.

1. Approval of the reading by title only of all ordinances.
2. Approval of Regular City Council Minutes dated August 27, 2008.
3. Approval of Warrant Register dated August 29, 2008 in the amount of \$31,543.89.

Public Hearings:

4. Review and consider adoption of an ordinance that adopts certain titles of the Riverside County Code and codifies those adopted titles in the Wildomar Municipal Code.

ORDINANCE NO. 18 (Adoption) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING BY REFERENCE PORTIONS OF THE RIVERSIDE COUNTY CODE AS THE WILDOMAR MUNICIPAL CODE, INCLUDING THOSE PORTIONS THAT ADOPT BY REFERENCE THE FOLLOWING SECONDARY CODES: UNIFORM ADMINISTRATIVE CODE, 2001 CALIFORNIA BUILDING CODE, UNIFORM HOUSING CODE, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 2001 CALIFORNIA MECHANICAL CODE, 2001 CALIFORNIA PLUMBING CODE, UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, 2001 CALIFORNIA ELECTRICAL CODE, UNIFORM SIGN CODE, AND UNIFORM CODE FOR BUILDING CONSERVATION (Introduced at the August 27, 2008 Council Meeting, Item 6)

Staff Recommendation: Adopt Ordinance No. 18.

STAFF REPORT:

OPEN PUBLIC HEARING FOR TESTIMONY:

CLOSE PUBLIC HEARING:

COUNCIL DELIBERATION:

MOTION:

5. Zone Change No. 07630, Plot Plan No. 23289, and Tentative Parcel Map No. 35923, Environmental Assessment No. 41742
Applicant: Milestone Wildomar, LLC
Location: West of Jana Lane, approximately 650 feet south of the intersection of Jana Lane and Clinton Keith Road
Proposal: Change current Rural Residential zoning to Manufacturing-Service Commercial zoning; construct and operate a 99,208 square foot personal storage facility on 4.56 acres; a 90 unit recreational vehicle/self storage facility within 5 buildings and one parcel subdivision of 4.56 acres to allow for ownership of personal warehouse spaces and allow for common areas which will be maintained by management entity for the site.

Staff Recommendation: Approve project and direct staff to prepare appropriate resolutions and ordinance for the September 24, 2008 agenda.

STAFF REPORT:
OPEN PUBLIC HEARING FOR TESTIMONY:
CLOSE PUBLIC HEARING:
COUNCIL DELIBERATION:
MOTION:

General Business Items:

6. Consider request to authorize the City Manager to amend the Interwest contract to add several positions and to change the insurance language to more fully protect the City's assets.

STAFF REPORT:
PUBLIC COMMENT:
DISCUSSION:
MOTION:

7. Consider request to select an insurance provider to provide benefits for the employees of the City.

STAFF REPORT:
PUBLIC COMMENT:
DISCUSSION:
MOTION:

8. Consider adoption of an urgency Ordinance supporting the SCAQMD imposition of AB 2766, vehicle registration fee and bringing the City in compliance in order to receive the City's share of fee revenues.

ORDINANCE NO. 19 (Introduction) AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR SUPPORTING THE SCAQMD IMPOSITION OF A VEHICLE REGISTRATION FEE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 44223 (ADDED BY AB 2766) AND BRINGING THE CITY IN COMPLIANCE WITH SAID CODE IN ORDER TO RECEIVE THE CITY'S SHARE OF FEE REVENUES FOR MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS

STAFF REPORT:
PUBLIC COMMENT:
DISCUSSION:
MOTION:

9. Request each Council Member nominate a citizen as a representative on the Planning Commission subject to ratification by majority vote of the City Council and consider giving direction to staff regarding setting of compensation by resolution.

STAFF REPORT:
PUBLIC COMMENT:
DISCUSSION:
MOTION:

10. Consider selection of a date for the Strategic Visioning Session.

ORAL STAFF REPORT:
PUBLIC COMMENT:
DISCUSSION:
MOTION:

City Council Comments:

City Manager Report:

City Attorney Report:

Future Agenda Items:

Adjournment

The next regular meeting is scheduled for September 24, 2008

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

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

POSTING STATEMENT: On September 5, 2008, a true and correct copy of this agenda was posted at the three designated posting places; Wildomar City Hall, 23873 Clinton Keith Road, U. S. Post Office, 21392 Palomar Street, and Mission Trail Library, 34303 Mission Trail Blvd.

AGENDA ITEM 2

REGULAR MEETING
CITY OF WILDOMAR
CITY COUNCIL
AUGUST 27, 2008

The regular meeting of the Wildomar City Council was called to order by Mayor Robert Cashman at 7:00 P.M. at Wildomar City Hall, Council Chambers.

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

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

FLAG CEREMONY: The Flag Ceremony was given by Boy Scout Troop 332

INVOCATION: Mayor Cashman gave the invocation.

APPROVAL OF AGENDA:

Council Member Moore moved to approve the agenda, seconded by Council Member Swanson, seconded the motion. Roll Call vote: - Ayes: 5, Nays: 0. Motion Carried.

PRESENTATION:

Council Member Moore presented certificates to various community members involved in the incorporation efforts from the California Legislature and Board of Supervisors.

Mona Davies gave a presentation on behalf of the Community Outreach Ministry.

COMMUNICATIONS FROM THE PUBLIC:

Roger LeClerc addressed Council regarding various subjects; zip code 92530 consider a Wildomar district, voting yes on Proposition 2, cold winter shelter for homeless.

Darrin Ruble did not wish to speak.

CONSENT AGENDA:

Council Member Moore moved to approve the Consent Calendar, Items 1 – 5, seconded by Council Member Farnam. Roll Call vote: - Ayes: 5, Nays: 0. Motion Carried.

1. Approved the reading by title only of all ordinances.
2. Approved the regular City Council minutes dated August 13, 2008.
3. Approved the Warrant Register dated August 19-20, 2008 in the amount of \$178,600.84.
4. Adopted Ordinance No. 15 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONSOLIDATING THE CITY'S GENERAL MUNICIPAL ELECTIONS WITH THE STATEWIDE GENERAL ELECTION AND ESTABLISHING THE DATE OF THE CITY'S FIRST GENERAL MUNICIPAL ELECTION (Introduced at the August 13, 2008 meeting, Item 4.2)
5. Adopted ORDINANCE NO. 16 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION REPEALING AND THEN ADDING REPLACEMENT MUNICIPAL CODE SECTION 17.04.040 (Introduced at the August 13, 2008 meeting, Item 4.4)

GENERAL BUSINESS ITEMS:

6. Review and consider introduction of an ordinance that adopts certain titles of the Riverside County Code and codifies those adopted titles in the Wildomar Municipal Code.

ORDINANCE NO. 18 (Introduction) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING BY REFERENCE PORTIONS OF THE RIVERSIDE COUNTY CODE AS THE WILDOMAR MUNICIPAL CODE, INCLUDING THOSE PORTIONS THAT ADOPT BY REFERENCE THE FOLLOWING SECONDARY CODES: UNIFORM ADMINISTRATIVE CODE, 2001 CALIFORNIA BUILDING CODE, UNIFORM HOUSING CODE, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 2001 CALIFORNIA MECHANICAL CODE, 2001 CALIFORNIA PLUMBING CODE, UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, 2001 CALIFORNIA ELECTRICAL CODE, UNIFORM SIGN CODE, AND UNIFORM CODE FOR BUILDING CONSERVATION (Public Hearing scheduled for September 10, 2008)

City Attorney Biggs presented the staff report.

Mayor called for public comments, none being heard.

The City Clerk read the title of Ordinance No. 18.

Council Member Moore moved to introduce Ordinance No. 18 as read and schedule a public hearing for September 10, 2008, seconded by Council Member Swanson. Roll Call vote: - Ayes: 5, Nays: 0. Motion Carried.

7. Review and provide direction on the public request to reopen Wesley Street for public use, between Palomar Street and Como Street.

Michael Kashiwagi, Development Services, presented the staff report.

Mayor Cashman called for public comments.

Mary Ann Mealey spoke in favor of reopening Wesley Street.

Gary Andre supported reopening Wesley Street.

Jerry Coces spoke in opposition of the reopening of the street.

Council Member Swanson noted the condition to allow the property to be split to smaller sizes was placed on the property by the County thirty years ago. She said the City could not pave all the dirt roads in the City but she was in favor of removing the fence.

Council Member Moore asked if the Fire Department was contacted to get their opinion on opening the street. Mr. Kashiwagi noted that they had not been contacted and Council Member Moore requested their input.

Council Member Farnam moved that letters be sent to property owners and to residents of the Windmill track, perform due diligence and return the item to Council.

Council Member Ade seconded the motion.

Council Member Farnam explained that he supported private property rights and wanted the residents to express their views. He also wanted to hear from the Sheriff and Fire Departments.

Council Member Ade agreed and noted that Palomar was due to be widened and the line of sight would be addressed at that time.

Mayor Cashman said he wanted to make sure the property rights of the people were protected. He explained that there were questions about whether the twenty-five year rule had been exceeded and whether all the dedications were invalid.

Council Member Swanson agreed that the Council needed to hear from the residents but also from emergency services.

Roll Call on the motion that letters be sent to property owners and to residents of the Windmill track, perform due diligence and return the item to Council: vote: - Ayes: 5, Nays: 0. Motion Carried.

8. Report on and consider the City's position on the re-designation of the City Community Trails and the addition of two critical linkages.

Gary Andre, Trails Committee Member, gave a power point presentation of the current trails and the two linkages.

Planning Director Gary Wayne presented the staff report. He added that the General Plan would need amending, which would take considerable time and could only be amended four times a year.

Council Member Ade moved to direct the City Manager to send a letter to the Board of Supervisors acknowledging the Council's support of the redesignation of the City's community trails to regional trails and support the addition of two critical linkages. Motion seconded by Council Member Moore. Roll call vote: - Ayes: 5, Nays: 0. Motion Carried.

9. Review and consider adoption of a Resolution adopting a Conflict of Interest Code.

RESOLUTION NO. 08-61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE

City Attorney Biggs presented the staff report.

There were no public comments.

Council Member Moore moved to approve Resolution No. 08-61, seconded by Council Member Ade. Roll call vote: - Ayes: 5, Nays: 0. Motion Carried.

10. Consider initiation of the application process for membership in the Board of the Western Riverside County Regional Conservation Authority (WRCRCA) and the Riverside County Habitat Conservation Agency (RCA).

Planning Director Wayne presented the staff report, there were no public comments.

Council Member Swanson moved to approve the application process and appoint Council Member Ade as the representative and Council Member Farnam as the alternate to the WRCRCA and RCA. Roll call vote: - Ayes: 5, Nays: 0. Motion Carried.

11. Consider the request from the Wildomar Community Council Street Fair and Car Show dated August 3, 2008.

Development Services Director Michael Kashiwagi introduced the staff report.

Public Comments:

John Lloyd spoke in favor of the request and explained the corrected request for financial participation was reduced from \$1,427 to \$677.

Kami Sabetzadeh added his support for the request and the Fair.

Sharon Heil commented in favor of the request.

Nancy Noble and Edy Rodarme did not wish to speak

Various Council Members expressed concern over the request for financial assistance, citing a possible precedent.

Chief Fetherolf noted that the request to close Mission Trail had not been reviewed by safety forces. He explained that if this was a City sponsored event, the City would accept the liability and the cost of safety forces.

Council Member Ade noted her concern that there was no mechanism in place to receive and review requests and allocate the City's total dollar amount for financial assistance and she requested a moratorium on future requests.

Council Member Farnam felt that the City could make an exception in this case, approve with a not to exceed amount and review future requests for financial assistance on a case by case basis.

Council Member Moore moved to approve the request in an amount not to exceed \$1,500 and to place a moratorium on future requests until a process was in place. Motion seconded by Council Member Ade. Roll Call vote: - Ayes: 4, Nays: 1, Council Member Farnam. Motion Carried.

12. Consider request to authorize the City Manager to negotiate a contract with Terry Fitzwater for management of Administrative Services for the City of Wildomar in an amount not to exceed \$8,500 per month.

City Manager Danielson offered the staff report.

Public Comments:

Gina Castanon spoke in opposition to the request.

Council Members expressed desire to have the City Manager offer a request for proposals for these services to secure the best service at a fair and equitable cost.

Council Member Ade moved to approve the request of the City Manager, seconded by Council Member Swanson. Roll Call vote: - Ayes: 3: Nays: 1, Council Member Moore, Abstention: 1, Council Member Farnam. Motion Carried.

CITY COUNCIL COMMENTS:

Council Member Moore thanked Albertsons for the donation of the cake for this evening's first Council meeting in the City Hall.

Various Council Members thanked staff for their efforts.

Council Member Ade reported on a recent code enforcement activities behind the Albertsons store. She added that John Boyd, code enforcement officer, would be willing to attend a meeting once a month to provide an update.

Mayor Cashman advised of a meeting of the Five Centers Cultural Park, August 28, 2008 at 7:00 P.M. at the Library. He thanked staff for recent efforts at the Ronald Regan School.

CITY MANAGER REPORT:

City Manager John Danielson explained that Terry Fitzwater and he had been working on a benefits analysis and he asked for two Council Members to volunteer to assist in

evaluating the final two teams. Council Member Ade and Council Member Swanson volunteered.

Mr. Danielson advised that he had invited the fire and law enforcement to attend a meeting once a month to provide an update. After some discussion, it was agreed to have the fire and law enforcement at the beginning of the first meeting of each month and code enforcement at the last meeting of the month.

Chief of Police, Lewis Fetherolf, introduced Lieutenant Shelly Kennedy Smith, patrol division manager. Lieutenant Smith gave a brief history of her career. Chief Fetherolf noted that for the first seven weeks of incorporation, they surpassed the 2,750th call for service in the City. He explained the contract was still being reviewed by legal counsel.

CITY ATTORNEY REPORT:

City Attorney Julie Hayward Biggs reported the Ste. Marie case verses the City of Wildomar had been won and that Mr. Marie had filed a request for a new trial. The motion was pending and counsel was responding accordingly. In addition, she said, she had been asked by the County of Riverside to assist in some of their work in regard to the case by Mr. Ste. Marie in the case against LAFCO and unless there was other direction from the City, she would play a supporting role in that action.

FUTURE AGENDA ITEMS:

Council Member Swanson spoke about a group called "Search Dogs of Riverside County" and she wished to have them make a short presentation to Council.

Council Member Moore requested membership in AQMD be on one of the September agendas. Mr. Kashiwagi said it would be on the September 10th agenda.

Council Member Farnam said he thought Council agreed to return to the visioning process in September which would include the logo and branding. He felt that Council might be able to look at some design guideline changes, ridgeline ordinances and hillside plant material. He wished to agendize that for September. He also wished to agendize franchise fees, vendors and the revenue generated. He wished to add to a future agenda the possibility of a flag pole in the front planter of City Hall. He asked for costs of blinds of tinting of the windows of the Council Chambers by next meeting. He finalized by asking for an educational presentation on redevelopment. Council Member Ade noted that the subcommittee on visioning, her and Council Member Farnam, needed to get back together.

Council Member Ade noted that September 1, 2008 was the deadline for applications for the Planning Commission. She wanted that on the next agenda. She reiterated that Council had asked staff for a status on the request for a white paper on redevelopment.

ADJOURNMENT:

No further business to come before the Council, Council Member Moore moved to adjourn, seconded by Council Member Farnam. Roll Call vote: - Ayes: 5, Nays: 0.
Motion Carried.

The regular meeting of the Wildomar City Council adjourned at 9:15 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3
ACTION ITEM
Meeting Date: September 10, 2008

TO: Mayor and Members of the City Council
FROM: Finance Department
SUBJECT: Warrant Register dated August 29, 2008

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated August 29, 2008 in the amount of \$31,543.89.

BACKGROUND:

The City of Wildomar City Code Chapter 3.03 requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Check Register dated August 29, 2008 is submitted for approval.

DISCUSSION:

FISCAL IMPACTS:

As indicated above, the Warrant Register for August 29, 2008 has a budgetary impact of \$31,543.89, which is included in the FY08-09 Budget.

ALTERNATIVES:

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

Submitted by:



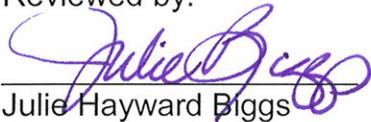
Finance Department

Approved by:



John Danielson
City Manager

Reviewed by:



Julie Hayward Biggs
City Attorney

Attachments: Warrant Register dated August 29, 2008

City of Wildomar
Check Detail
August 29, 2008

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	1303	8/29/2008	City of Canyon Lake		10 1000 1 Cash - ...		0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1329	8/29/2008	Belnick, Inc.		10 1000 1 Cash - ...		-2,219.40
Bill		8/29/2008			10 411 21 Supplies/...	-2,219.40	2,219.40
TOTAL						-2,219.40	2,219.40
Bill Pmt -Check	1330	8/29/2008	CBC Echnical		10 1000 1 Cash - ...		-6,380.56
Bill		8/29/2008			10 411 21 Supplies/...	-6,380.56	6,380.56
TOTAL						-6,380.56	6,380.56
Bill Pmt -Check	1331	8/29/2008	DELL Marketing L.P		10 1000 1 Cash - ...		-7,234.36
Bill		8/29/2008			10 411 21 Supplies/...	-7,234.36	7,234.36
TOTAL						-7,234.36	7,234.36
Bill Pmt -Check	1332	8/29/2008	Flags! Georgia		10 1000 1 Cash - ...		-290.00
Bill		8/29/2008			10 411 21 Supplies/...	-290.00	290.00
TOTAL						-290.00	290.00
Bill Pmt -Check	1333	8/29/2008	Image Printing Sy...		10 1000 1 Cash - ...		-103.44
Bill		8/29/2008			10 450 21 Supplies/...	-51.72	51.72
TOTAL					10 440 21 Supplies/...	-51.72	51.72
						-103.44	103.44
Bill Pmt -Check	1334	8/29/2008	Innovative Docum...		10 1000 1 Cash - ...		-11,765.22
Bill		8/29/2008			10 480 31 Furniture...	-11,765.22	11,765.22
TOTAL						-11,765.22	11,765.22
Bill Pmt -Check	1335	8/29/2008	League of Californ...		10 1000 1 Cash - ...		-700.00
Bill		8/29/2008			10 411 20 Travel/M...	-700.00	700.00
TOTAL						-700.00	700.00

City of Wildomar
Check Detail
August 29, 2008

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1336	8/29/2008	Purchasing-Supply		10 1000 1 Cash - ...		-2,763.03
Bill		8/29/2008			10 411 21 Supplies/...	-1,904.83	1,904.83
Bill		8/29/2008			10 480 29 Misc. Ser...	-212.67	212.67
					10 480 29 Misc. Ser...	-645.53	645.53
TOTAL						-2,763.03	2,763.03
Bill Pmt -Check	1337	8/29/2008	The Press-Enterpri...		10 1000 1 Cash - ...		-87.88
Bill		8/29/2008			10 480 29 Misc. Ser...	-87.88	87.88
TOTAL						-87.88	87.88

31,543.89

CITY OF WILDOMAR – COUNCIL
Agenda Item 4
DISCUSSION/ACTION ITEM
Meeting Date: August 24, 2008
September 10, 2008

TO: Mayor Cashman, Members of the City Council
FROM: Julie Hayward Biggs, City Attorney
SUBJECT: Ordinance Adopting County Code

STAFF REPORT

RECOMMENDATION:

Review and consider adoption of an ordinance that adopts certain titles of the Riverside County Code and codifies those adopted titles in the Wildomar Municipal Code.

BACKGROUND:

On July 1, 2008, the City Council adopted Ordinance No. 08-01, which kept the ordinances of Riverside County in effect in the City for a period of one hundred and twenty (120) days. The same day, the City Council adopted Ordinance No. 08-02, which established the Wildomar Municipal Code and set forth the provisions of Titles 1 and 2 of the Wildomar Municipal Code. Section 1.01.030(b) the Wildomar Municipal Code provides for the general organization for the Wildomar Municipal Code, prescribing the name and numbers of the titles that are to be included in the Wildomar Municipal Code. Per Section 1.01.030(b), the titles of the Wildomar Municipal Code are to be organized as follows:

- (1) General Provisions
- (2) Administration and Personnel
- (3) Revenue and Finance
- (4) Miscellaneous Regulations
- (5) Business Regulations
- (6) Health and Sanitation
- (7) Subdivisions
- (8) Buildings and Construction
- (9) Planning and Zoning
- (10) Animals
- (11) Peace, Morals, and Safety
- (12) Vehicles and Traffic
- (13) Parks and Recreational Facilities

- (14) Streets and Sidewalks
- (15) Water and Sewers
- (16) RESERVED

DISCUSSION:

On October 28, 2008, Ordinance No. 08-01 will expire and the ordinances of the County of Riverside will no longer be in effect in the City. Therefore, it is necessary to establish a permanent code of ordinances on or prior to this date. This ordinance adopts by reference titles 4 through 17 of the Riverside County Code and codifies those titles in the Wildomar Municipal Code in accordance with the organizational scheme provided in Section 1.01.030(b).

State law provides certain procedures that must be followed when a city adopts a code by reference. In particular, Government Code section 50022.3 provides that after the first reading of the title of the ordinance adopting the code, the City Council must set a public hearing for the ordinance and publish notice of the hearing for at least two weeks prior to the hearing. In addition, Government Code section 50022.4 provides that any penalty clauses contained in the code cannot be adopted by reference; penalty clauses must be set forth in full in the ordinance if they are to be adopted. However, this ordinance does not adopt any of the penalty clauses in the Riverside County Code because Chapter 1.03 of the Wildomar Municipal Code, adopted on July 1, 2008, already contains penalty provisions.

By adopting Title 15 of the Riverside County Code, this Ordinance also adopts by reference the codes that are adopted by reference in that title. Section 50022.6 requires that the City keep and maintain a copy of these "secondary codes" that are being adopted by reference as well as the "primary code" (i.e. the Riverside County Code) that is being adopted by reference. These codes must be available for public inspection. This ordinance includes a section requiring that these codes be maintained by the City Clerk.

FISCAL IMPACTS:

None.

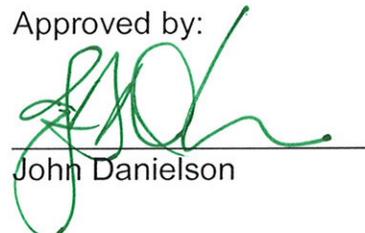
ALTERNATIVES:

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

Submitted by:


Julie Hayward Biggs

Approved by:


John Danielson

Meeting Date: Aug. 27, 2008
September 10, 2008

City Attorney

City Manager

Attachments:

Ordinance No. 18

ORDINANCE NO. 18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING BY REFERENCE PORTIONS OF THE RIVERSIDE COUNTY CODE AS THE WILDOMAR MUNICIPAL CODE, INCLUDING THOSE PORTIONS THAT ADOPT BY REFERENCE THE FOLLOWING SECONDARY CODES: UNIFORM ADMINISTRATIVE CODE, 2001 CALIFORNIA BUILDING CODE, UNIFORM HOUSING CODE, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 2001 CALIFORNIA MECHANICAL CODE, 2001 CALIFORNIA PLUMBING CODE, UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, 2001 CALIFORNIA ELECTRICAL CODE, UNIFORM SIGN CODE, AND UNIFORM CODE FOR BUILDING CONSERVATION

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

SECTION 1. Recitals.

- (a) On July 1, 2008, the City Council adopted Ordinance No. 08-01, which adopted the Ordinances of the County of Riverside as the ordinances of the City of Wildomar for a period of one-hundred and twenty (120) days.
- (b) City Ordinance No 08-02 sets forth Titles 1 and 2 of the Wildomar Municipal Code and provides for how the Wildomar Municipal Code shall be organized.
- (c) The City Council desires to adopt certain provisions of the Riverside County Code by reference and codify them as the Wildomar Municipal Code in accordance with the organization for the Wildomar Municipal Code set forth in Ordinance No. 08-02.
- (d) Government Code sections 50022.1 through 50022.9 authorize the City to adopt the Riverside County Code, or portions thereof, by reference and set forth the procedures that must be followed for the City to adopt the Riverside County Code by reference.
- (e) On September 10, 2008, a public hearing was held after the first reading of this Ordinance. Notice of the public hearing was given in accordance with Government Code section 6066.
- (f) A copy of the Riverside County Code and all secondary codes adopted by reference in the Riverside County Code was filed with

the City Clerk at least fifteen (15) days prior to the public hearing and was available for public inspection.

SECTION 2. Riverside County Code Adopted By Reference. Pursuant Government Code section 50022.9, the City Council hereby adopts the following Titles of the Riverside County Code, as they existed on July 1, 2008, except as portions of those Titles have been superseded by Ordinances 08-02 through 08-14 of the Wildomar City Council adopted on July 1, 2008.

- (a) Title 4 – Revenue and Finance
- (b) Title 5 – Business Licenses and Regulations
- (c) Title 6 – Animals
- (d) Title 8 – Health and Safety
- (e) Title 9 – Public Peace, Morals and Welfare
- (f) Title 10 – Vehicles and Traffic
- (g) Title 12 – Streets, Sidewalks and Public Places
- (h) Title 13 – Public Services
- (i) Title 15 – Buildings and Construction
- (j) Title 16 – Subdivisions
- (k) Title 17 - Zoning

SECTION 3. Codification of Riverside County Code as Wildomar Municipal Code. The Titles adopted by reference in Section 1 of this Ordinance shall be codified in the Wildomar Municipal Code in the following manner:

- (a) Title 4, "Revenue and Finance," of the Riverside County Code shall be codified as Title 3, "Revenue and Finance," of the Wildomar Municipal Code.
- (b) Title 5, "Business Licenses and Regulations," of the Riverside County Code shall be codified as Title 5, "Business Regulations," of the Wildomar Municipal Code.
- (c) Title 6, "Animals," of the Riverside County Code shall be codified as Title 10, "Animals," of the Wildomar Municipal Code.
- (d) Title 8, "Health and Safety," of the Riverside County Code shall be codified as Title 6, "Health and Sanitation," of the Wildomar Municipal Code.

- (e) Title 9, "Public Peace, Morals and Welfare," of the Riverside County Code shall be codified as Title 11, "Peace, Morals and Safety," of the Wildomar Municipal Code.
- (f) Title 10, "Vehicles and Traffic," of the Riverside County Code shall be codified as Title 12, "Vehicles and Traffic," of the Wildomar Municipal Code.
- (g) Title 12, "Streets, Sidewalks and Public Places," of the Riverside County Code shall be codified as Title 14, "Streets and Sidewalks," of the Wildomar Municipal Code.
- (h) Title 13, "Public Services," of the Riverside County Code shall be codified as Title 15, "Water and Sewers," of the Wildomar Municipal Code.
- (i) Title 15, "Buildings and Construction," of the Riverside County Code shall be codified as Title 8, "Buildings and Construction," of the Wildomar Municipal Code.
- (j) Title 16, "Subdivisions," of the Riverside County Code shall be codified as Title 7, "Subdivisions," of the Wildomar Municipal Code.
- (k) Title 17, "Zoning," of the Riverside County Code shall be codified as Title 9, "Planning and Zoning," of the Wildomar Municipal Code.

SECTION 4. Interpretation of Riverside County Code As Applied to the City.

Any reference in the Riverside County Code, as adopted by reference by Section 1 of this Ordinance, to an office, official title, or other designation shall be interpreted to refer to the corresponding office, title or designation in the governmental structure of the City. If there is no corresponding office, title or designation, then the reference shall be interpreted to refer to the office or person in the City who performs the function or duty referred to in the section.

SECTION 5. Copies of Codes. One copy of the Riverside County Code, as adopted by reference in Section 1 of this Ordinance and codified in Section 2 of this Ordinance, and one copy of each of the secondary codes adopted by reference in the Riverside County Code shall be kept in the office of the City Clerk for so long as the codes are in effect in the City. The City Clerk shall at all times maintain a reasonable supply of copies of the Riverside County Code, as adopted by reference in Section 1 of this Ordinance and codified in Section 2 of this Ordinance, and of all secondary codes incorporated in it by reference, available for purchase by the public at a moderate price, not to exceed the actual cost thereof to the City.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will 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 7. Effective Date. This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 8. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

The foregoing Ordinance was introduced and placed upon its first reading at a regular meeting of the City Council of the City of Wildomar held on the 27th day of August, 2008 and thereafter passed and adopted at the regular meeting of said City Council on the 27th day of August, 2008 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bob Cashman, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: PH - COUNTY CODES

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08-27-08
09-03-08

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Sep. 3, 2008
At: Riverside, California



CITY OF WILDOMAR - LEGAL
23873 CLINTON KEITH ROAD
SUITE 201
WILDOMAR CA 92595

Ad #: 9435437

PO #:

Agency #: _____

Ad Copy:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Wildomar, California, will hold a public hearing on Wednesday, September 10, 2008, at 7:00 P.M. in the Council Chambers, 23873 Clinton Keith Road, Wildomar, CA, pursuant to Section 50022.3 of the Government Code to consider an ordinance that adopts by reference titles 4 through 17 of the Riverside County Code and codifies those titles in the Wildomar Municipal Code in accordance with the organizational scheme provided in Section 1.01.030(b).

Copies of the primary code and copies of the secondary code are on file with the City Clerk and are open for inspection.

All interested parties are invited and encouraged to attend said meeting and express their opinions for or against this item.

NOTE: If you challenge the item listed above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in a written correspondence delivered to the City Council at, or prior to, the public hearing. Furthermore, you must exhaust any administrative remedies prior to commencing a court challenge to City's action.

**BY ORDER OF THE CITY
COUNCIL OF THE CITY OF
WILDOMAR SHERYLL
SCHROEDER, MMC
CITY CLERK**

Publish: August 27, 2008 &
September 3, 2008
Press Enterprise 8/27, 9/3

CITY OF WILDOMAR – COUNCIL
Agenda Item 5
DISCUSSION/ACTION ITEM
Meeting Date: September 10, 2008

TO: Mayor Cashman, Members of the City Council

FROM: Gary Wayne, Development Services

SUBJECT: Change of Zone No. 07630 (CZ07630), Plot Plan No. 23289 (PP 23289) and Tentative Parcel Map No. 35923 (PM35923) and Environmental Assessment No. 41742

STAFF REPORT

RECOMMENDATION:

Approve project and direct staff to prepare appropriate resolutions and ordinance for the September 24, 2008 agenda.

BACKGROUND:

Change of Zone No. 07630 (CZ07630), Plot Plan No. 23289 (PP 23289) and Tentative Parcel Map No. 35923 (PM35923) were submitted to the County of Riverside on February 5, 2008. The Project is located West of Jana Lane, approximately 650 feet south of the intersection of Jana Lane and Clinton Keith Road and the specific Project components are listed below:

- CZ07630: The General Plan Land Use Map identifies the project site as Business Park (BP) (0.25-0.60 FAR) CZ 07630 proposes to change the current zoning R-R (Rural Residential) to Manufacturing-Service Commercial (M-SC) to be consistent with the General Plan Land Use Designation.
- PP23289: The construction and operation of 99,208 square foot personal storage facility on a 4.56 acre site. The project consists of a 90-unit recreational vehicle/self storage facility located within five buildings.
- PM35923: A one (1) parcel subdivision of 4.56 acres which will allow for individual ownership of the personal warehouse spaces and also allow for common areas which will be maintained by a management entity for the site.

Meeting Date: September 10, 2008

The Project was reviewed by the County of Riverside and was cleared by all of the Departments in June/July, 2008. Conditions of Approval were developed by the County Departments and have since been refined by City Staff.

According to the County Staff, the Project was originally going to be heard by the County Planning Commission; however, the Project was not scheduled for the Planning Commission, as the Change of Zone would have required action by the Board of Supervisors and this action could not take place before July 1, 2008. As of July 1, 2008 the City of Wildomar assumed jurisdiction over the Project.

DISCUSSION:

Wildomar staff has reviewed the project for consistency with City codes and policies, good design standards, standard planning practices and the California Environmental Quality Act (CEQA), including City CEQA Guidelines.

In early 2008, Riverside County General Plan Amendment 0884 changed the land use designation for the project site from Light Industrial (LI) to Business Park (BP). The existing zoning of Rural Residential (R-R) is "generally inconsistent" to implement either land use designation. The M-SC zone is considered "highly consistent" to implement the LI designation and "conditionally consistent" for implementing the BP designation. The Industrial-Park (I-P) zone would provide a "highly consistent" implementing zone for the BP designation, however, the relatively small size of the property (4.56 acres), its location adjacent to other M-SC zoning with a similar storage use, adequate buffers, overall non-intrusive nature of the use and the scattered ownership in the area would indicate that the M-SC zoning proposed is acceptable to implement the BP designation.

The Plot Plan was reviewed for general design, access, and internal circulation, compatibility with the surrounding area and uses and for the required plot plan contained in the Wildomar Zoning Code. The site is currently vacant and covered with ruderal vegetation. Access will be provided by two driveways off Jana Lane at the north and south ends of the project, thus providing for adequate separation, as well as, adequate ingress and egress.

The proposed project will consist of five structures four of which will be located along the four property lines of the rectangular parcel and which surround the fifth structure located in the middle of the parcel. The five structures total 98,531 sq. ft. of personal recreational vehicle storage, divided into 90 condominium units ranging in size from approximately 1,000 sq. ft. to 1,700 sq. ft. There will not be an on-site sales office and management of the property will be provided by an off-site property management company under the direction of an Owners Association.

Meeting Date: September 10, 2008

Internal circulation will be via a 50 foot wide drive that provides access to all of the units. Two on-site parking spaces will be provided near the restrooms

(each unit is essentially a garage). The project also includes an on-site wash bay and dump station that are designed to meet discharge requirements. The RV wash and dump station consists of a concrete pad 15 feet wide and 50 feet long. The dump station will drain by gravitational flow to the sewer connection at Jana Lane. The wash station consists only of a hose bib which will allow users to wash their vehicles and/or purge portable water holding tanks. No professional cleaning equipment or chemicals will be available at the site.

The project has been designed to provide architectural detail, both horizontal and vertical, to the surrounding properties. There will be both flat and gabled two-story features as well as decorative columns, split rail fences, decorative doors and windows and a mix of wood panel and stucco exterior siding. All of the garage or unit doors are internal to the project.

Landscaped setback areas will be provided along Jana Lane and on the southern property water retention area that also provides a buffer to future residential uses to the south. All trees, shrubs, vines and ground cover will be "low" water use varieties (xeriscape).

The project meets all of the Wildomar General Plan and code requirements and is consistent with applicable State Laws. The project has also been designed to provide all of the necessary improvement, both public and private, to protect the health, safety and general welfare of Wildomar residents. The Plot Plan is conditioned to prohibit the sale of any of the units until Parcel Map PM35923 has been approved, finalized and recorded and is therefore consistent with the City's subdivision ordinance and the required Plot Plan finding for "for sale units".

ENVIRONMENTAL ASSESSMENT:

An Environmental Assessment (EA) (for CEQA compliance) was prepared for the Project and reviewed by City Staff. Based on the EA (AKA Initial Study), staff determined that the proposed project, as conditioned, could not have a significant effect on the environment and that a Negative Declaration would be prepared. This EA, along with a Notice of Intent to Adopt a Negative Declaration were circulated for a twenty day review period (August 2, 2008 through August 21, 2008). No comments were received during this review period. With the implementation of standard conditions of approval, all impacts are reduced to a less than significant level and therefore, Staff is recommending the City Council adopt a Negative Declaration for the Project.

The applicant has worked closely with City Staff to ensure that all issues pertaining to the Project have been addressed.

Meeting Date: September 10, 2008

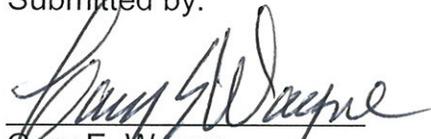
FISCAL IMPACTS:

- Development of this site is projected to garner a total of \$181,133.00 in mitigation fees. An additional \$46,000 in local school fees, \$62,000 in Development Impact Fees (DIF), and \$55,000 in Transportation Uniform Mitigation Fees (TUMF).
- The original assessed value of the property was \$513,000 resulting in annual property tax revenues of approximately \$5,200. Upon completion of construction and sale of the units, property tax revenues are projected to increase to approximately \$128,500, an increase of over 2,300%.
- This project, compared with alternate uses allowed in the M-SC Zone, minimizes required services, including fire, police, and schools.

ALTERNATIVES:

1. Deny the Applications
2. Provide Staff with Further Direction

Submitted by:



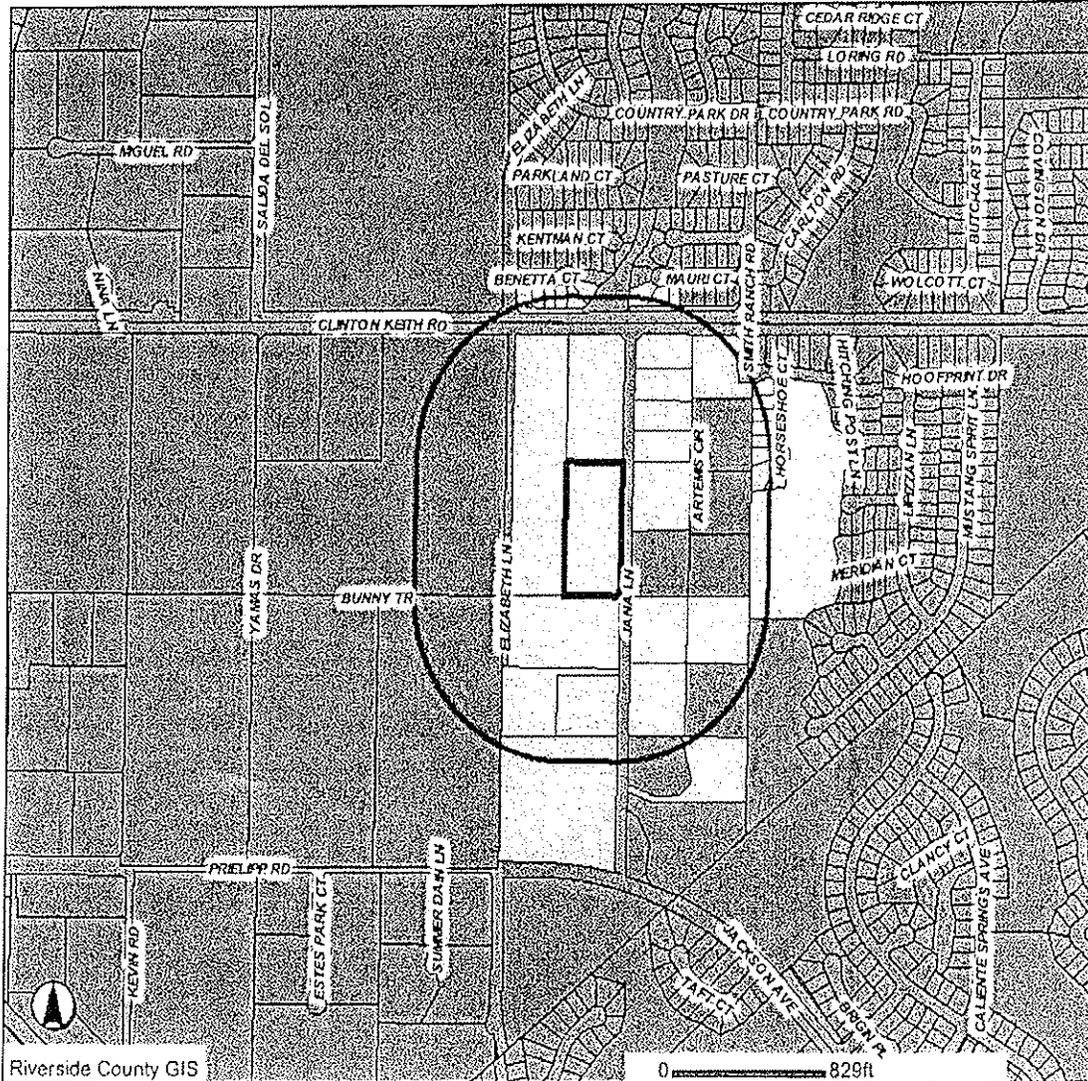
Gary E. Wayne
Development Services

Approved by:



John Danielson
Interim City Manager

800 foot buffer



Selected parcel(s):

- 362-600-020 362-600-021 362-600-022 362-600-042 362-600-043 362-600-044 362-600-045
- 362-600-046 362-600-047 362-600-049 380-290-002 380-290-003 380-290-004 380-290-005
- 380-290-006 380-290-008 380-290-009 380-290-010 380-290-011 380-290-012 380-290-014
- 380-290-015 380-290-017 380-290-025 380-290-029 380-290-030 380-290-037 380-350-001
- 380-350-002 380-350-003 380-350-004 380-350-005 380-350-006 380-350-007 380-350-008
- 380-350-035

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

MAP PRINTED ON...08/14/2008

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 8/14/08,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers 380-290-003 For

Company or Individual's Name Planning Department,

Distance buffered 600' 800'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. - 5 p.m.): (951) 955-8158

Notice of Public Hearing

THE CITY OF WILDOMAR
23873 Clinton Keith Road, Suite 111
Wildomar, CA 92595

A PUBLIC HEARING has been scheduled before the CITY COUNCIL to consider the matter(s) described below.

Case No: Change of Zone No. 07630 (CZ07630), Plot Plan No. 23289 (PP 23289); and Tentative Parcel Map No. 35923 (PM35923), and Environmental Assessment (E.A.) Number 41742

Applicant: Milestone Wildomar, LLC

Location: West of Jana Lane, approximately 650 feet south of the intersection of Jana Lane and Clinton Keith Road

Proposal(s): CZ07630: The General Plan Land Use Map identifies the project site as Business Park (BP) (0.25-0.60 FAR) CZ 07630 proposes to change the current zoning R-R (Rural Residential) to Manufacturing-Service Commercial (M-SC) to be consistent with the General Plan Land Use Designation of LI (Light Industrial).

PP23289: The construction and operation of 99,208 square foot personal storage facility on a 4.56 acre site. The project consists of a 90-unit recreational vehicle/self storage facility located within five buildings.

PM35923: A one (1) parcel subdivision of 4.56 acres which will allow for individual ownership of the personal warehouse spaces and also allow for common areas which will be maintained by a management entity for the site.

Environmental

Action: In accordance with the California Environmental Quality Act (CEQA), proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be adopted.

Any person may submit written comments to the City Council before the hearing(s) or may appear and be heard in support of or opposition to the approval of the project(s) at the time of hearing. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondences delivered to the City Clerk at, or prior to, the public hearing(s). The proposed project application(s) may be viewed at the public information counter, Wildomar Planning Department, 23873 Clinton Keith Road, Suite 111, Wildomar, CA 92595, Monday through Friday from 8:00 a.m. until 5:00 p.m. Questions concerning the project(s) may be addressed to Gary Wayne, Director of Planning, City of Wildomar Planning Department, (951) 677-7751.

PLACE OF HEARING: City Council Chambers
23873 Clinton Keith Road
Wildomar, California
DATE OF HEARING: September 10, 2008
TIME OF HEARING: 7:00 PM



APN: 362600020 ASMT: 362600020
JEOVANNI ATALLINNI
24931 MAURI CT
WILDOMAR CA. 92595

APN: 362600021 ASMT: 362600021
CRISOFORO T MOLANO
MARCELINA MOLANO
24919 MAURI CT
WILDOMAR CA. 92595

APN: 362600022 ASMT: 362600022
GRAHAM P WEBSTER
KELLY WEBSTER
24907 MAURI CT
WILDOMAR CA. 92595

APN: 362600042 ASMT: 362600042
GERMAN MARTINEZ
SUSANA MARTINEZ
24763 BENETTA CT
WILDOMAR CA. 92595

APN: 362600043 ASMT: 362600043
HILDA MARTHA SOTO
24775 BENETTA CT
WILDOMAR CA. 92595

APN: 362600044 ASMT: 362600044
LORNA SOLON FAAMAFEO
12955 GINGERWOOD CT
CORONA CA 92880

APN: 362600045 ASMT: 362600045
ANDREW W DUNN
24799 BENETTA CT
WILDOMAR CA. 92595

APN: 362600046 ASMT: 362600046
ROBERT A ACERET
REZENA B ACERET
24811 BENETTA CT
WILDOMAR CA 92595

APN: 362600047 ASMT: 362600047
STEVEN E BLOCKER
JACQUELINE M BLOCKER
24823 BENETTA CT
WILDOMAR CA 92595

APN: 362600049 ASMT: 362600049
CARMEL HILL INC
C/O CANNON MANAGEMENT
2900 ADAMS ST STE 100
RIVERSIDE CA 92504

APN: 380290002 ASMT: 380290002
SHIBA YAMAMOTO & PARTNERS
C/O SADA O YAMAMOTO
1526 ZARA ST
GLEN DORA CA 91741

APN: 380290003 ASMT: 380290003
MILESTONE WILDOMAR
5405 MOREHOUSE DR NO 330
SAN DIEGO CA 92121

APN: 380290004 ASMT: 380290004
JANA LANE PROP
C/O ABRAHAM GREENBOIM
6390 GREENWICH DR NO 240
SAN DIEGO CA 92122

APN: 380290005 ASMT: 380290005
GEORGES ZEITOUNE
ROSEMARY ZEITOUNE
C/O ELIAS ZIETOUNE
1858 CANYON HEIGHTS RD
FALLBROOK CA 92028



APN: 380290006 ASMT: 380290006
BACHYEN T HOANG
STE A101
40119 MURRIETA HOT SPGS
MURRIETA CA 92563

APN: 380290008 ASMT: 380290008
JOSEPH KASIRI
36030 JANA LN
WILDOMAR CA. 92595

APN: 380290009 ASMT: 380290009
STEVE NAUERT
SHAWNA NAUERT
36140 JANA LN
WILDOMAR CA. 92595

APN: 380290010 ASMT: 380290010
NICHOLAS ABOOD
KATHRYN J ABOOD
4254 MOTOR AVE
CULVER CITY CA 90232

APN: 380290011 ASMT: 380290011
REAL WORK PROP
P O BOX 1126
WILDOMAR CA 92595

APN: 380290012 ASMT: 380290012
CHANG LANG LIAO
ANNE CHU
430 W WINNIE WAY
ARCADIA CA 91007

APN: 380290014 ASMT: 380290014
JOHN J CARTER
23905 CLINTON KEITH RD
WILDOMAR CA 92595

APN: 380290015 ASMT: 380290015
FRANK T KOCSIS
16492 KASOTA RD
APPLE VALLEY CA 92307

APN: 380290017 ASMT: 380290017
BARBARA I MORICO
567 W CHANNEL ISLANDS BLV
PORT HUENEME CA 93041

APN: 380290025 ASMT: 380290025
DAVID S MORROW
DEBBIE L MORROW
24980 CHEYENNE CIR
WILDOMAR CA. 92595

APN: 380290029 ASMT: 380290029
JOHN B PHILLIPS
1540 S COAST HIGHWAY 204
LAGUNA BEACH CA 92651

APN: 380290030 ASMT: 380290030
CK SELF STORAGE
24781 CLINTON KEITH RD
WILDOMAR CA. 92595

APN: 380290037 ASMT: 380290037
JOHN T MITCHELL
P O BOX 738
GREAT FALLS MT 59403

APN: 380350001 ASMT: 380350001
O & W INV INC
2275 SAMPSON AVE NO 115
CORONA CA 92879



APN: 380350002 ASMT: 380350002
RONALD E REINKE
MARJORIE M REINKE
36095 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350003 ASMT: 380350003
BRANDY R JARVIS
36083 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350004 ASMT: 380350004
JOSE A RODRIGUEZ
36071 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350005 ASMT: 380350005
KATRINA D PANYAVONG
36059 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350006 ASMT: 380350006
JOY K MONEXAY
36047 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350007 ASMT: 380350007
FREDRICKA VOYLES
36035 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350008 ASMT: 380350008
REYNALDO SANTOS TENGONCIANG
36023 HORSESHOE CT
WILDOMAR CA. 92595

APN: 380350035 ASMT: 380350035
US HOME CORP
391 N MAIN ST
CORONA CA 92880

Applicant:

Milestone Wildomar, LLC
5405 Morehouse Drive #330
San Diego, CA 92121

Representative:

Matthew Fagan
42011 Avenida Vista Ladera
Temecula, CA 92591

Milestone Wildomar, LLC
5405 Morehouse Drive #330
San Diego, CA 92121

Matthew Fagan
42011 Avenida Vista Ladera
Temecula, CA 92501



CITY OF WILDOMAR-CITY COUNCIL
Agenda Item 6
Meeting Date: September 10, 2008

TO: Mayor and City Council

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

SUBJECT: The Interwest Group Contract and Insurance Coverage

STAFF REPORT

AGENDA TITLE: Interwest Contract and Insurance Revisions

RECOMMENDATION:

Staff recommends the City Council of the City of Wildomar authorize the City Manager to amend the Interwest contract to add several positions and to change the insurance language to more fully protect the city's assets.

BACKGROUND INFORMATION:

The Interwest Group was selected by City Council, after a thorough bid process, to manage its public works needs. A contract was approved authorizing several positions with insurance language meeting the approval of both the city and the Interwest Group.

The Interwest contract requires an amendment to add eight titles not anticipated when the original proposal was submitted. These positions are needed to insure the Interwest group has the variety of people and skills necessary to provide full service to the city. In addition, Interwest has agreed to a contract amendment adding contract insurance language that will more fully protect the city's assets.

DISCUSSION:

The positions that need to be added to the Interwest contract, original "Exhibit B-2, On Call/Staff Augmentation Services, City of Wildomar" are as follows:

Senior Management Analyst
Principal
Service Director
Senior Associate
Senior Environmental Planner
Housing Planner
Graphics Production Manager
Technical Editor

These positions will make it possible to react quickly if required by changing conditions.

PARSAC, the city's self-insurance carrier has been working with Terry Fitzwater, the city's attorney and the attorney for Interwest to modify the language of the contract. General liability per occurrence, automobile liability per accident and errors and omissions insurance per claim were raised from one million to two million affording the city more protection. In addition some additional language was added in the indemnification portion of the contract and it is attached for council review. The language was approved by PARSAC and the city's attorney.

FISCAL IMPACT:

There is no fiscal impact of the title additions as the budget was already approved by Council.

ATTACHMENTS:

1. New Indemnification language for Interwest contract.
2. Exhibit B2

Indemnification. As respects the performance of services which do not arise directly out of Design Professional services, Consultant shall indemnify and hold harmless the City of Wildomar, its officials, officers, employees, volunteers and agents from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury to property or persons, including wrongful death, in any manner arising out of or incident to any negligent acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, agents, subconsultants and subcontractors arising out of or in connection with the performance of the Services under this Agreement, except where caused by the active negligence, sole negligence or willful misconduct of the City of Wildomar, its officials, officers, employees, volunteers and agents. Consultant shall defend the City of Wildomar, its officials, officers, employees, volunteers and agents from any and all such claims, demands and causes of action.

As respects all acts, errors or omissions in the performance of professional services by Consultant in the capacity of Design Professional, Consultant shall defend, indemnify and hold harmless the City of Wildomar, its officials, officers, employees, volunteers and agents from and against any and all claims, demands, causes of action, loss, damage or injury to property or persons, including wrongful death, in any manner arising out of, pertaining to, or related to the negligence, recklessness or willful misconduct of Consultant in the performance of services under this contract.

Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to do business in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

Insurance Requirements:

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001), including products and completed operations, as applicable.
2. Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors and Omissions Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
4. Errors and Omissions Liability: \$2,000,000 per claim.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Entity. At the option of the Entity, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Entity, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the Entity guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The Entity, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30)

days' prior written notice by first class mail, postage prepaid , has been given to the Entity.

4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

If Professional Liability coverage is written on a claims made form:

1. The retroactive date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidenced of insurance must be provided for at least five years after completion of the contract of work.
3. If coverage is cancelled or non renewed and not replaced with another claims made policy form with a retroactive date prior to the contract effective date, the Consultant must purchase an extended period coverage for a minimum of five years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City of Wildomar for review.

Workers' Compensation Waiver of Subrogation: Consultant shall provide the City an endorsement that the insurer waives the right of subrogation against the City of Wildomar, its officials, officers, employees, and volunteers.

Exhibit B-2

On-Call / Staff Augmentation Services

City of Wildomar

Interwest Consulting Group proposes to be hired on an On-Call and staff augmentation basis to provide a variety of services as described in Exhibit A-2, Scope of Work. The City will be able to request the performance of tasks in any one or combination of services. The fee will be determined on a time and materials basis using the following hourly rates.

For private development related work activities, fixed fees per an agreed upon fee schedule can be developed if desired by the City of Wildomar.

Public Works	Hourly Billing Rates
Manager Engineering and Building	\$ 140.00
City Engineer	\$ 135.00
City Traffic Engineer	\$ 130.00
Supervising Engineer	\$ 130.00
Senior Engineer/Senior Proj. Manager	\$ 125.00
Engineering Associate III/Project Manager	\$ 110.00
Engineering Associate II/Project Engineer	\$ 105.00
Engineering Associate I	\$ 100.00
Engineering Technician III	\$ 90.00
Engineering Technician II	\$ 80.00
Engineering Technician I	\$ 70.00
Transportation Services Manager	\$ 125.00
Supervising Transportation Planner	\$ 120.00
Senior Transportation Planner	\$ 115.00
Associate Transportation Planner III	\$ 110.00
Associate Transportation Planner II	\$ 105.00
Associate Transportation Planner I	\$ 100.00
Construction Services Manager	\$ 125.00
Senior Construction Manager	\$ 115.00
Construction Manager	\$ 110.00
Assistant Construction Manager	\$ 100.00
Supervising Public Works Observer	\$ 100.00
Senior PW Observer III	\$ 97.00
Senior PW Observer II	\$ 92.00
Senior PW Observer I	\$ 87.00
Public Works Observer III	\$ 85.00
Public Works Observer II	\$ 80.00
Public Works Observer I	\$ 75.00
Building & Safety	
City Building Official	\$ 135.00
Deputy Building Official	\$ 130.00
Supervising Plan Review Engineer	\$ 125.00
Senior Plan Review Engineer	\$ 120.00

Supervising Building Inspector	\$	115.00
Plan Review Engineer	\$	110.00
Senior Plans Examiner	\$	105.00
Senior Building Inspector	\$	105.00
Plans Examiner III	\$	100.00
Plans Examiner II	\$	90.00
Plans Examiner I	\$	80.00
Building Inspector II	\$	85.00
Building Inspector I	\$	75.00
Permit Technician II	\$	70.00
Permit Technician I	\$	60.00

Real Estate

Real Estate Property Manager	\$	125.00
Senior Real Property Agent	\$	120.00
Real Property Agent III	\$	110.00
Real Property Agent II	\$	100.00
Real Property Agent I	\$	90.00
Real Property Assistant	\$	80.00

GIS

GIS Manager	\$	125.00
Senior GIS Analyst	\$	120.00
GIS Analyst III	\$	115.00
GIS Analyst II	\$	110.00
GIS Analyst I	\$	95.00
GIS Assistant	\$	85.00

Information Technology

IT Manager	\$	125.00
Senior IT Specialist	\$	105.00
IT Specialist	\$	85.00
Assistant IT Specialist	\$	75.00
IT Technician	\$	60.00

Architectural

Senior Architect	\$	125.00
Architect	\$	120.00
Landscape Architect	\$	115.00
Associate Architect	\$	110.00
Architect Assistant	\$	100.00

Accounting

Senior Accountant	\$	100.00
Accountant	\$	80.00
Accounting Assistant	\$	60.00
Accounting Technician	\$	40.00

Administrative

Principal Analyst	\$	110.00
Administrative Manager	\$	80.00
Senior Administrative	\$	60.00
Administrative III	\$	55.00
Administrative II	\$	50.00
Administrative I	\$	45.00
Student Intern	\$	35.00

Planning and Environmental

Principal	\$	160.00
Municipal Finance Director	\$	160.00
Service Director / Senior Associate	\$	160.00
Public Affairs Director	\$	150.00
Municipal Finance Manager	\$	140.00
Planning Director	\$	135.00
Principal Planner	\$	130.00
Senior Environmental Planner	\$	130.00
Municipal Finance Analyst	\$	125.00
Housing Specialist	\$	125.00
Public Finance Coordinator	\$	125.00
Senior Planner II	\$	125.00
Senior Public Information Officer II	\$	120.00
Senior Park Planner	\$	115.00
Cultural Resources Specialist	\$	115.00
Senior Biologist I	\$	115.00
Senior Communications Manager	\$	105.00
Senior Planner I	\$	105.00
Public Information Officer	\$	100.00
Associate Planner II	\$	95.00
Biologist/Ecologist II	\$	95.00
Environmental Planner	\$	95.00
Housing Planner	\$	95.00
Associate Planner I	\$	90.00
Graphics Production Manager	\$	90.00
Technical Editor	\$	85.00
Assistant Planner	\$	80.00
Biologist/Ecologist I	\$	80.00
Graphic Designer II	\$	80.00
Associate Botanist I	\$	75.00
Marketing Communications Specialist	\$	75.00
Code Compliance Officer	\$	75.00
Graphic Designer I	\$	75.00
Grant Technician	\$	60.00
Archaeological Technician	\$	60.00
Planning Technician	\$	55.00

All outside services and direct expenses are charged at cost plus 10%. Rates are reviewed annually on July 1st and may be subject to revision.

CITY OF WILDOMAR-CITY COUNCIL
Agenda Item _____ 7 _____
Discussion/Action Item
Meeting Date: September 10, 2008

TO: Mayor and City Council

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

SUBJECT: Employee Benefit Programs

STAFF REPORT

AGENDA TITLE: Employee Benefit Offerings/Programs

RECOMMENDATION:

Staff recommends the City Council of the City of Wildomar choose an insurance provider to provide benefits for the employees of the city.

BACKGROUND INFORMATION:

Staff has researched benefit options for the city. Two providers, Jerome Mostero of Pacific World and Vince Nocito of Benefit Insurance Services are qualified to provide a full array of benefit programs for current and future city employees.

DISCUSSION:

The city will begin the employment process at some point and with that move will require benefits for each employee including councilmembers. Each provider interviewed was asked to provide benefit options to include at a minimum, the following: vision, short-term disability (STD), long-term disability, (LTD) 401A, life insurance, accidental death and dismemberment, (AD&D) health, dental, an employee assistance plan (EAP) and a flexible spending account. Retirement will be handled by CalPERS and other miscellaneous offering such as vacation pay, sick pay and administrative leave will be added at a later date after review of the local recruitment market.

Each provider, Pacific World and Benefit Insurance Services were asked to (1) review the local market to insure a competitive offering and to (2) insure there were local firms, AFLAC, Aetna, etc., who could provide service as well as local health care providers, e.g. physicians, dentists, etc. Both firms were given free latitude to choose any provider given the above two requirements.

Subsequently, two councilmembers were selected to hear each firm and report back to the remaining councilmembers on their findings and recommendations.

Staff recommends the following to Council:

1. Select a firm to provide its employee benefits
2. Redirect staff if it feels other options are needed.

FISCAL IMPACT:

There is no immediate fiscal impact of choosing a carrier. However, once the hiring process begins council will be asked to set a city contribution amount for use by the employees when purchasing their insurance. A standard is around \$1200.

ATTACHMENTS:

None

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 8
DISCUSSION/ACTION ITEM
Meeting Date: September 10, 2008

TO: Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Adoption of Urgency Ordinance supporting the SCAQMD imposition of AB 2766 vehicle registration fee and bringing the City in compliance in order to receive the city's share of fee revenues

STAFF REPORT

RECOMMENDATION:

Adopt Urgency Ordinance supporting the SCAQMD imposition of vehicle registration fee pursuant to California Health and Safety Code Section 44223 (added by AB 2766) and bringing the City in compliance with said code in order to receive the city's share of fee revenues for mobile source air pollution reduction programs

BACKGROUND:

What is AB 2766?

According to the South Coast Air Quality Management District (AQMD), on-road motor vehicles, including cars, trucks and buses make up the most significant sources of air pollution in the South Coast Air Basin. Vehicle emissions contribute to unhealthful levels of ozone, toxic air contaminants such as benzene, and particulate matter from diesel exhaust. 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.

From the \$4 of the funds, AB 2766 requires that fees collected by the Department of Motor Vehicles be subvned to the South Coast Air Quality Management District (AQMD) for the purpose of funding three programs with a prescribed allocation as follows:

- ***The Local Government Subvention Fund Program*** portion (40%) is distributed on a quarterly basis to South Coast Basin cities and counties based upon their prorated share of population to implement projects that reduce emissions from mobile sources;

- **The AQMD Program Fund** (30%) goes towards agency planning, monitoring, research, and other activities that reduce mobile source emissions;
- **The Discretionary Fund Program** (30%) is administered by the Mobile Source Air Pollution Reduction Review Committee (MSRC), which awards money to project proponents that also reduce motor vehicle emissions. AB 2766 funded projects have many additional benefits including increasing transportation alternatives, relieving traffic congestion, conserving scarce energy resources, and reducing greenhouse gas emissions.

AB 2766 fees are collected by the Department of Motor Vehicles and subvented to the AQMD on a monthly basis. The AQMD Finance Division disburses the AB 2766 revenues to local governments quarterly.

What is the process for the City to become eligible for AB 2766 fee revenue and how much is the City expected to receive?

Pursuant to H&SC Section 44243 (b)(1), newly incorporated cities may receive subvention funds provided they adopt and transmit to the AQMD the specified ordinance within 90 days of official incorporation. This means that the City of Wildomar has a "one-time" only chance to opt into the AB 2766 program within 90 days of its incorporation (which would be September 28, 2008). There will be no opportunity for the City to become eligible for AB 2766 after this 90-day period. The City staff has prepared the Ordinance attached for Council approval. The attached Ordinance is an urgency ordinance that will take effect immediately. A regular ordinance would not take effect in time to meet the 90-day window. Because it is an urgency ordinance and not a regular ordinance, the attached Ordinance must be passed by a 4/5th vote of the City Council.

What Wildomar can expect is dependent on how much motor vehicle registration fees are collected annually. Based on its population, however, the Air District staff has estimated about \$25,000 per year in AB 2766 revenue to Wildomar. Wildomar will be eligible for disbursement the first full quarter following the effective date of incorporation.

The Air District staff indicates that funds can be accrued over a multi-year period so long as the City identifies the intended encumbrance of the funds. While there is no specific requirement to expend funds by a certain date, any jurisdiction that "banks" the AB 2766 funds will need to work diligently with the Air District staff on an annual basis to demonstrate good faith efforts toward securing the AB 2766 project.

After joining the program, cities and counties are required to complete and submit an annual report to the AQMD identifying the revenues received, project expenditures, emissions reduced, and cost-effectiveness of each project implemented during the preceding fiscal year.

What is eligible for AB 2766 revenue?

The following is a list of 11 project categories that meet the criteria and guidelines established by the California Air Resources Board (CARB) for AB 2766 fund expenditures:

1. **Alternative Fuels/Electric Vehicles** - Promoting alternative fueled vehicles such as natural gas, propane, full hybrid (gasoline/electric), fuel cell and electric.
2. **Vehicle Emissions Abatement** – Reducing emissions from conventionally fueled engines by utilizing cleaner diesel engines, and ensuring that vehicles are properly tuned and maintained.
3. **Land Use** - Utilizing land use strategies that make mobility easier for pedestrians to walk, bicycle or use public transit, thus reducing automobile trips and emissions.
4. **Public Transportation** – Reducing single occupancy vehicle trips by providing fare subsidies, rail feeder operations, and marketing.
5. **Traffic Management and Signal Coordination** - Installation of signal synchronization systems, turning lanes, intersection signals, changeable message signs and mobilization of freeway tow trucks.
6. **Transportation Demand Management** – Reduction of single occupancy vehicle trips by encouraging carpooling, vanpooling, biking, walking, telecommuting, implementation of compressed work week schedules and use of public transit.
7. **Market Based Strategies** – Implementing pricing strategies to encourage behavioral changes for consumers to use less congesting or less polluting forms of transportation.
8. **Bicycles** – Developing and/or installing bikeways, bicycle lockers, bus bike racks, and bike loan programs (motorized and standard) for police officers, community members and public.
9. **PM10 Reduction Strategies** – Implementing projects designed to significantly reduce minute particles of dust (PM10) such as paving roads, shoulders, and purchasing AQMD Rule 1186.1 compliant street sweepers.
10. **Public Education** – Educating the public about options that reduce single occupancy vehicle trips when launching new programs such as shuttle services, transit station openings, HOV lanes, and rideshare incentive programs.
11. **Miscellaneous Projects** – The “Miscellaneous Project” category allows local jurisdictions to identify projects that reduce emissions, but are not specifically listed or identified in the AB 2766 Program guidelines.

FISCAL IMPACTS:

Approval of the Ordinance will have a fiscal impact of adding AB 2766 revenue into this Fiscal Year budget. The exact figure is not known at this time, as it is dependent on the motor vehicle registration fees generated by the City of Wildomar. It is anticipated to have an impact of \$25,000 annually. The exact amount will be identified by the South Coast Air Quality Management District staff.

ALTERNATIVES:

1. Take no action and the City of Wildomar will be ineligible for AB 2766 funding if no further action is taken within 90 days of incorporation (September 29, 2008).
2. Provide staff with further direction and take action at the September 24, 2008 Council meeting.

Submitted by:



Michael Kashiwagi
Development Services

Approved by:



John Danielson
Interim City Manager

ORDINANCE NO. 19

AN URGENCY ORDINANCE OF THE CITY OF WILDOMAR SUPPORTING THE SCAQMD IMPOSITION OF A VEHICLE REGISTRATION FEE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 44223 (ADDED BY AB 2766) AND BRINGING THE CITY IN COMPLIANCE WITH SAID CODE IN ORDER TO RECEIVE THE CITY'S SHARE OF FEE REVENUES FOR MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS.

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

SECTION 1. FINDINGS:

The City of Wildomar hereby finds and declares that:

- A. The City of Wildomar is committed to improving the public health, safety, and welfare, including air quality;
- B. Mobile sources are a major contributor to air pollution in the South Coast Air Basin;
- C. Air quality goals for the region established by state law cannot be met without reducing air pollution from mobile sources;
- D. The South Coast Air Quality Management Plan (AQMP) call upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs;
- E. Such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the General Fund to the motor vehicles creating the demand, to the greatest extent possible;
- F. Section 44223 added to the Health and Safety Code by action of the California Legislature on September 30, 1990 (chapter 90-1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of two dollars (\$2), commencing April 1, 1991, increasing to four dollars (\$4), commencing April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act;
- G. Forty cents of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Section 44223 of the Code, based upon the jurisdictions' prorated share of population as defined by the State Department of Finance;

- H. The City of Wildomar is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fees contingent upon adoption of this Ordinance;
- I. The prorated share of the fee revenues for cities that fail to adopt an Ordinance pursuant to Section 44243 (b) (3) of the Health and Safety Code shall be distributed instead to the jurisdictions within the District that have adopted an Ordinance;
- J. The City of Wildomar, after careful consideration, hereby finds and declares that the imposition of the additional motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the City and promotes the general welfare of its residents.
- K. It is necessary for this ordinance to take effect immediately to protect the public health. Health and Safety Code section 44243(b)(1) requires the City to adopt and transmit this ordinance to SCAQMD within ninety (90) days of the date of the City's incorporation for the City to receive its share of the SCAQMD motor vehicle registration fee. The 90-day window expires on September 28, 2008. If this ordinance were adopted as a regular ordinance, the adoption would not take place within this 90-day window and the City would not receive its share of the fee. If the City does not receive these funds from SCAQMD, this would greatly reduce, and perhaps eliminate, the City's ability to implement programs to reduce air pollution from motor vehicles. Eleven example projects that could be funded by SCAQMD funds by the City are presented in the Staff Report for this Ordinance and are incorporated herein by reference. Therefore, by adopting this ordinance as an urgency measure, the City Council is protecting the public health by increasing the City's ability to combat air pollution cause by motor vehicles.

SECTION 2. INTENT

This Ordinance is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

SECTION 3. DEFINITIONS

As applied in this Ordinance, the following words and terms shall be defined as follows:

- A. "City" shall mean the City of Wildomar.
- B. "Mobile source air pollution reduction programs" shall mean any program or project implemented by the City to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

C. "Fee Administrator" shall be the City Manager, Director of Finance, or his/her designee.

SECTION 4. ADMINISTRATION OF VEHICLE REGISTRATION FEE

- A. Receipt of Fee: The additional vehicle registration fee disbursed by the SCAQMD and remitted to the City, pursuant to this Ordinance, shall be accepted by the Fee Administrator.
- B. Establishment of Air Quality Improvement Trust Fund: The Fee Administrator shall establish a separate interest-bearing fund account.
- C. Transfer of Funds: Upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the separate account established pursuant to Subsection (2) above. All interest earned by the Trust Fund Account shall be credited only to that account.
- D. Expenditure of Air Quality Trust Fund Revenues: All revenues received from the SCAQMD and deposited in the Trust Fund Account shall be exclusively expended on mobile source emission reduction programs as defined in Subsection C (2) above. Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.
- E. Audits: The City consents to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1 (a) of the Health and Safety Code.

SECTION 5: LEGAL CONSTRUCTION

The provisions of this Ordinance shall be constructed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare and convenience.

SECTION 6: SEVERABILITY

Should any sentence, section, clause, part or provision of this Ordinance be declared by the court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7: EFFECTIVE DATE

Pursuant to Government Code section 36934, this ordinance is adopted as an urgency ordinance and shall take effect immediately upon passage by a 4/5th vote of the City Council.

PASSED, APPROVED, AND ADOPTED this 10th day of September, 2008.

Bob Cashman
Mayor

ATTEST:

Sheryll Schroeder
City Clerk

APPROVED AS TO FORM:

Julie Biggs
City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item 9
DISCUSSION/ACTION ITEM
Meeting Date: Sept. 10, 2008

TO: Mayor Cashman, Members of the City Council
FROM: Sheryll Schroeder, City Clerk
SUBJECT: Planning Commission Appointments

STAFF REPORT

RECOMMENDATION:

Each Council Member nominate a citizen as a representative on the Planning Commission subject to ratification by majority vote of the City Council and consider giving direction to staff regarding setting of compensation by resolution.

BACKGROUND:

At the August 27, 2008 Council Meeting, Council adopted Ordinance No. 08-16, which established a five member Planning Commission. A display advertisement appeared in the North County News and the Press Enterprise on July 30 and August 2, 2008, soliciting applications for the Planning Commission. The notice was also posted on the City of Wildomar's website, the Wildomar Community Council website, the Wildomar Voice website and the Wildomar Chamber of Commerce website. The City accepted applications through September 1, 2008.

DISCUSSION:

On September 26, 2008, Ordinance No. 08-16 will become effective. Section 17.04.041 contains the provision that each Council Member shall have the authority to appoint one member to the Commission and that the council shall vote as a ministerial action to ratify each appointment. The ministerial approval requires at least three affirmative votes.

The terms of members of the Commission expire at the first regular meeting of the Commission following the expiration of the current term of the Council Member who appointed the Commission member. There is no limit to the number of times that a Commission member may be appointed.

As of September 1, 2008, the City received 16 applications for appointment to the Planning Commission.

Section 17.04.048 allows for compensation of the Planning Commissioners to be set by Resolution.

FISCAL IMPACTS:

Fiscal impact will be determined when compensation for the Planning Commission is established.

ALTERNATIVES:

1. Take no action
2. Each Council Member consider an appointment to serve on the Planning Commission
3. Consider and give direction to staff with regard to preparation of a resolution establishing compensation for members of the Planning Commission.
4. Provide staff with further direction

Submitted by:


Sheryll Schroeder
City Clerk

Approved by:


John Danielson
City Manager

Attachments:

Ordinance No. 08-16

Approved by:


Julie Hayward Biggs
City Attorney

ORDINANCE NO. 08-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION, REPEALING AND THEN ADDING REPLACEMENT MUNICIPAL CODE SECTION 17.04.040.

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

SECTION 1.

Section 17.04.040 of the Wildomar Municipal Code as adopted by Ordinance No. 08-01, is hereby repealed in its entirety and new Section 17.04.040 is hereby added to the Wildomar Municipal Code to read in its entirety as follows:

"PLANNING COMMISSION

Sections:

- 17.04.040 Created
- 17.04.041 Appointment
- 17.04.042 Term of Office
- 17.04.043 Removal from office
- 17.04.044 Vacancy in office
- 17.04.045 Organization, Meetings and Responsibilities
- 17.04.046 Approval Authority
- 17.04.047 Appeals.
- 17.04.048 Compensation

17.04.040 Creation of Commission

A planning commission ("Commission") for the City is created which shall be comprised of five (5) members.

17.04.041 Appointment

- A. Process. Open positions on the Planning Commission shall be advertised and all applications referred to members of the City Council for consideration. Each councilmember shall have the authority to appoint one member to the commission. The City Council shall vote as a ministerial action to ratify each appointment. Such ministerial approval requires at least three affirmative votes.

B. Qualifications

- (1) Members of the Commission shall be residents of the City and shall be qualified electors within the City.
- (2) Each member shall be a resident of the City for the year immediately preceding the inception of his or her term.
- (3) No member of the Commission may be an employee or officer of the City.

17.04.042 Term of office

- A. Terms of members of the Commission shall expire at the first regular meeting of the Commission following the expiration of the current term of office of the City Council member who appointed the Commission member.
- B. There is no limit as to the number of times that a Commission member may be appointed.

17.04.043 Removal from office

A member of the Commission is automatically removed from office if the member is absent from three consecutive regular meetings of the Commission. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council.

17.04.044 Vacancy in Office

If vacancies occur on the Commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

17.04.045 Organization, Meetings and Responsibilities

- A. Each year, at its first regular meeting in January, the Commission shall elect from its membership a chair and a vice-chair.
- B. The Commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.
- C. The Director of Planning or the Director's designee shall serve as the Secretary to the Commission and shall have no vote.
- D. The Commission shall hold at least one regular meeting each month.

- E. The Commission shall have such duties as are prescribed by California law, including the following:
- (1) Assist in reviewing proposed general plan amendments and community or specific plans and hold public hearings on such plans.
 - (2) Hold hearings and make recommendations to the City Council with regard to proposed amendments to the general plan and specific plans.
 - (3) Make recommendations to the City Council regarding reasonable and practical means for implementing the general plan or elements of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
 - (4) Provide an annual report to the City Council on the status of the general plan and progress in its implementation, including the progress in meeting the City's share of the regional housing needs determined pursuant to Government Code section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code section 65583(c)(3), and compliance of the general plan with the guidelines contained at Government Code section 65040.2.
 - (5) Hold hearings and make recommendations to the City Council with regard to proposed changes to the zoning ordinance and zoning maps.
 - (6) Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the City's general plan and make recommendations to the City Council.
 - (7) Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted general plan.

17.04.046 Approval authority

The Commission shall have final approval authority over administrative permit applications as provided in Chapter 16 of the Wildomar Municipal Code and advisory authority over all other land use matters as specified in Chapter 17 of the Wildomar Municipal Code.

17.04.047 Appeals

- A. Appeal of staff administrative decisions to the Commission shall be as specified in Chapter 17.192.070.
- B. Final decisions by the Commission may be appealed to the City Council within 10 days of the decision becoming final under the provisions of Section 17.192.020. If a Commission decision is not appealed to the City Council within that period, the decision cannot be appealed.

17.04.048 Compensation

The City Council may establish by Resolution the compensation to be paid to the members of the Commission.”

SECTION 2.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3.

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

SECTION 4.

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

The foregoing Ordinance was introduced and placed upon it's first reading at a regular meeting of the City Council of the City of Wildomar held on the 13th day of August, 2008 and thereafter passed and adopted at the regular meeting of said City Council on the 27th ay of August, 2008 by the following roll call vote:

- AYES: Mayor Cashman, Council Members Ade, Farnam, Moore, Swanson
- NOES: None
- ABSENT: None
- ABSTAIN: None



Bob Cashman
MAYOR

ATTEST:


Sheryll Schroeder
INTERIM CITY CLERK

APPROVED AS TO FORM:


JULIE HAYWARD BIGGS
CITY ATTORNEY