

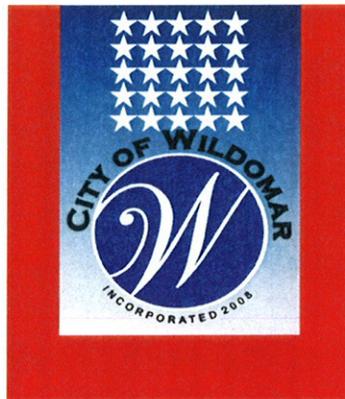
CITY OF WILDOMAR
CITY COUNCIL

AGENDA

7:00 P.M.

SEPTEMBER 23, 2009

Council Chambers
23873 Clinton Keith Road



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

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA SEPTEMBER 23, 2009

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

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

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

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

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

CALL TO ORDER - 7:00 P.M.

ROLL CALL

FLAG SALUTE

PRESENTATIONS

Cub Scouts Acknowledgement

PUBLIC COMMENTS

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

APPROVAL OF AGENDA AS PRESENTED

1. CONSENT CALENDAR

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

- 1.1 Approve the reading by title only of all ordinances
- 1.2 Approve the regular meeting minutes dated September 9, 2009
- 1.3 Approve the following Warrant Registers and Payroll Warrant Registers:

1. Warrant Register dated September 9, 2009, in the amount of \$70,878.18.
2. Warrant Register dated September 17, 2009, in the amount of \$3,332.82.
3. Warrant Register dated September 23, 2009, in the amount of \$32,216.44.
4. Payroll Warrant Register dated September 18, 2009, in the amount of \$7,088.83.

1.4 Treasurer's Report – August 2009

1.5 Zoning Code Amendment 09-01

Adopt Ordinance No. 35 entitled:

ORDINANCE NO. 35
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING PORTIONS OF ZONING
ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO
DECISIONS AND APPEAL AUTHORITIES, AND OTHER MINOR
MODIFICATIONS (ZONING CODE AMENDMENT 09-01)

1.6 Establishing Speed Limits on Bundy Canyon Road from Mission Trail to Wildomar City Limits and Palomar Street from Mission Trail to Corydon Street

Adopt Ordinance No. 36 entitled:

ORDINANCE NO. 36
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ESTABLISHING THE SPEED LIMIT ON
BUNDY CANYON ROAD FROM MISSION TRAIL TO THE WILDOMAR
CITY LIMITS AND PALOMAR STREET FROM MISSION TRAIL TO
CORYDON STREET

1.7 Notice of Decision for the Cornerstone Community Church Parking Lot Expansion (08-0163)

2. PUBLIC HEARINGS

There are no public hearings to be heard.

3. GENERAL BUSINESS

- 3.1 Overview of Code Enforcement – Oral Report
- 3.2 Adopt Resolution No. 09-66 Authorizing the City Manager or His Designee to Establish an Administrative Process for Real Property Acquisition and Relocation of Displaced Persons Required for City's Use and Purposes

RESOLUTION NO. 09 - 66
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING AN ADMINISTRATIVE PROCESS FOR
REAL PROPERTY ACQUISITION AND RELOCATION OF DISPLACED
PERSONS RELATED TO CITY USE AND PURPOSES

- 3.3 Adopt Resolution No. 09-67 Delegation of Authority to the City Manager or His Designee to Execute Right of Way Certifications

RESOLUTION NO. 09 - 67
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DELEGATING AUTHORITY TO THE CITY MANAGER TO
EXECUTE RIGHT OF WAY CERTIFICATIONS

- 3.4 City Logo and Tag Line

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

The next regular meeting is scheduled for October 14, 2009.

2009 City Council Meeting Schedule

October 14

October 28

November 12Please note that due to the holiday, the November 11 meeting will be on **THURSDAY, NOVEMBER 12**

November 25

December 9

December 23 – NO MEETING

2010 City Council Meeting Schedule

January 13	April 14	July 14	October 13
January 27	April 28	July 28	October 27
February 10	May 12	August 11	November 10
February 24	May 26	August 25	November 24
March 10	June 9	September 8	December 8
March 24	June 23	September 22	December 22

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

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

POSTING STATEMENT: On September 18, 2009, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
SEPTEMBER 9, 2009**

The regular meeting of September 9, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 7:00 p.m.

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

Staff in attendance: City Manager Oviedo, City Attorney Biggs, Public Works Director Kashiwagi, Planning Director Hogan, Finance Director Nordquist, Fire Chief Beach, Police Chief Cleary, and City Clerk Lee.

The Flag Salute was led by Council Member Ade.

PRESENTATIONS

Mayor Farnam presented the United Way with a Proclamation for the United Way Days of Caring.

Fire Chief Beach presented the Fire Department update.

The Chamber of Commerce presented an update.

PUBLIC COMMENTS

Gerry Hill, resident, stated he would like to know how citizens get their concerns on the agenda and how long does it take. Also, when he attends the Council meetings he is not sure if he would like to speak on an item until it is brought up and discussed. He would like it if citizens can comment during the item, after the Council discussion. Additionally, he would like to see the code enforcement efforts streamlined. He has yet to hear anything about the property next to him.

City Attorney Biggs stated the public comments portion is a good time to bring items to the City Council that you would like to see on future agendas. Although the Council cannot act on items that are not on the agenda, they can direct that items be brought forward on future agendas. You can also talk with Council Members individually at any time. There is no direct way to get items on the agenda from the citizens directly as you would have to go through the City Council or the Staff. When an item goes through the Staff, they are able to research the issue and bring forth information to help with understanding of the item, rather than just reacting to a comment. Additionally, the Council can take additional comments on items that are on the agenda and under discussion. Depending on the issue, that can be problematic, but they are not precluded from doing this.

APPROVAL OF AGENDA AS PRESENTED

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to approve the agenda as presented.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson. Motion carried.

1. CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to approve the Consent Calendar as presented.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson. Motion carried.

- 1 A. Approved the reading by title only of all ordinances.
- 1 B. Approved the regular meeting minutes dated August 26, 2009.
- 1 C. Approved the following Warrant Registers and Payroll Warrant Registers:
 - 1. Approved Warrant Register dated August 26, 2009, in the amount of \$225,041.49;
 - 2. Approved Warrant Register dated September 2, 2009, in the amount of \$46,475.27; and
 - 3. Approved Payroll Warrant Register dated September 4, 2009, in the amount of \$6,279.40.

2. PUBLIC HEARINGS

- 2 A. Clinton Keith Animal Hospital (08-133) Zone Change and Plot Plan 08-133

Mayor Farnam opened the public hearing.

Planning Director Hogan stated the applicant has asked that this item be continued to October 28, 2009, to further review comments they have received. Staff is in concurrence with this request and is asking that the City Council continue the matter to the meeting of October 28, 2009.

A MOTION was made by Council Member Ade, seconded by Mayor Pro Tem Moore, to continue the item to the meeting of October 28, 2009.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson.
Motion carried.

2 B. Zoning Code Amendment 09-01

Mayor Farnam opened the public hearing.

Planning Director Hogan presented the staff report stating this is the City's first zoning code amendment. This will clean up some aspects of Title 17 of the zoning code which have become problematic. He then went through the areas Staff is proposing to make changes to, which were contained in the staff report.

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

Discussion ensued regarding landscaping and location of trash enclosures; specifying rural and agricultural settings.

Mayor Farnam stated he is not in favor of deleting compact parking as it will force the developers to asphalt more property which creates runoff, etc. Additionally it will create more empty lots that are only half full already. Unless the City is going to change the number of spaces for every 1,000 feet, then we shouldn't change the compact parking.

Council Member Ade stated she disagrees as non-compact cars are parking in the compact areas and there are other mitigation measures for oil runoff, etc.

Mayor Farnam stated he is asking that Staff review the code to see if it can be reduced. Right now it is 5 parking spaces for every 1,000 square feet.

Discussion ensued regarding issues of compact parking spaces.

It was the consensus of the City Council to delete compact parking spaces from the proposed Ordinance.

City Clerk Lee introduced Ordinance No. 35 entitled:

ORDINANCE NO. 35
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING PORTIONS OF ZONING
ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO

DECISIONS AND APPEAL AUTHORITIES, AND OTHER MINOR
MODIFICATIONS (ZONING CODE AMENDMENT 09-01)

which title was read.

A MOTION was made, and amended, by Mayor Pro Tem Moore, seconded by Council Member Ade, to introduce Ordinance No. 35, as amended.

Discussion ensued regarding the process streamlining and having projects come before the City Council after the appeal process.

It was the consensus of the City Council to change Ordinance No. 35, Section 3, "B", "...accompanied by the fee set forth in County Ordinance No. 671 with the City Clerk" to read "...accompanied by the fee established by the City Council".

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson. Motion carried.

2 C. Amendments to the FY09/10 City of Wildomar Budgets

Mayor Farnam opened the public hearing.

Finance Director Nordquist presented the staff report and reviewed the exhibits to the Resolution.

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

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to adopt Resolution No. 09-63.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson. Motion carried.

RESOLUTION NO. 09 – 63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING THE AMENDMENTS TO THE ADOPTED CITY OF WILDOMAR FISCAL YEAR 2009-10 BUDGETS, AS SPECIFIED IN THE STAFF REPORT AND BUDGET DOCUMENTS

2 D. Parks User Fees and Abandoned/Distressed Properties Fee

Mayor Farnam opened the public hearing.
Finance Director Nordquist presented the staff report outlining how fees are determined.

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

Discussion ensued regarding parks and recreation fees; Park Pass Program; and abandoned/distressed property fee.

Council Member Ade suggested that if the fee is paid for an abandoned or distressed property now that it is good through 2010 due to it being so late in the year. She feels this will garner compliance.

Discussion ensued regarding the number of properties that have not been registered and speculation as to the reasons why.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to adopt Resolution No. 09-64, with the amendment to the registration for abandoned and distressed properties that if they pay the fee now it will be valid through 2010.

Discussion ensued regarding parks and recreation assessment and why it is not city-wide; and how the reservation system works for the shelters.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson.
Motion carried.

RESOLUTION NO. 09 – 64
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING THE PARKS & RECREATION AND CODE
ENFORCEMENT FEES AS LISTED ON EXHIBIT A

3. GENERAL BUSINESS

- 3 A. Amending the FY09/10 City of Wildomar Budget and Related CIP
Public Works Director Kashiwagi presented the staff report stating the City was awarded monies for both programs in the amount of \$589,960 without having to put in any matching funds. Construction will begin in the Spring of 2010 with completion anticipated in June, 2010.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council

Member Ade, to adopt Resolution No. 09-65.

Council Member Ade commended Staff for procuring the Grants for the betterment of the City.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson.
Motion carried.

RESOLUTION NO. 09 – 65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING THE FISCAL YEAR 2009/10 BUDGET AND RELATED CAPITAL IMPROVEMENT PROGRAM TO REFLECT TWO GRANTS TOTALING \$589,960 FOR THE WILDOMAR SIDEWALK IMPROVEMENTS TO SCHOOL PROJECT

- 3 B. Establishing Speed Limits on Bundy Canyon Road from Mission Trail to Wildomar City Limits and Palomar Street from Mission Trail to Corydon Street

Public Works Director Kashiwagi presented the staff report and reviewed the findings contained in the staff report.

Ronald Havig, resident, thanked the Council for taking care of this issue, however he feels the City is wrong about the speed limit between Oak and the Christian School. There are too many “s” curves in that area and there is no visibility. It should be no more than 35 MPH.

City Clerk Lee presented an Ordinance entitled:

ORDINANCE NO. 36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ESTABLISHING THE SPEED LIMIT ON BUNDY CANYON ROAD FROM MISSION TRAIL TO THE WILDOMAR CITY LIMITS AND PALOMAR STREET FROM MISSION TRAIL TO CORYDON STREET

which title was read.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to introduce Ordinance No. 36.

Council Member Ade inquired if there are line of sight issues on that segment.

Public Works Director Kashiwagi answered there are no visual problems and the segment in question is a pretty straight road.

Roll call vote: Ayes – 3; Nays – 0; Absent – 2, Cashman and Swanson.
Motion carried.

CITY MANAGER REPORT

There was no report.

CITY ATTORNEY REPORT

There was no report.

COUNCIL COMMUNICATIONS

Council Member Ade commended Staff for getting the new Council Chambers set up. Also, she received a certificate for attending the SEMS course through the County Fire Department. She is anxious to receive more training and feels the City needs to attend more of these.

Mayor Pro Tem Moore stated she is happy to hear about the emergency training and agrees with Council Member Ade. Last week City Manager Oviedo, Public Works Director Kashiwagi, Paula Willette, and she attended the CSTI training in San Luis Obispo. She would like to see the entire Council and Staff attend this training as it is very intense and you do go through a hand-on demonstration of an earthquake.

Mayor Farnam stated he feels the City is being as proactive as possible in regards to Bundy Canyon. It will be straightened at some point in the future, but he feels the City is doing a good job given the current economic climate.

FUTURE AGENDA ITEMS

Mayor Pro Tem Moore stated she would like Code Enforcement to come and explain to the Council and citizens how code enforcement works, the time lines, what is the process, etc.

ADJOURNMENT

There being no further business, Mayor Farnam declared the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.3
CONSENT CALENDAR
Meeting Date: September 23, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Warrant Registers dated September 9, September 17, September 23, 2009 and Payroll Register dated September 18, 2009.

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated September 9, 2009, in the amount of \$70,878.18.
2. Approve Warrant Register dated September 17, 2009, in the amount of \$3,332.82.
3. Approve Warrant Register dated September 23, 2009, in the amount of \$32,216.44.
4. Approve Payroll Warrant Register dated September 18, 2009, in the amount of \$7,088.83.

BACKGROUND:

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

FISCAL IMPACTS:

These Warrant and Payroll Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2009-10 Budget.

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Director of Finance

Frank Oviedo
City Manager

**City of Wildomar
Warrant Register
September 9, 2009**

Date	Type	Num	Name	Memo/Description	Amount
9/9/2009	Bill Payment (Check)	1897	A & A Janitorial Services	Janitorial Services - August 2009 - Marna O'Brien Park	\$ 670.89
9/9/2009	Bill Payment (Check)	1898	American Forensic Nurses	City of Wildomar CHP Blood Draw	\$ 635.70
9/9/2009	Bill Payment (Check)	1899	Artisan Goldsmiths & Awards	Name Badge - City Manager	\$ 8.65
9/9/2009	Bill Payment (Check)	1900	Bio-Tox Laboratories	Riverside County Lab Services	\$ 917.94
9/9/2009	Bill Payment (Check)	1901	CBC Technical	Service Call	\$ 230.00
9/9/2009	Bill Payment (Check)	1902	Crystal Clean Maintenance	Janitorial Services - August 2009	\$ 698.00
9/9/2009	Bill Payment (Check)	1903	CTAI Pacific Greenscape	Landscape Maintenance - O'Brien, Heritage, Windsong	\$ 4,358.25
9/9/2009	Bill Payment (Check)	1904	State of California Department of Justice	Blood Alcohol Analysis	\$ 35.00
9/9/2009	Bill Payment (Check)	1905	Diamond Enviromental Services	1 VIP 2X Week Service Rental - Windsong Park	\$ 140.70
9/9/2009	Bill Payment (Check)	1906	Doggie Walk Bags, Inc.	Dispenser Bags	\$ 143.94
9/9/2009	Bill Payment (Check)	1907	Edison	Electric for August 2009 - CSA 22 & 103	\$ 15,964.32
9/9/2009	Bill Payment (Check)	1908	Gary Andre	Planning Commission Meetings - 8/5 & 8/19	\$ 150.00
9/9/2009	Bill Payment (Check)	1909	Harv Dykstra	Planning Commission Meetings - 8/5 & 8/19	\$ 150.00
9/9/2009	Bill Payment (Check)	1910	International City/County Mgmt. Assoc.	Membership Renewal - Frank Oviedo for FY09/10	\$ 1,474.96
9/9/2009	Bill Payment (Check)	1911	Miguel Casillas	Planning Commission Meting - 8/19	\$ 75.00
9/9/2009	Bill Payment (Check)	1912	North County Times	Notices of Public Hearings	\$ 461.80
9/9/2009	Bill Payment (Check)	1913	PV Maintenance Inc.	Public Works Maintenance & Services - July 2009	\$ 25,492.13
9/9/2009	Bill Payment (Check)	1914	Riverside County Sheriff's Department	Booking Fee - SWDC - July 2009	\$ 366.30
9/9/2009	Bill Payment (Check)	1915	Republic ITS	Traffic Signal Maintenance & Response Call - July 2009	\$ 4,174.87
9/9/2009	Bill Payment (Check)	1916	Robert Devine	Planning Commission Meetings - 8/5 & 8/19	\$ 150.00
9/9/2009	Bill Payment (Check)	1917	Scott Nowak	Planning Commission Meting - 8/19	\$ 75.00
9/9/2009	Bill Payment (Check)	1918	Elsinore Valley Municipal Water District	Water for O'Brien, Heritage, Windsong and Cervera Road	\$ 14,242.40
9/9/2009	Bill Payment (Check)	1919	DataQuick	Code Enforcement Software Contract	\$ 136.87
9/9/2009	Bill Payment (Check)	1920	FedEx	FedEx Services - Planning Department	\$ 75.17
9/9/2009	Bill Payment (Check)	1921	Wildomar Chamber of Commerce	Booth Rental for WCC Fair	\$ 25.00
9/9/2009	Bill Payment (Check)	1922	The Farm Mutual Water Company	Water Usage @ Deep Well Road and Hidden Hollow Drive	\$ 25.29
Sub-total:					70,878.18

**City of Wildomar
Warrant Register**

Date	Type	Num	Name	Memo/Description	Amount
September 17, 2009 - P Checks					
09/17/2009	Bill Payment (Check)	1923	Wildomar Community Council	Booth Rental for WCC Fair	\$ 25.00
09/17/2009	Bill Payment (Check)	1924	Edison	Charges for Lamps in Service	\$ 2,230.11
09/17/2009	Bill Payment (Check)	1925	Melvin Bruner	Entertainment for Mayor's Ball - 9/19/2009	\$ 500.00
09/17/2009	Bill Payment (Check)	1926	Verizon	Telephone Charges for Aug 09; Wildomar LMD 2006-1	\$ 577.71
					Sub-Total: \$ 3,332.82

**City of Wildomar
Warrant Register
September 23, 2009**

Date	Type	Num	Name	Memo/Description	Amount
09/23/2009	Bill Payment (Check)	1927	City of Lake Elsinore	Wildomar Summer Program - Marna O'Brien Park	\$ 7,148.20
09/23/2009	Bill Payment (Check)	1928	Inland Empire Lock & Key	Repair Lock on women's Restroom - O'Brien Park	\$ 64.52
09/23/2009	Bill Payment (Check)	1929	Innovative Document Solutions	Contract Copier Services/Maintenance - August 2009	\$ 472.77
09/23/2009	Bill Payment (Check)	1930	Mathis Consulting Group	DISC Profile Reports	\$ 675.00
09/23/2009	Bill Payment (Check)	1931	OnTrac	Overnight Delivery Services 8/4-8/28/09	\$ 35.18
09/23/2009	Bill Payment (Check)	1932	Pitney Bowes	Postage & Supplies - August 2009	\$ 493.59
09/23/2009	Bill Payment (Check)	1933	Public Opinion Strategies, LLC	City Survey	\$ 20,000.00
09/23/2009	Bill Payment (Check)	1934	Republic ITS	Traffic Signal Response Call & Repairs - August 2009	\$ 1,201.35
09/23/2009	Bill Payment (Check)	1935	Chelsea Sproul	Refund for Project Deposit Balance - 09-398	\$ 2,115.83
09/23/2009	Bill Payment (Check)	1936	Wildomar Chamber of Commerce	Business Networking Meeting	\$ 10.00
					Sub-Total: \$ 32,216.44
					Grand Total: \$ 106,427.44

Payroll Register

18-Sep-09					
9/18/2009		5072	City Employee	Payroll Period 18	\$ 2,070.63
9/18/2009		5073	City Employee	Payroll Period 18	\$ 5,018.20
					7,088.83

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
CONSENT CALENDAR
Meeting Date: September 23, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Treasurer's Report, August 2009

STAFF REPORT

RECOMMENDATION:

Staff recommends City Council to approve the Treasurer's Report.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of August 2009. During the month, the City received the annual Motor Vehicle License Fees disbursement of \$2,106,033.67 which is 12% less than last year's disbursement of \$2,398,945.23 and 9% less than this year's budget of \$2,300,000.00. This item will be addressed at the City's Quarterly Budget Review.

FISCAL IMPACTS:

None at this time.

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Finance Director

Frank Oviedo
City Manager

Attachments: Treasurer's Report

**CITY OF WILDOMAR
TREASURER'S REPORT FOR
CASH AND INVESTMENT PORTFOLIO
August 2009**

CITY CASH

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ 4,745,827.72	0.00%
		TOTAL	\$ 4,745,827.72	

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ 2,027,072.56	\$ 3,243,197.90	\$ (524,442.74)	\$ 4,745,827.72	0.000%
		TOTAL	\$ 2,027,072.56	\$ 3,243,197.90	\$ (524,442.74)	\$ 4,745,827.72	

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUND	\$ 1,514,401.65	\$ 1,514,401.65	\$ 1,514,401.65	100.00%	0	
	TOTAL	\$ 1,514,401.65	\$ 1,514,401.65	\$ 1,514,401.65	100.00%		

CITY - TOTAL CASH AND INVESTMENT \$ 6,260,229.37

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUNDS	\$ 1,508,731.11	\$ 5,670.54	\$ 0.00	\$ 1,514,401.65	
	TOTAL	\$ 1,508,731.11	\$ 5,670.54	\$ 0.00	\$ 1,514,401.65	

In compliance with the California Code Section 53646, as the Director of Finance/ City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of investment Policy.
I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

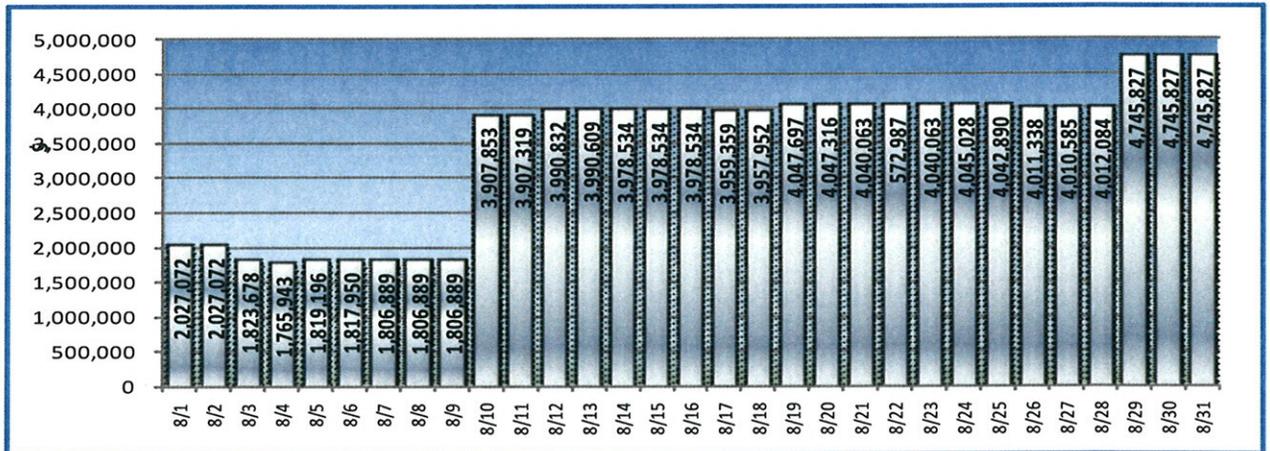
Gary Nordquist
Director of Finance/City Treasurer

Date



August 2009

Daily Cash Balance
All Funds Checking Only
Pool Report Balance



	Ending Balance	Monthly Net Activity
July	\$ 20,855	\$ 20,855
August	2,297,920	2,277,065
September	2,402,083	104,163
October	2,340,436	(61,647)
November	2,203,169	(137,267)
December	747,664	(1,455,505)
January	826,502	78,838
February	733,251	(93,251)
March	571,857	(161,394)
April	644,285	72,428
May	687,746	43,461
June	1,266,750	579,004
July	2,027,072	760,322
August	4,745,827	2,718,755

August 2009		
Date	Ending Balance In Whole \$	Net Change from Prior Day
8/1	2,027,072	1,339,326
8/2	2,027,072	-
8/3	1,823,678	(203,394)
8/4	1,765,943	(57,735)
8/5	1,819,196	53,253
8/6	1,817,950	(1,246)
8/7	1,806,889	(11,061)
8/8	1,806,889	-
8/9	1,806,889	-
8/10	3,907,853	2,100,964
8/11	3,907,319	(534)
8/12	3,990,832	83,513
8/13	3,990,609	(223)
8/14	3,978,534	(12,075)
8/15	3,978,534	-
8/16	3,978,534	-
8/17	3,959,359	(19,175)
8/18	3,957,952	(1,407)
8/19	4,047,697	89,745
8/20	4,047,316	(381)
8/21	4,040,063	(7,253)
8/22	4,040,063	-
8/23	4,040,063	-
8/24	4,045,028	4,965
8/25	4,042,890	(2,138)
8/26	4,011,338	(31,552)
8/27	4,010,585	(753)
8/28	4,012,084	1,499
8/29	4,745,827	733,743
8/30	4,745,827	-
8/31	4,745,827	-

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: September 23, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Planning Director
SUBJECT: Zoning Ordinance Amendment 09-01 – Ordinance No. 35 second reading and adoption

STAFF REPORT

RECOMMENDATION:

The Planning Commission recommends that the City Council adopt Ordinance No. 35 entitled:

ORDINANCE NO. 35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS AND APPEAL AUTHORITIES, COMPACT PARKING SPACES, AND OTHER MINOR MODIFICATIONS (ZONING CODE AMENDMENT 09-01)

Submitted by:

Approved By:

David Hogan
Planning Director

Frank Oviedo
City Manager

ORDINANCE NO. 35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS, APPEAL AUTHORITIES, AND OTHER MINOR MODIFICATIONS (ZONING (ZONING CODE AMENDMENT 09-01)

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

SECTION 1. Purpose and Authority

The purpose of this Ordinance is to amend Zoning Ordinance provisions relating to project approval and appeals, compact parking spaces, and other minor zoning code modifications.

SECTION 2. Findings

A. Compliance with the California Environmental Quality Act

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

B. Consistency with the General Plan

These amendments to the Zoning Ordinance are consistent with, and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will

further the implementation of Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and ... (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire, razor wire, and unscreened trash enclosures. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

SECTION 3. Amendments to the Zoning Ordinance

The Zoning Ordinance for the City of Wildomar is hereby amended as described below.

- A. Section 17.192.060 is hereby amended to read as follows:

“17.192.060 Hearing and notice of decision.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. A notice of the decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision.”

- B. Section 17.192.070 is hereby amended to read as follows:

“17.192.070 Appeal - proceedings before the appeal authority.

The decision of the hearing body is considered final unless within ten days after the notice of decision is provided to the project applicant or an interested person files an appeal, accompanied by the fee established by the City Council.

- A. The following actions may be appealed to Planning Commission as the appeal authority: all decisions by the Director of Planning on development permits.
- B. The following actions may be appealed to City Council as the appeal authority: all decisions of the Planning Commission.
- C. If a timely appeal is filed with the City Clerk, the matter shall be set for a public hearing before the appeal authority not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.”

C. Section 17.208.015 is hereby added of the Zoning Ordinance to read as follows:

"17.208.015 Application processing.

Except for the permitted uses described in Section 17.208.010 which shall remain in effect, all applications for a public use permit, or revisions thereof, shall comply with the application processing provisions contained in Chapter 17.200."

D. Sections 17.208.020, 17.208.030, 17.208.040, 17.208.050, and 17.208.060 are hereby repealed.

E. Section 17.172.085 is hereby added to read as follows:

"17.172.085 Trash enclosures.

All commercial, industrial, and multiple family residential developments (with centralized trash collection facilities) shall provide a masonry, or equivalent material, trash enclosure. The trash and recyclable enclosure shall be sufficiently sized to accommodate the number of trash enclosures proposed for the development and shall include a sturdy gate."

F. Section 17.172.205.C is hereby added to read as follows:

"C. Prohibited materials. Fences and walls shall not be topped with barbed wire, razor wire, or other similar materials except as provided herein. In circumstances where high security is required and appropriate, the Planning Director may authorize, in writing, the use of these otherwise prohibited materials. In rural and agricultural settings, pasture and crop perimeter fences composed of several strands of barbed wire are allowed."

SECTION 4. Severability

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 5. Certification and Publication

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 6. Effective Date

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

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.6
Meeting Date: September 23, 2009

TO: Mayor and City Council Members
FROM: Michael Kashiwagi, Development Services
SUBJECT: Ordinance No. 36 Second Reading and Adoption - Establishing Speed Limits on Bundy Canyon Road from Mission Trail to the Wildomar City Limits and Palomar Street from Mission Trail to Corydon Street

STAFF REPORT

RECOMMENDATION: Adopt Ordinance No. 36 entitled:

ORDINANCE NO. 36
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING THE SPEED LIMIT ON BUNDY CANYON ROAD
FROM MISSION TRAIL TO THE WILDOMAR CITY LIMITS AND PALOMAR STREET
FROM MISSION TRAIL TO CORYDON STREET

which establishes the following speed limits:

<u>Roadway Segment</u>	<u>Posted Speed Limit</u>
Bundy Canyon Road- Mission Trail to Oak Canyon Drive	45 miles per hour
Bundy Canyon Road- Oak Canyon Drive to Wildomar City Limits	45 miles per hour
Palomar Street- Mission Trail to Corydon Street	35 miles per hour

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

Frank Oviedo
City Manager

ORDINANCE NO. 36
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING THE SPEED LIMIT ON BUNDY CANYON ROAD
FROM MISSION TRAIL TO THE WILDOMAR CITY LIMITS AND PALOMAR STREET
FROM MISSION TRAIL TO CORYDON STREET

THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA does ordain as follows:

SECTION 1. FINDINGS

On September 9, 2009, the City Council of the City of Wildomar reviewed and considered the engineering and traffic surveys and related information, attached hereto and incorporated by reference.

Based upon the review of the Survey and related information, the City Council finds the prevailing or 85th percentile speeds of the vehicles are:

<u>Roadway Segment</u>	<u>85th Percentile Speed</u>
Bundy Canyon Road-Mission Trail to Oak Canyon Drive	44 miles per hour
Bundy Canyon Road-Oak Canyon Drive to Wildomar City Limits	52 miles per hour
Palomar Street-Mission Trail to Corydon Street	42 miles per hour

SECTION 2. DECLARATION OF SPEED LIMITS

Based on findings set forth in Section 1, above, the City Council hereby declares the following speed limits:

- Bundy Canyon Road between Mission Trail and Oak Canyon Drive shall be forty-five (45) miles per hour;
- Bundy Canyon Road between Oak Canyon Drive and the Wildomar City Limits shall be forty-five (45) miles per hour;
- Palomar Street between Mission Trail and Corydon Street shall be thirty-five (35) miles per hour;

SECTION 3. DIRECTION TO CITY TRAFFIC ENGINEER

On or after the effective date of this ordinance, the City Engineer is directed to clearly post speed limit signs effectuating Section 2, above, to give notice that this ordinance is in effect.

SECTION 4. NO MANDATORY DUTY OF CARE.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty or care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 6. EFFECTIVE DATE AND PUBLICATION

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least fifteen (15) days after its passage, a summary of the ordinance may be published at least five day prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.7
CONSENT CALENDAR
Meeting Date: September 23, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Planning Director
SUBJECT: Notice of Decision for the Cornerstone Community Church Parking Lot Expansion (08-0163)

STAFF REPORT

RECOMMENDATION:

Receive and File.

BACKGROUND:

The City of Wildomar Planning Commission conditionally approved the Cornerstone Community Church Parking Lot Expansion project on September 16, 2009. The project consists of the construction of an additional 764 parking spaces to handle the existing demand for parking, the construction of a water quality detention basin and replacement athletic fields, athletic field lighting, and improvements to adjacent public streets. The project will require the export of approximately 700,000 cubic yards of material.

According to Section 17.192.070 projects approved by the Planning Commission must be presented as a Receive and File item before the City Council. At this meeting the City Council has two options. The first option is to accept the Receive and File (which begins the appeal period for the project). During the 10-day appeal period any interested person can appeal the project to the City Council. The second option is to vote to place the item on an upcoming City Council agenda. If a Council majority votes to place the project on a future meeting agenda, staff will select a meeting date with enough time to allow for the required noticing of the public hearing. The text of Sections 17.192.060 and 17.192.070 are attached to this staff report.

Submitted by:

Approved By:

David Hogan
Planning Director

Frank Oviedo
City Manager

ZONING CODE EXCERPTS

17.192.060. HEARING AND NOTICE OF DECISION.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. Notice of the decision shall be filed by the Planning Director with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the hearing body is unable to make a decision, that fact shall be filed with the Clerk of the Board in the same manner for reporting decisions and shall be considered as a notice of denial of the application by the hearing body. The Clerk of the Board shall place the notice of the decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director.

17.192.070. PROCEEDING BEFORE THE BOARD OF SUPERVISORS.

The decision of the hearing body is considered final and no action by the Board of Supervisors is required unless, within ten days after the notice of decision appears on the Board's agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the Clerk of the Board or unless the Board assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed or the Board assumes jurisdiction, the Clerk of the Board shall set the matter for public hearing before the Board not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.1
Meeting Date: September 23, 2009

TO: Mayor and City Council Members
FROM: Michael Kashiwagi, Development Services
SUBJECT: Overview of Code Enforcement

STAFF REPORT

This will be an oral report on how code enforcement works and the procedures used.

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: September 23, 2009

TO: Mayor and Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Delegation of Authority to the City Manager or His/Her Designee to Establish an Administrative Process for Real Property Acquisition and Relocation of Displaced Persons Required for City Use and Purposes.

STAFF REPORT

RECOMMENDATION:

Adopt Resolution No. 09 - 66, Authorizing the City Manager or His/Her Designee to Establish an Administrative Process for Real Property Acquisition and Relocation of Displaced Persons Required for City's Use and Purposes.

BACKGROUND:

Whereas, from time to time, the City desires to construct various capital improvements, drainage, flood control facilities and other primary facilities for its use and purpose. The purpose for establishing an administrative process is to assure that the City maintain a uniform and consistent procedure for appraising, acquiring real property interests and administering the relocation assistance program for the City of Wildomar.

The administrative process provides an outline of the Right of Way Acquisition activities and provides procedures to interface with planning, design, right of way engineering, project funding, legal procedures and project documents. Proactive management practices in the critical property acquisition process will contribute greatly in reducing project costs, minimizing impacts, avoiding excess procurements, maximizing property dedications and maintaining positive community relations.

The purpose of adhering to the policies of California Relocation Assistance Law (California Government Code sec. 7260, et seq. and regulations adopted to implement same) as well as the Federal Uniform Relocation Assistance Act (42 U.S.C. sec. 4601, et seq.) and regulations adopted thereto (where applicable) , relates to the real property acquisition and relocation assistance, and last resort housing. These statutes and regulations are intended for the benefit of the property owners and displaced persons, to ensure such persons receive fair and equitable treatment and do not suffer

disproportionate injuries as the result of programs designed for the benefit of the public as whole.

Overview of the Right of Way Acquisition Process

1. Delegation to City Manager. The following duties and functions are hereby delegated to the City Manager, or his designee:
 - a) To oversee and administer the real property appraisal process, including but not limited to, providing Notices of Intent to Appraise to effected property owners; causing real property required for the Project to be appraised; establishing a process for the review and approval of appraisals; approving and making written offers of just compensation to acquire real property based upon appraised value; and negotiating the purchase or real property required for Projects, subject to final approval by the City Council.
 - b) To provide City Council with a confidential written report presented in closed session on a monthly basis of the status of all real property acquisitions, including the appraised value, offers made and received, and other information the City Manager deems appropriate.
 - c) Following the approval of an agreement for the acquisition of real property by the City Council, to execute agreements for the purchase of property; establish terms and conditions for the conveyance of the real property; open escrow accounts and provide escrow instructions; accept deeds, easements and other documents conveying real property to the City; and take other actions as necessary to complete the acquisition of the real property.
 - d) To request consent from the California Department of Transportation and the County of Riverside, as necessary, for the City to acquire real property required for the Project and exercise the power of eminent domain within the boundaries of a state highway.
 - e) To determine and make offers of relocation assistance and/or benefits in accordance with state law; approve the payment of relocation assistance and/or benefits, subject to providing a confidential written report to the City Council in closed session fifteen (15) days prior to such approval; hear and decide all appeals from displaced persons regarding the adequacy of relocation assistance; serve notices to vacate; and take such further actions as necessary to provide for the relocation of displaced persons.
2. Retention of Authority by City Council. The City Council hereby expressly retains authority over the following matters:
 - a) To approve the appropriation of funds for the acquisition of real property or the relocation of displaced persons.

- b) To approve all agreements for the purchase of real property, including but not limited to, Purchase and Sale Agreements and Settlement Agreements.
 - c) Other matters not expressly delegated by Resolution.
3. Standards for Acquisition and Relocation. The City Council hereby directs that the acquisition of real property and relocation of displaced persons for the City shall conform to all applicable provisions of the California Civil Code and the Civil Code or, where applicable, Federal Uniform Relocation Assistance Act and the regulations adopted thereto, and shall further conform to California Department of Transportation standards and procedures as set forth in Chapter 17 (Local Programs) of the Department of Transportation Right of Way Manual. In the event of a conflict, the applicable provisions of either state law or federal law shall govern.

Staff recommends that the Council approve the attached resolution Delegating Authority to the City Manager or His/Her Designee to Establish an Administrative Process for Real Property Acquisition and Relocation of Displaced Persons Required for City Use and Purposes.

BUDGET:

None.

FISCAL IMPACTS:

There are no fiscal impacts relative to this action.

ALTERNATIVES:

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

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

Frank Oviedo
City Manager

RESOLUTION NO. 09 - 66

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING AN ADMINISTRATIVE PROCESS FOR REAL
PROPERTY ACQUISITION AND RELOCATION OF DISPLACED PERSONS
RELATED TO CITY USE AND PURPOSES**

WHEREAS, the City of Wildomar ("City") is undertaking the construction of various capital improvements and other related projects for City's use and purpose; and

WHEREAS, from time to time the City Council shall direct City staff to proceed with preliminary activities necessary to commence the construction of certain Projects; and

WHEREAS, such preliminary actions include the acquisition of real property required for the construction of Project(s) and the relocation of persons occupying such real property; and

WHEREAS, the City is authorized to acquire real property and to provide for the relocation of displaced persons in connection with the construction of the Project; and

WHEREAS, the City Council has the authority and desire to delegate various real property acquisition and relocation functions to the City Manager in order to make the process more efficient.

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

1. Delegation to City Manager. The following duties and functions are hereby delegated to the City Manager, or his designee:
 - a) To oversee and administer the real property appraisal process, including but not limited to, providing Notices of Intent to Appraise to effected property owners; causing real property required for the Project to be appraised; establishing a process for the review and approval of appraisals; establishing just compensation based on approved appraisals; approving and making written offers of just compensation to acquire real property based upon appraised value; and negotiating the purchase or real property required for Projects, subject to final approval by the City Council.
 - b) To provide City Council with a confidential written report in closed session on a monthly basis of the status of all real property acquisitions, including the appraised value, offers made and

received, and other information the City Manager deems appropriate.

- c) Following the approval of an agreement for the acquisition of real property by the City Council, to execute agreements for the purchase of property; establish terms and conditions for the conveyance of the real property open escrow accounts and provide escrow instructions; accept deeds, easements and other documents conveying real property to the City; and take other actions as necessary to complete the acquisition of the real property.
 - d) To request consent from the California Department of Transportation and the County of Riverside, as necessary, for the City to acquire real property required for the Project and exercise the power of eminent domain within the boundaries of a state highway.
 - e) To determine and make offers of relocation assistance and/or benefits in accordance with state law; approve the payment of relocation assistance and/or benefits, subject to providing a confidential written report to the City Council in closed session fifteen (15) days prior to such approval; hear and decide all appeals from displaced persons regarding the adequacy of relocation assistance; serve notices to vacate; and take such further actions as necessary to provide for the relocation of displaced persons.
2. Retention of Authority by City Council. The City Council hereby expressly retains authority over the following matters:
- a) To approve the appropriation of funds for the acquisition of real property or the relocation of displaced persons.
 - b) To approve all agreements for the purchase of real property, including but not limited to, Purchase and Sale Agreements and Settlement Agreements.
 - c) Other matters not expressly delegated in this Resolution.
3. Standards for Acquisition and Relocation. The City Council hereby directs that the acquisition of real property and relocation of displaced persons for the City shall conform to all applicable provisions of the California Civil Code and Civil Code, and shall further conform to California Department of Transportation standards and procedures as set forth in Chapter 17 (Local Programs) of the Department of Transportation's Right of Way Manual. In the event of a conflict, the provisions of applicable state or federal law shall govern.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2009.

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: September 23, 2009

TO: Mayor and Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Delegation of Authority to the City Manager or his designee to execute Right of Way Certifications.

STAFF REPORT

RECOMMENDATION:

Adopt Resolution No. 09-67, authorizing the City Manager or His/Her Designee to execute right of way certifications for State and Federal funded construction projects.

BACKGROUND:

Whereas, from time to time, the City desires to construct various capital improvements, drainage, flood control facilities and other primary facilities for its use and purpose. As a requirement for receiving state and federal funding, all projects must adhere to the California Department of Transportation, Local Assistance Program Guidelines (LAPC). This requirement includes the City certifying that it has obtained legal and physical possession of all properties located within the limits of the projects and provide written statements on right of way summarizing the status of all related right of way matters with respect to proposed projects.

The LAPC requires the City to submit to Caltrans a resolution from the governing body authorizing execution of right of way certifications or the governing body may delegate the execution of the right of way certifications to a designated official.

To expedite the process and provide efficiency, it is recommended that the City Council adopt the attached resolution.

BUDGET:

None.

FISCAL IMPACTS:

There are no fiscal impacts relative to this action.

ALTERNATIVES:

1. Take no action.
2. Amend the resolution to authorize a different official to sign right of way certifications.

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

Frank Oviedo
City Manager

RESOLUTION NO. 09 – 67

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DELEGATING AUTHORITY TO THE CITY MANAGER TO EXECUTE
RIGHT OF WAY CERTIFICATIONS**

WHEREAS, the City of Wildomar (“City”) is undertaking the construction of various capital improvements and other related projects for City’s use and purpose; and

WHEREAS, as a requirement for receiving state and federal funding in regard to such projects, the City must certify that it has obtained legal and physical possession of all properties located within the limits of the projects in accordance with California Department of Transportation, Local Assistance Program Guidelines (LAPC); and

WHEREAS, as part of the requirement for receiving state and federal funding in regard to such projects, the City is required to provide written statements on right of way certification forms summarizing the status of all right of way related matters with respect to a proposed project; and submit the certification of rights of way must be submitted to Caltrans accompanied by a resolution of the City Council authorizing the execution of documents, or the City Council may adopt a resolution giving the City Manager or his designee authority to execute right of way certificates; and

WHEREAS, City may by general resolution, authorize an officer or agent to act on behalf of the City Council in certain matters and it is in the interest of convenience and efficiency to designate the City Manager or his designee as the officer authorized to execute said right of way certifications.

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

1. That all of the above recitations are true and correct.
2. That the City Manager or his designee is hereby authorized to execute right of way certifications on behalf of the City of Wildomar in order to comply with Caltrans and any amendments or revisions thereof.

PASSED APPROVED AND ADOPTED this 23rd day of September, 2009.

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

TAG LINE SUGGESTIONS

- 1) Where tradition & progress meet
- 2) Cornerstone of community pride and heritage
(play off of the church since it is a well known element of the city - will garner more exposure)
- 3) Where dreams come true
- 4) Values • Heritage • Pride
- 5) Tradition • Opportunity • Progress
- 6) Preserving community values one step at a time
- 7) Beacon of values & pride
- 8) Opportunity • Heritage
- 9) Keeping tradition alive with progress
- 10) We are all one
(suggested at the Visioning meeting)