

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 11, 2012**

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

The closed session of April 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 5:30 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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

Staff in attendance: City Manager Oviedo, Assistant City Attorney Jex, and Clerk Morales.

PUBLIC COMMENTS

There were no speakers.

CLOSED SESSION

Clerk Morales announced the City Council will meet in closed session regarding the following:

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

RECONVENE INTO OPEN SESSION

At 6:30 p.m. the City Council convened into closed session, with Council Member Cashman absent, making the following announcement:

City Attorney Jex stated there is no reportable action for items #1 and #2. In regards to item #3, the City did receive a favorable decision from the Court of Appeal upholding the City's Ordinance banning medical marijuana.

ADJOURN CLOSED SESSION

There being no further business, Mayor Benoit declared the closed session meeting adjourned at 6:31 p.m.

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

The regular meeting of April 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 6:31 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Jex, Public Works Director D'Zmura, Planning Director Bassi, Community Services Director Willette, Fire Chief Beach, Assistant Police Chief Adams, and Clerk Morales.

The Flag Salute was led by Mayor Pro Tem Walker.

PRESENTATIONS

Mayor Benoit announced that the following will be continued to the May 9, 2012 Council meeting:

Certificate of Appreciation
2011 Wildomar Queens

Certificate of Congratulations
Elsinore High School Academic Decathlon Team

Mayor Benoit presented a Certificate of Achievement to Wildomar Elementary School for being named by the State as a 2012 Distinguished School.

Mayor Benoit presented a Proclamation to the County of Riverside regarding Child Abuse Prevention.

Fire Chief Beach was not present to give the Fire Department monthly update.

Public Works Director D'Zmura presented the Code Enforcement quarterly report.

The Chamber of Commerce update was given by Jeff George.

PUBLIC COMMENTS

There were no speakers.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Councilwoman Moore, seconded by Councilwoman Swanson, to approve the Agenda as presented.

MOTION carried, 4-0, with Councilman Cashman absent.

1.0 CONSENT CALENDAR

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to approve the Consent Calendar as presented.

MOTION carried, 4-0, with Councilman Cashman absent.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – March 14, 2012 Regular Meeting

Approved the Minutes as presented.

1.3 Minutes – March 22, 2012 Special Meeting

Approved the Minutes as presented.

1.4 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated 03-01-12 in the amount of \$82,073.37;
2. Warrant Register dated 03-08-12 in the amount of \$144,574.74;
3. Warrant Register dated 03-15-12 in the amount of \$53,790.33;
4. Warrant Register dated 03-22-12 in the amount of \$68,853.56;
5. Warrant Register dated 03-29-12 in the amount of \$48,218.41; and
6. Payroll Register dated 03-29-12 in the amount of \$68,825.11.

1.5 Treasurer's Report

Approved the Treasurer's Report for February, 2012.

1.6 Auditing Services Contract – Lance, Soll, and Lunghard, LLP

Approved a two year contract with external auditors Lance, Soll, and Lunghard, LLP to provide for audit services and preparation of required reports for fiscal years 2011/12 and 2012/13.

1.7 Memorandum of Understanding (MOU) with Riverside County for one Mass Care Shelter Trailer

Approved entering into a MOU with Riverside County for one additional fully stocked Mass Care and Shelter Trailer.

2.0 PUBLIC HEARINGS

2.1 User Fees Review (Continued from 02-08-12)

Clerk Morales read the title.

Assistant City Manager Nordquist stated Staff is requesting the item be continued to June 13, 2012.

A MOTION was made Councilwoman Moore, seconded by Mayor Pro Tem Walker, to continue this item to the June 13, 2012 regular meeting.

MOTION carried, 4-0, with Councilman Cashman absent.

2.2 Zoning Ordinance Amendment No. 11-03 - City Initiated Zoning Ordinance Amendment to Allow Nano and Micro-Craft Manufacturing Brewers as a Permitted Use (Continued from 03-14-12)

Clerk Morales read the title.

Mayor Benoit opened the public hearing.

Planning Director Bassi presented the staff report.

SPEAKERS:

Martha Bridges, resident, stated the amount of water needed for a microbrewery has increased by as much as 700%. She is grateful that the item will be tabled indefinitely. There are serious considerations to the City's water supplies regarding this matter.

Mayor Benoit stated it saddens him that this must be tabled due to the fact that the City does not have the funds to fight another CEQA lawsuit. It is sad because instead of this person coming to the City, sitting down with the City Manager and discussing the concerns, he has chosen to come into a Council meeting and leave a threat of a lawsuit and then leave. The City cannot talk about promoting business without the threat of a lawsuit.

Councilwoman Swanson stated she is also saddened. The City of Lake Elsinore uses the same water company as Wildomar and they have at least two microbreweries. Murrieta and Temecula each have one. There are bus tours that go to different breweries and it would be nice to have one come into Wildomar and spend some money. It saddens her because it is one person stopping all of this. She will have to vote to table the item but she is not happy about it.

Councilwoman Moore agreed with Councilwoman Swanson.

Mayor Pro Tem Walker stated he does not understand the issue regarding the water problem. People use CEQA to stop business in the State, and this is part of the problem. He is behind getting this Ordinance back and raising the money to fight off the threats. He would like to be able to get the word out in the City about what is really going on instead of the misinformation that is put out by those not in the organization. We are trying to get business and a quality of life and end up fighting off issues from a few dissatisfied people.

There being no further speakers Mayor Benoit closed the public hearing.

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Walker, to table the item indefinitely.

MOTION carried, 4-0, with Councilman Cashman absent.

3.0 GENERAL BUSINESS

3.1 Clinton Keith Interchange Construction Project Update

Clerk Morales read the title.

Dennis Green, Green Com, presented the update.

3.2 Tracking Automated and Graffiti Reporting System (TAGRS)

Clerk Morales read the title.

Community Services Director Willette stated that Sarah Egara from the Sheriff's Department will make the presentation on the program.

Ms. Egara presented an overview of the program.

Mayor Benoint inquired if Murrieta Police Department going to eventually be a part of this program.

Ms. Egara answered they are currently in talks with them.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to approve the use of the TAGRS system for staff to track graffiti incidents.

MOTION carried, 4-0, with Councilman Cashman absent.

3.3 Public Facility Naming Criteria

Clerk Morales read the title.

Assistant City Manager Nordquist presented the staff report.

Martha Bridges, Butterfield Multi Use Trails, Inc., stated she will relinquish

her time to any of the other speakers who would speak in opposition.

Gary Andre, resident, stated he spent a great deal of time on the map. He revised the map to include more of the military personnel talked about at the last meeting. At the last meeting there was discussion regarding Supervisor Bob Buster's name on a trail. He did fight to help Wildomar incorporate. Also, he has made a great deal of changes to the map and he would like to see it left the way it is and he would like to see these trails open.

Gil Rasmussen, resident, stated the comments made by the Council to a citizen tonight are embarrassing.

Mayor Benoit stated to keep the comments to the item being discussed.

Mr. Rasmussen stated if this is retroactive to the trails who will notify Peter Bovenkamp's widow that you are taking his name off of a trail. He died riding his bike and did nothing heroic, he doesn't deserve a trail if the proposed criteria is adopted.

Councilwoman Swanson stated Staff did an excellent job in putting this together. She is happy to see guidelines in place so that it doesn't fall to just one person.

Councilwoman Moore stated she doesn't see anything in the guidelines that would exclude Peter Bovenkamp.

Assistant City Manager Nordquist stated at the last Council meeting the names were approved with the exception of the Patron names. Approving the proposed guidelines would be for any future naming. Additionally, in the future any proposed name would be on a form with the criteria for the nomination so the Council would see how the person would qualify.

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

RESOLUTION NO. 2012 - 15
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING A NAMING POLICY FOR PUBLIC PARKS,
FACILITIES AND TRAILS

MOTION carried, 4-0, with Councilman Cashman absent.

3.4 Marna O'Brien Park Operations Draft Joint Use Agreement

Clerk Morales read the title.

Assistant City Manager Nordquist presented the staff report.

John Lloyd, Friends for Wildomar Parks, gave an overview of how the organization came to be after the defeat of Measure D last June. They are focusing on fund raising and are realizing how difficult it is.

Councilwoman Moore inquired how closed they are to getting the 501(c)3.

Mr. Lloyd answered they are hoping to have it by August. When we get that then we can apply for grants.

Councilwoman Moore stated the budget presented is very preliminary.

Mr. Lloyd stated it is as close as we can get at this point. They are now aware of what fundraisers make money and which ones don't.

Discussion ensued regarding the water bill being lower than the electric bills; and Fundraisers.

The Council thanked the Board for all of their hard work.

3.5 Windsong Park Options

Clerk Morales read the title.

Assistant City Manager Nordquist presented the staff report.

Councilwoman Swanson stated there are unenforced CC&Rs in that development, but no Home Owners Association. Maybe it would be possible to form one and establish something for that park through them. There were four builders when that tract was built and the developers went belly up before an HOA could be established.

Assistant City Manager Nordquist stated that is one option. Other options include selling the property to a School, or non-profit organization, or keep the property and lease it to them. Due to the constant vandalism and upkeep, the City needs to come to some resolution regarding the property. Staff has received letters from the residents with suggestions.

Martha Bridges, resident, stated she has already addressed her concerns to Staff and the City Council.

Monty Goddard, resident, stated his home is adjacent to the park, and when he bought it the park was closed at the time. When he first looked at the house he asked if there was an HOA and if he could park his motor home on the property. If there was an HOA he wasn't going to buy and if he couldn't park his motor home on his property he wasn't going to buy. When the park opened he was sorry he didn't sell his house due to the lack of law enforcement. He would like to see the park reopen, but he would like a level of law enforcement to go with it.

Mayor Benoit stated he is not interested in starting an HOA. When the precinct report came out after the Measure D election, it was apparent there was a great deal of support in that tract. His thought is a local mechanism for just that park.

Councilwoman Swanson stated it will be expensive to put it on the ballot and she would like more assurance that they are willing to pay.

Mayor Benoit stated he would like to send a letter to just those residents to see if there would be any interest. They could send in a letter stating yes or no and why. He would also like to see someone in that tract to step forward and go door to door and tell the neighbors about this and what the support would be.

It was the consensus of the City Council to direct Staff to send a letter of interest to the people in that tract to see if there is support for the park.

3.6 Appeal Fee Survey Report

Clerk Morales read the title.

Planning Director Bassi presented the staff report.

Discussion ensued regarding verifying if a person is actually a resident; Leaving the fees as is; and Instances which would trigger an appeal.

A MOTION was made by Councilwoman Swanson, seconded by Mayor Pro Tem Walker, to not change the current appeal fee.

MOTION carried, 4-0, with Councilman Cashman absent.

3.7 Request for Proposal for Maintenance Services Contract

Clerk Morales read the title.

Public Works Director D'Zmura presented the staff report.

A MOTION was made by Mayor Pro Tem Walker, seconded by Councilwoman Swanson, to authorize advertising the Request for Proposals (RFP) for Public Works Maintenance Services.

MOTION carried, 4-0, with Councilman Cashman absent.

3.8 Survey Contract for Sidewalks to Schools Improvement Project – Phase 2

Clerk Morales read the title.

City Engineer Palmer presented the staff report.

Councilwoman Swanson inquired where they are located out of.

City Engineer Palmer answered they are out of San Bernardino.

A MOTION was made by Councilwoman Swanson, seconded by Mayor Pro Tem Walker, to authorize the City Manager to execute a contract with Ludwig Engineering Associates, Inc. in the amount of \$18,856 for survey services for the Sidewalks to Schools Improvement Project–Phase 2.

MOTION carried, 4-0, with Councilman Cashman absent.

3.9 Elsinore Valley Municipal Water District (EVMWD) Subcommittee Representative

Clerk Morales read the title.

City Manager Oviedo presented the staff report.

A MOTION was made by Mayor Pro Tem Walker, seconded by Councilwoman Moore, to appoint Mayor Benoit, in Councilwoman Swanson's place, as the replacement representative to the Elsinore Valley Municipal Water District (EVMWD) Subcommittee.

MOTION carried, 4-0, with Councilman Cashman absent.

3.10 City Attorney Budget Ad Hoc Subcommittee

Clerk Morales read the title.

City Manager Oviedo presented the staff report.

Mayor Benoit stated he did speak with Councilman Cashman regarding this and he stated it is interested in serving, however, if there are those who are very interested in serving he would be okay with that as well. He then stated he is very interested in serving on this.

Councilwoman Swanson stated she is also very interested in serving.

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Walker, to form a City Attorney Budget Ad Hoc Subcommittee to work with staff in determining the most cost effective billing method for legal services, and to appoint Mayor Benoit and Councilwoman Swanson to serve on said Subcommittee.

MOTION carried, 4-0, with Councilman Cashman absent.

CITY MANAGER REPORT

City Manager Oviedo stated there will be a public workshop regarding the budget in the Council Chambers on April 17 at 6:30 p.m. He then stated the on-line building permit service training will begin next week. Staff is looking for an October start date to go live. He then stated an update on SB1566. The committee hearing is next week and Mayor Benoit will be in attendance. In addition, Sheriff Sniff will also be in attendance. He then stated the computer system is up and running at the Cemetery. The next step is to link it with the City's system.

CITY ATTORNEY REPORT

City Attorney Jex stated there is an exception for gifts from a business relation. If you receive a gift that has nothing to do with your Council Member position and is purely a business gift, that is now exempt from reporting. Also reciprocal gifts are exempt. This is mostly lunches or dinners and you take turns paying and are roughly equivalent. However, it does not include big ticket items that exceed the gift limit. Another is tickets to a charitable or political fundraiser. You can also accept a ticket in which the official will have a ceremonial role that is the focus of

the event. He then gave a handout from the FPPC.

COUNCIL COMMUNICATIONS

Councilwoman Moore stated she attended the RTA meeting and the Sheriff's dinner. There is a park clean up on April 28. In May there will be the bicycle safety event in the Albertson's shopping center. The BBQ event last weekend was awesome.

Councilwoman Swanson thanked City Attorney Jex for the FPPC update. She also heard another presentation on the California Forward initiative and urged everyone to look into it as it seems good at first but will drastically change the way everyone does business.

Mayor Pro Tem Walker stated he was at the EVMWD meeting. They do have some projects going in Wildomar. He attended the BBQ and met the team from England.

Mayor Benoit stated he attended the annual SCAG meeting. He also attended the BBQ with his daughter. It was a great event.

FUTURE AGENDA ITEMS

**Ability to lien properties with code enforcement issues

**Shielded light fixtures for new projects

ADJOURN THE CITY COUNCIL

There being no further business, Mayor Benoit declared the meeting adjourned at 8:49 p.m.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Ben J. Benoit
Mayor