

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

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

The closed session of January 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 5:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore, and Swanson. Members absent: None.

Staff in attendance: City Manager Oviedo, City Attorney Biggs and City Clerk Lee.

PUBLIC COMMENTS

There were no speakers.

CLOSED SESSION

City Clerk Lee announced the following:

The City Council will meet in closed session to confer with legal counsel with regard to one matter of potential initiation of litigation pursuant to the provisions of Government Code Section 54956.9(c). The underlying facts known to all parties relate to the processing of park assessment district refunds by the County of Riverside from general City of Wildomar revenues held by the County not collected by or from the park assessment district.

The City Council will meet in closed session to confer with legal counsel pursuant to the provisions of Government Code Section 54958.9(a) regarding potential initiation of one matter of litigation regarding breach of contract and enforcement of conditions of approval imposed by issuance of a Conditional Use Permit for the Waite Street Mobile Home Park.

The City Council will meet in closed session to confer with legal counsel pursuant to the provisions of Government Code Section 54958.9(b) with regard to one matter of pending litigation: *City of Wildomar v. WPCG*

At 5:31 p.m. the City Council convened into closed session, with all Council Members present.

RECONVENE INTO OPEN SESSION

At 6:34 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

ADJOURN CLOSED SESSION

There being no further business, Mayor Benoit declared the closed session meeting adjourned at 6:30 p.m.

PASSING OF THE GAVEL

The 2011 Mayor, Marsha Swanson, passed the Mayor's gavel to the 2012 Mayor, Ben Benoit.

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

The regular meeting of January 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit 6:31 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore, and Swanson. Members absent: None.

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

The Flag Salute was led by Mayor Pro Tem Walker.

PRESENTATIONS

Mayor Benoit presented a plaque to Marsha Swanson, 2011 Mayor, in recognition of her tenure as Mayor. She was also presented with the Mayor's perpetual plaque showing her name as Mayor for 2011.

Mayor Benoit stated that he would like to add a Proclamation to the Presentations section of the agenda. It is for the Human Trafficking Awareness and Prevention Month which was requested. He read the proclamation and stated it will be presented to the County of Riverside Commission for Women.

Jeff George, Chamber Liaison, gave an update of the Chamber of Commerce.

Fire Chief Beach presented the Fire Department update.

Police Chief Fontneau presented the Police Department quarterly update.

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

PUBLIC COMMENTS

Henry Silvestre, Rotary Club, stated on April 7 the Third Annual Ultimate BBQ will take place. There is already a team from the United Kingdom coming to compete.

Sharon Heil, resident, stated there will be Bingo for the Parks at the Elks Lodge and she invited everyone to attend. Also on March 3 the American Legion will hold a rock and roll review. This will be held at the Elks Lodge because the American Legion Hall is too small. She has flyers for anyone who is interested.

Roger LeClerc, resident, stated Sedco is about to celebrate its birthday. He handed out a brief history of Sedco. He is requesting the City put on a celebration. He also has a bust of President Obama and is willing to lend it out to any organization that would like to display it. He also commended the Council and thanked them for all their good work.

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, 5-0.

1.0 CONSENT CALENDAR

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

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – December 7, 2011 Special Meeting

Approved the Minutes as presented.

1.3 Minutes – December 14, 2011 Regular Meeting

Approved the Minutes as presented.

1.4 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated December 8, 2011 in the amount of \$83,952.98;
2. Warrant Register dated December 15, 2011 in the amount of \$72,216.23;
3. Warrant Register dated December 22, 2011 in the amount of \$80,339.94;
4. Warrant Register dated December 29, 2011 in the amount of \$27,610.75;
5. Warrant Register dated January 5, 2012 in the amount of \$131,422.93; and
6. Payroll Register dated January 6, 2012 in the amount of \$74,705.23.

1.5 Treasurer's Report

Approved the Treasurer's Report for the month of November, 2011.

1.6 Statement of Understanding (SOU) With Riverside County Office of Emergency Services and Consideration of the Disaster Corps Uniform Code of Conduct

1. Approved the SOU with Riverside County Office of Emergency Services to establish guidelines for collaboration and coordination between California Volunteers and the Disaster Corps Program and
2. Adopted the Disaster Corps Uniform Code of Conduct which will hold City of Wildomar volunteers to the highest standards of

personal conduct, with the emphasis on professionalizing, coordinating, and connecting volunteers in the Disaster Corps program.

1.7 Award of Homeland Security Grant Program FY11

Accepted \$5,153 in funding for Homeland Security Grant Program (HSGP) FY11 from the California Emergency Management Agency (CalEMA).

1.8 Additional Emergency Management Performance Grant Funds

Accepted an additional \$3,641 in funding for FY09 Homeland Security Grant Program (HSGP) from the Riverside County Fire/OES.

1.9 Disadvantaged Business Enterprise (DBE) Goal

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1. Adopted a Resolution entitled:

RESOLUTION NO. 2012 - 01
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, APPROVING THE ANNUAL
ANTICIPATED DISADVANTAGED BUSINESS ENTERPRISE
LEVEL

2. Adopt a Resolution entitled:

RESOLUTION NO. 2012 - 02
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY ENGINEER
OR HIS DESIGNEE TO SIGN ALL RELATED DBE
FORMS/AGREEMENTS, AND FUNDING AGREEMENTS TO
RECEIVE FEDERAL GRANT FUNDS

1.10 City Manager Contract Amendment

Approved the Second Amendment to the Agreement for Employment for City Manager.

1.11 Second Reading and Adoption of Ordinance No. 66 – Sex Offenders

Adopted an Ordinance entitled:

ORDINANCE NO. 66
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADDING A NEW CHAPTER 9.55 TO THE
WILDOMAR MUNICIPAL CODE RELATING TO SEX OFFENDER
RESIDENCY AND LOITERING PROHIBITIONS

2.0 PUBLIC HEARINGS

2.1 Zoning Ordinance Amendment No. 11-03 – Manufacturing Brewers

City Clerk Lee read the title.

City Manager Oviedo stated Staff is requesting that the City Council send this back to the Planning Commission for further consideration. Since the time this was first heard at the Planning Commission there has been further interest from other brewery business that have approached the City. There are other zones being discussed and he would like to have that conversation with the Planning Commission first.

A MOTION was made by Councilwoman Swanson, seconded by Mayor Pro Tem Walker, to send the item back to the Planning Commission for further review.

MOTION carried, 5-0.

2.2 Zoning Ordinance Amendment No. 11-02 - Receive and File Process and Appeal Procedures Clarification

City Clerk Lee read the title.

Planning Director Bassi presented the staff report.

Mayor Benoit opened the public hearing.

Councilwoman Moore stated she is okay with the Ordinance, but she does like what other cities are doing and charging residents a lower fee on an appeal than they would a business owner or developer.

Councilman Cashman stated he is not completely okay with the Ordinance, but he does see the reason and logic of it. He feels more eyes on a project is a good thing, and taking the Receive and File process away will make it so the Council does not see it. He does like the research that was done to show that there are cities charging lower fees to the residents. This would help someone who is living adjacent to a project.

Mayor Benoit stated he sees the logic in putting a distance cap on who pays the lower fee. He would not want to see a resident that doesn't live in the vicinity of the project being able to stop every project.

Mayor Pro Tem Walker stated he concurs on having a proximity limit.

Councilwoman Swanson concurred.

Planning Director Bassi stated staff will do more research on this and come back to the City Council with some proposals on the appeal fees.

City Attorney Biggs stated when this does come back it would be appropriate to show the City's cost of the appeal process because the City cannot charge more than the actual cost.

There being no speakers Mayor Benoit closed the public hearing.

A MOTION was made by Councilwoman Moore, seconded by Councilwoman Swanson, to introduce and approve first reading of an Ordinance entitled:

ORDINANCE NO. 67

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF CEQA AND APPROVING ZONING ORDINANCE AMENDMENT NO. 11-02 AMENDING CHAPTER 17.192 (PERMIT APPLICATIONS) OF THE CITY OF WILDOMAR ZONING ORDINANCE

MOTION carried, 5-0.

3.0 GENERAL BUSINESS

3.1 Proposed Cable Ski Park Presentation

City Clerk Lee read the title.

Planning Director Bassi presented the staff report.

John Clemmons, applicant, presented a power point and video presentation of the proposal.

Mayor Benoit inquired about the proposed sign and the dimensions.

Mr. Clemmons answered it has been scaled to the requirements the City has for signage.

Councilwoman Moore inquired if there would be life guards on duty.

Mr. Clemmons answered yes.

Mayor Benoit inquired what is the plan for the water.

Mr. Clemmons answered they are working on a few options. They have talked with EVMWD and have the prices for that. They are considering that as a back-up plan as they would like to go with the wells. They are working with a geologist to see if there would be enough water to use the wells.

Tim O'Hara, resident, stated how will the City ensure that the wells are protected for the residents.

Mr. Clemmons stated that is why they are working with a geologist.

Mayor Benoit stated that should be addressed in the EIR.

Planning Director Bassi answered that is correct, it is one of the issues that will be addressed.

Mr. O'Hara stated this is better suited in Lake Elsinore. He is concerned about the water and the congestion this project will bring.

Mayor Benoit stated this is one of many meetings that will be held on this project.

3.2 Update on RV/Mini-Storage Moratorium

City Clerk Lee read the title.

Planning Director Bassi presented the staff report.

Zarko Petkovski, resident, stated he had an RV storage facility at his home and the City shut it down. He cannot make his mortgage payments and needs the income from the storage to help him. He has five years left to pay on his house and he is going to lose it. He is disabled and would like to open the storage up again.

Councilman Cashman stated there are places he would not like to see storage facilities put because the property is better suited for something else. He would like to move forward with a zoning ordinance.

Councilwoman Swanson stated the Economic Development Committee has a little different take on this. Right now there is not a great deal of people wanting to put these types of facilities in. They would have to be done the right way and the conditions in the CUP would address that. There needs to be zones for these so they can be taken off private residences.

Councilman Cashman stated that is one viewpoint. The problem is they put up a concrete building and it doesn't go away even though it is to be temporary. And the property is better suited for something else.

Planning Director Bassi reviewed the various zones this would be permitted in.

Discussion ensued regarding conditions for RV and Boat storage; what zone the self-storage facilities can be placed; how to deny a proposed facility; not allowing self-storage facilities in C-1 and C-P zones.

It was the consensus of the City Council to direct Staff to prohibit the mini-warehouses and self-storage facilities from the C-1 and C-P zones and in the Industrial zone to change it from a plot plan to a conditional use permit. Also to not change the RV and boat storage uses.

Lisa Bland, resident, stated she is heartbroken over Mr. Petkovski's situation and she wants to be sure that his issues will be addressed.

Mayor Benoit stated the moratorium will expire and he can come forward and request the RV and boat storage, but he will have to meet the standards that are in place.

3.3 Stop Sign on Perla Place at Brillante Drive

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report.

Shannon Cariel, resident, stated she lives on that street and has seen the hazardous condition. This may not totally cure the problem at this intersection, but it will definitely help.

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

RESOLUTION NO. 2012 - 03
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE INSTALLATION OF A STOP SIGN
ON NORTHBOUND PERLA PLACE AT BRILLANTE DRIVE

MOTION carried, 5-0.

3.4 Resolution Requesting Extension of Repayment Time Period for Transition Year Services

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Councilwoman Moore stated that since there are new faces in the room that Assistant City Manager Nordquist explain to everyone what SB 89 is and the impact to Wildomar and the new cities.

Assistant City Manager Nordquist explained SB 89 and the impacts to all the new cities.

Councilwoman Moore stated that this happened overnight, it was not drawn out over this year we will lose this amount, and next year we will lose this amount. On June 30, 2011 the Governor signed the Bill and the very next day we lost \$1.8 million. And this occurred right after the vote for the parks which was defeated. She stated June 2011 was not a happy month for Wildomar.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2012 - 04
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, REQUESTING EXTENSION OF TIME FOR REPAYMENT
OF TRANSITION YEAR SERVICES COSTS TO COUNTY OF RIVERSIDE

MOTION carried, 5-0.

3.5 Update Regarding Medical Marijuana Following Appellate Ruling in City of Riverside v. Inland Empire Patient's Health and Wellness Center

City Clerk Lee read the title.

Deputy City Attorney McEwen presented the staff report. He gave the history of how medical marijuana has come to be in cities and the latest efforts at the Federal level. He stated this is an ever evolving issue and at this point it would be very difficult for cities to issue a permit. Currently it is at the California Supreme Court and everyone is waiting to see if they will hear the matter of medical marijuana or not. In the meantime the options for cities are extremely limited in issuing a permit.

CITY MANAGER REPORT

City Manager Oviedo stated this Friday he and the Staff will be holding a training session and looking at core services and whether or not Staff is meeting those expectations. This will lead up to putting a strategic plan together and that will be a norming session type meeting with the City Council. Also, annually UCLA puts on a training session regarding land use and law. He wants the Council to be aware of this training and if any Council Member wishes to attend to please let him know. On a legislative update, he has heard from Gonsalves and Sons. The legislature is back in session and, as anticipated, they are focusing on redevelopment since the Courts have struck down redevelopment agencies. Therefore the VLF issue is taking a backseat to what is going on right now. It is still being worked on and he does have draft language that he will share. Also, there is still no date on a meet and greet with the Governor. Lastly, on January 26 he will be speaking in San Bernardino at the monthly American Society for Public Administration meeting regarding managing during tough fiscal times. The City Council is invited to attend as well. He also thanked Sharon and Richard Heil for the annual Christmas gifts they give to all Staff, City Council, and the Planning Commission.

CITY ATTORNEY REPORT

City Attorney Biggs stated that in regards to the changes in redevelopment, Wildomar does not have to do anything as all areas of redevelopment in the City are under the jurisdiction of the County. Also, last month the City Manager was reviewed and she feels it would be appropriate at this time to also review the City Attorney. She would like to have this on the next Council agenda.

COUNCIL COMMUNICATIONS

Councilman Cashman stated over the holidays he noticed that his dirt road was graded in front of his house. The neighbors got together and took care of this.

People coming together is one of the things he really likes about Wildomar.

Councilwoman Moore stated that Fire Chief Beach will be speaking at the Wildomar Rotary on January 12. Boy Scout Troop 2011, who are chartered by the Wildomar VFW, are in attendance tonight at the Council meeting. They are earning one of their citizenship in the community merit badges. Bingo for Parks is January 15 at the Elks Lodge. Clean-up for parks is January 28.

Councilwoman Swanson commended the Boy Scouts for being in attendance. Last month a group of Boy Scouts came into City Hall and she talked about City government and they sat at the dais and had a mock Council meeting.

Mayor Pro Tem Walker stated the EVMWD meeting was in December. He commended Councilwoman Swanson for her tenure as Mayor. He also commended the City Manager and Assistant City Manager for all the work being done to keep the finances moving in a positive direction for Wildomar.

Mayor Benoit stated RCTC is doing workshops across the County in regards to transportation needs and they want to hear from the community. On January 19 they are holding one of the workshops at the assisted living center on Pasadena Street in Wildomar from 2:00 – 4:00 p.m. Also he and Mayor Pro Tem Walker went on a Sheriff's ride along and he commends the Wildomar Police Department for what they do with the limited resources.

FUTURE AGENDA ITEMS

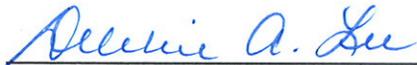
- **Private dirt roads
- **Speed bumps on streets
- **Send a letter to the Governor to set up a meeting
- **Citizen Patrols
- **City Attorney Review

ADJOURN THE CITY COUNCIL

There being no further business Mayor Benoit declared the meeting adjourned at 8:33 p.m.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Ben J. Benoit
Mayor