

**CITY OF WILDOMAR  
CITY COUNCIL SPECIAL COUNCIL MEETING MINUTES  
MARCH 7, 2011**

**CALL TO ORDER – SPECIAL CLOSED SESSION - 5:00 P.M.**

The special meeting of March 7, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 5:01 p.m.

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

City Clerk Lee announced the following:

The City Council will meet in closed session to confer with legal counsel pursuant to the provision of Government Code Section 54956.9(a) with regard to the following matter of pending litigation:

Wildomar Patients Compassionate Group, Inc., Appellant v. People  
of the State of California, Respondent; Case No. E052728

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 with respect to protest letters received regarding the potential formation of CFD 2011-1.

At 6:30 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

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

**CALL TO ORDER – SPECIAL MEETING – 6:30 p.m.**

The special meeting of March 7, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:30 p.m.

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

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, Assistant City Attorney Jex, Community Services Director Willette, and City Clerk Lee.

Mayor Pro Tem Benoit led the flag salute.

Mayor Swanson stated there is a citizen who wishes to speak to an item which is not on the agenda.

Gerald Hall, resident, stated he has been taking some grief over some comments he has made. He has heard there are other ways to go about setting up the parks funding and he has not heard from the Council as to other ideas. He would like to know about the other funding mechanisms and the citizens have a right to know all options. Also is there such a way that these citizens can present their ideas not just to the City Council, but to the public.

## **2.0 PUBLIC HEARINGS**

### **2.1 City of Wildomar Community Facilities District No. 2011-1 (Continued from 02-24-11)**

Mayor Swanson stated the public hearing is still open.

Assistant City Manager Nordquist presented the staff report explaining that there are two options for the Council to consider. Option 1 is both Tax A and Tax B. Option 2 is just Tax A which is just maintenance for the parks.

Neil Yeager, attorney, stated they have clarified what the senior exemption would be from the last meeting when it was challenged. The exemption is on a parcel which is a category exemption for property which is owned by senior citizens who also reside at the residence.

#### **SPEAKERS**

Scott Bradstreet, resident, thanked the City Council for bringing this forward and appointing the Blue Ribbon Committee. He would like to see Option 1 as he feels it is a bargain compared to the surrounding cities. Also, at the last Council meeting it was mentioned that the Council gets extravagant gifts, and travels using City monies. He feels the City Council is also a bargain at \$300 per month. With all the regional boards and committees the Council sits on, the City is getting a real bargain. He thanked the entire Council for their service to the community.

John Lloyd, Blue Ribbon Committee, stated the Blue Ribbon Committee understands the constant litigation threats of the \$17 tax and senior exemption the City is getting. Whatever the City Council decides to do,

the Blue Ribbon Committee will support it.

Councilman Cashman stated he has concerns with Option 1. The Bond issue is what he has the biggest concerns with, so he supports Option 2.

Mayor Pro Tem Benoit stated he feels that having both Tax A and B would be very hard to get passed. He supports Tax A, so he favors Option 2.

Councilman Walker stated he is in favor of Option 2. He is unhappy that the County has not come through on their promise of park land on the east side of the freeway, so he cannot support a Bond at this time.

Councilwoman Moore stated when the citizens voted the last time it was for the \$28 annually, and it could go up to a maximum of \$45. It was also forever, there was no sunset on it. We need the parks, and we need more. The Council needs to think of the future. She is in support of Option 1 for both taxes.

Mayor Swanson stated she is in agreement with Councilwoman Moore. The word "Bond" is what is scaring everyone, and seems to be the problem. Citizens need to understand that the City could not get Bonds issued for \$5 million right now, and if we could, it certainly wouldn't be at 12% interest. It is a shame that some people are out in the public handing out flyers that have misinformation on it and that the City was doing something behind the citizens' backs. The difference with what is being proposed now versus what was in place before is that the \$17 would go towards a park on the east side of the freeway. She was very upset when she found out the property the County promised to the City was not transferred. On the day of the groundbreaking Supervisor Buster stated the property would belong to the City. She has to go with Option 2. She doesn't like it, but it appears it has a better chance to pass than Option 1.

Councilwoman Moore stated it is important that the City Council have a united front on this, so she is willing to support Option 2.

Councilman Cashman stated he feels the senior exemption should remain in the proposal.

Mayor Pro Tem Benoit stated it is sad day when we have to make decisions because of a lawsuit threat and that's what this is. He strongly supports a senior exemption; however, he does not want to spend \$50,000 to have to go back to the voters again. He feels there could be a community group or two out in the City that would take this up to try to

help the seniors. He feels it is not worth the fight and is in favor of pulling out the senior exemption. He doesn't like having to support that, but feels it is the only way to do it at this point.

Councilman Walker stated he is in favor of pulling it out. There are some seniors in hardship in the City, but perhaps there are other options with community groups. If it stops us from being sued, then let's pull it out.

Councilwoman Moore stated she agrees and is for pulling it out.

Mayor Swanson stated it is a shame that two people can bring this about. She would like to fight it, but it's not worth it. So because of the two people who have threatened a lawsuit, she agrees that it should be taken out. But she is going to work with community groups to help seniors out if the measure passes. The citizens voted for local control and having our own community and now the Courts get to run it. That's not how we wanted to live.

Councilman Cashman stated he will go with consensus and support taking out the senior exemption.

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to adopt Option 2, Tax A only, adopting a Resolution entitled:

RESOLUTION NO. 2011 – 11  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, MODIFYING RESOLUTION NO. 2011-07 OF THE CITY  
COUNCIL OF THE CITY OF WILDOMAR

and removing Section F of Exhibit C, Rate and Method of Apportionment, removing the senior citizen exemption.

**MOTION** carried, 5-0.

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

**A MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to adopt Option 2, Tax A only, adopting a Resolution entitled:

RESOLUTION NO. 2011 – 12  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,

CALIFORNIA, DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS; ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR; AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID COMMUNITY FACILITIES DISTRICT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID COMMUNITY FACILITIES DISTRICT

and removing "Exemption of Assessor's Parcels Owned and Occupied by Senior Citizens", Section F of Exhibit A, Rate and Method of Apportionment.

**MOTION** carried, 5-0.

Shane Spicer, Webb and Associates, stated that the Community Facilities District Report that was included in the agenda packet was not correct and now that the City Council has taken out the senior citizen exemption an update report would be needed. He then distributed the correct report. Tonight the Council removed Tax B from the proposal and also the senior citizen exemption. What has changed specifically is: Section 1, "A" referenced Tax B; Section 2, "A", fourth paragraph, the correct appendix is now "B" (Rate and Method of Apportionment); Section 4, "F", the correct appendix is "B"; Appendix C is completely removed from the report. Regarding the senior citizen exemption, it needs to be removed in two places: Section 2, "E", in the table; Appendix B, Section "F", under exemptions.

**A MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to receive Community Facilities District Report dated March, 2011, as revised.

**MOTION** carried, 5-0.

### **3.0 GENERAL BUSINESS**

#### **3.1 Calling a Special Election**

City Clerk Lee read the title. Additionally, in conjunction with the previous item, since Tax B was taken out, the Council will now consider the two Resolutions in Option 2, Tax A only.

Mayor Pro Tem Benoit stated these Resolutions will give the citizens an opportunity to vote on parks. No one is making you do it, we are not forcing a tax on you, only you can decide if this is what is best or not.

**A MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to adopt Option 2, Tax A only, a Resolution entitled:

RESOLUTION NO. 2011 - 13  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2011, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 AND REQUESTING THE COUNTY TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE

**MOTION** carried, 5-0.

**A MOTION** was made by Councilwoman Moore, seconded by Councilman Walker, to adopt Option 2, Tax A only, a Resolution entitled:

RESOLUTION NO. 2011 - 14  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING AND SETTING PRIORITIES FOR FILING OF WRITTEN ARGUMENTS REGARDING THE BALLOT MEASURE TO BE PLACED ON THE BALLOT FOR THE JUNE 7, 2011 SPECIAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND REPEALING RESOLUTION NO. 09-53

**MOTION** carried, 5-0.

### ADJOURNMENT

There being no further business, Mayor Swanson declared the meeting adjourned at 7:25 p.m.

Submitted By:

Approved By:



Debbie A. Lee, CMC  
City Clerk



Marsha Swanson  
Mayor