

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
APRIL 28, 2010**

The regular meeting of April 28, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:00 p.m.

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

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

MOMENT OF SILENCE

A moment of silence was observed.

FLAG SALUTE

Boy Scout Troop 604 presented colors and led the flag salute.

PRESENTATIONS

Mayor Moore presented a Proclamation designating May 8, 2010 as Mormon Helping Hands Day.

Mayor Moore presented certificates to William Collier Students and Boy Scout Pack 332 recognizing their recycling projects.

Mayor Moore and Council Member Farnam presented a Proclamation and plaque to Scott Nowak, Outgoing Planning Commissioner.

PUBLIC COMMENTS

Sharon Heil, resident, stated the Elks are having a fundraiser event to help raise funds to complete their building and invited everyone.

Desiree Nordgren, Elisnore High School FFA, thanked the City for their support in the past. However, the program is on the verge of being cut due to economic

issues with the School District. She emphasized that the continued support from the City will help ensure the program.

Laura Iverson, Elsinore High School FFA, asked the City Council and citizens to write letters to Elsinore High School supporting the FFA program. She thanked everyone for their continued support.

Diane O'Malley, resident, stated the City needs to adopt a comprehensive Code of Ethics in the City.

APPROVAL OF THE AGENDA AS PRESENTED

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

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.0 CONSENT CALENDAR

City Clerk Lee advised on item #1.2, page 7, top of the page, the vote was 5-0, and not 3-2.

Council Member Cashman asked to pull item #1.5 for separate action.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to approve the Consent Calendar, with the exception of item #1.5, as corrected.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – April 14, 2010 Regular Meeting

Approved the Minutes as corrected.

1.3 Warrant Register

Approved Warrant Register dated April 21, 2010 in the amount of \$31,670.00.

- 1.4 **Treasurer's Report – March 2010**
Approved the Treasurer's Report for March, 2010.

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 1.5 **Second Reading of Ordinance No. 49 – Zoning Ordinance Amendment 10-01 – Rural Residential Zone Building Setbacks**

Council Member Cashman stated there was some issue that this would make our setbacks more stringent than the County. He feels that for properties that are half acre or greater, a 10' setback is good and there is no need for a 20' setback. He would like an amendment to the Ordinance to accommodate this.

Mayor Moore stated there was confusion as to whether the setbacks are in the Code or not and she would like clarification.

City Manager Oviedo stated there was a question as to whether the County had setbacks in place and if it was in the Ordinance. Staff investigated this and found that when the County revised the Ordinance, they had omitted the setback distances, so it is not in the Ordinance. What County Staff then did was develop standards as a "work around" that they used in the Planning Department, but they were not in the Ordinance.

City Attorney Biggs advised that if there is a change to Ordinance No. 49, it would be considered a first reading and would have to be brought forward for a second reading.

A MOTION was made by Council Member Cashman to change the setback, for parcels one-half acre or larger, to 10' in Ordinance No. 49.

Motion died due to lack of a second.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Ordinance No. 49 as presented.

Roll call vote: Ayes – 4; Nays – 1, Council Member Cashman. Motion carried.

ORDINANCE NO. 49
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

WILDOMAR, CALIFORNIA, AMENDING CHAPTER 17.16 OF
MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO
BUILDING SETBACKS IN THE RURAL RESIDENTIAL ZONING
(ZONING CODE AMENDMENT 10-01)

2.0 PUBLIC HEARINGS

No Public Hearings scheduled.

3.0 GENERAL BUSINESS

3.1 FY2009/10 3rd Quarter Budget Report and FY2010/11 Budget Program

Assistant City Manager Nordquist presented the staff report.

Discussion ensued regarding what the City has to have versus what the City would like to have; the need and desire to hear from the community; look into interns going after grants; and hold a workshop for community input.

3.2 Medical Marijuana Dispensary Educational Report

City Manager Oviedo presented the staff report and gave an overview of the timeline of how and why this is before the Council and spoke briefly regarding the invited speakers.

City Attorney Biggs presented a legal overview of the issues surrounding medical marijuana, the conflicting laws between the Federal and State, the difference between a collective and dispensary, secondary effects from these types of businesses, and the measures on the November ballot regarding medical marijuana.

Discussion ensued regarding if money changes hands or how dispensaries and collectives work.

Sgt. Eric Hernandez, Riverside County Sheriff's Department, stated one of his duties in the special investigations unit is handling cases regarding marijuana. He has attended classes regarding the medical marijuana issues and has handled many investigations surrounding this. He

discussed the issues surrounding limits on the possession, or cultivation, of medical marijuana. Where most people get into trouble is payment, and it is a very gray area. However, collectives and cooperatives are not allowed to make a profit, just get enough money to cover costs of growing and cultivating.

Discussion ensued regarding non-profits and the parameters to be such. Planning Director Hogan gave an overview of land uses and zoning options regarding medical marijuana dispensaries. The Council could ban dispensaries; permit it in every zone; require a conditional use permit; or permit it as a special use, such as an adult business would have to have.

City Manager Oviedo stated that Supervisor Stone was invited to speak on this issue and appears he is unable to make it. Supervisor Stone was invited to speak as he is, by profession, a Pharmacist, and is very educated regarding the issues surrounding medical marijuana. Also, as an elected official he is also dealing with this issue as the County level. Also, the County is in the process of drafting a new ordinance to deal with medical marijuana.

Dr. Fitchner, clinical psychologist and mental health physician, gave background, from a medical view, of the benefits of medical marijuana and access to it.

City Manager Oviedo stated that the video from "We The People", a group that held a Town Hall meeting in Lake Elsinore, has a segment from Judge James Gray who is a retired Judge from Orange County. This segment of the video was then shown. City Manager Oviedo then read a page from the DEA's website stating their stand against medical marijuana. He then stated that the next three speakers are the groups which have applied for a business registration with the City regarding medical marijuana.

Paula Carter, West Coast Weeds, gave her background of her community service and volunteerism. She then spoke regarding the various varieties of medical marijuana, each one aids with specific physical ailments.

William Sump, Wildomar Patient's Compassionate Group, stated they are a non-profit corporation and he then related how their operation works and the strict guidelines they operate under. He urged the Council to regulate the use of medical marijuana.

Kyle Castanon, Alt Meds of Wildomar, stated his background and

education. He would like to open a brick and mortar storefront to service those in the collective and also hold classes to teach these individuals how to care for themselves using medical marijuana. They plan to grow their cannabis in a sterile environment and will be certified organic.

SPEAKERS:

George Taylor, resident, gave the Council a letter and stated he does not believe a medical marijuana dispensary is a good fit in the City. He is concerned regarding this type of business being near children. He urged the Council to not do anything until it is legally necessary to amend the Municipal Code.

Gerald Hall, resident, stated the surrounding cities have been contacted regarding this issue and the cities have turned them down. Wildomar should contact these cities to find out why. He is concerned regarding law enforcement and the demand for service these types of businesses would require. This will cost the tax payers in the end. He would like background checks on all these applicants.

Gil Rasmussen, resident, stated he would like to have medical marijuana investigated for value to help with pain and discomfort. Some of the medications that are prescribed have very serious and severe negative side effects that medical marijuana may not have. He would like to look at the medicinal benefits of medical marijuana.

Kinnith Fontenot, Tree House Club in San Diego, was not present.

Carlos Stahl, Lake Elsinore resident, stated he is a disabled Veteran and he does use medical marijuana. He and his son went to the Wildomar City Hall with an application to open a collective and were told it is prohibited in the City and would not accept the application. He would now like to be considered. He invited everyone to their facility and stated they have never had a problem. They currently have about 800 customers.

Lanny Swerdlow, Marijuana Anti-Prohibition Project, handed out some informational material on medical marijuana. He worked with City Officials in Palm Springs on the Medical Marijuana Task Force and they have increased the number of collectives from 2 to 3 and they are now implementing their Ordinance.

Judy Thompson, resident, stated the Council needs to enforce laws that have been passed and to represent everyone in the community. She

urged the Council to move forward and put rules and regulations in place regarding allowing medical marijuana.

Council Member Farnam thanked all the speakers and feels the meeting has been very informative. He recommends that this be looked into further and have Staff work with the applicant. He suggested the applicants pay all costs and that the taxpayers do not pay for this. He is not saying he is favor of medical marijuana, and he is making no promises, however if this is approved he doesn't want a large number of dispensaries. He would prefer the business model that Mr. Castanon showed and urged that all potential businesses use this model.

Council Member Ade stated that she is against a precedent of making the applicants pay for the Ordinance and that it is likely illegal.

Discussion ensued regarding Staff time and money, and how it may change in November; and Cost for possible litigation for not having an Ordinance.

Mayor Moore stated at the last Council meeting the Council consensus was to put a 10:00 p.m. curfew on Council meetings. It is almost 10:00 p.m. and does the City Council wish to continue with this meeting, and if so, how long.

It was the consensus of the City Council to extend the curfew to no later than 10:30 p.m.

Council Member Cashman stated the City should pay for policy. He also does not wish to wait until November as the people who need this are sick now. As long as there is not an inordinate amount of money spent on it, he feels the City should draft an Ordinance.

Discussion ensued regarding the cost, in terms of staff time, and attorney fees, to draft an Ordinance; the costs for litigation; utilizing an existing Ordinance for Wildomar; the election in November for the State-wide measures and how that could change what the City is trying to do now.

A MOTION was made, and amended, by Council Member Cashman, seconded by Council Member Ade, to direct the City Manager to draft an Ordinance regulating medical marijuana in the City of Wildomar utilizing the Ordinance of the City of Laguna Woods.

Roll call vote: Ayes – 4; Nays – 1, Mayor Moore. Motion carried.

CITY MANAGER REPORT

City Manager Oveido reminded the Council that on April 29, there will be the training workshop held on CEQA.

City Clerk Lee reported that after checking with the Assemblyman's Office, it is official that since the proposed legislation was not signed by the Governor, the City of Wildomar will have three Council seats open for the November 2, 2010 election.

CITY ATTORNEY REPORT

City Attorney Biggs reported that an appeal has been filed by Mr. St. Marie in the case seeking to invalidate the incorporation election based on the CEQA requirement. Mr. St. Marie did lose at the trial court level and is now appealing. Also, there is still no word on the Beutz matter.

City Manager Oviedo stated in the near future he would like to brief the Council on the St. Marie case as it is starting to cost the City a great deal of money to assist the County in this matter.

COUNCIL COMMUNICATIONS

Council Member Cashman announced that the Wildomar book is finally here. He stated it will be soon sold by the Historic Society. Every book bought from the Historic Society goes back to the Society.

Council Member Ade thanked all the speakers and citizens for attending the meeting and she is happy the City is going to get an Ordinance so that the City has more control.

Council Member Swanson stated The Farm put on a great dinner for their volunteer security team. She attended the event and urged the City to look into utilizing volunteers. Also, the Rotary BBQ was phenomenal and looks forward to next year's.

Mayor Moore agreed with Council Member Swanson regarding the BBQ. She also had some help from volunteers to man the Census table at the Post Office and urged everyone to return their census. This coming Saturday there will be a clean-up event in the City. Also, the Miss Wildomar event will be on Saturday. She listed all the events she had attended in the last few weeks.

FUTURE AGENDA ITEMS

Update on the Hospital

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 10:28 p.m.

Respectfully submitted by:



Debbie A. Lee, CMC
City Clerk