

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
MAY 12, 2010**

The regular meeting of May 12, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:02 p.m.

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

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

MOMENT OF SILENCE

A moment of silence was observed.

FLAG SALUTE

The flag salute was led by Kalin Webb, Boy Scout Eagle Scout award recipient.

PRESENTATIONS

Mayor Moore presented a Proclamation to Kalin Webb for attaining the Eagle Scout award.

Mayor Moore presented a Proclamation to John Lloyd, Outgoing Parks and Recreation Committee Member.

Henry Silvestre presented the Chamber of Commerce monthly update.

Community Services Director Willette presented the Parks monthly update.

Chief Beach presented the Fire Department monthly update.

Veronica Langworthy gave the Library quarterly update.

PUBLIC COMMENTS

Sharon Heil, Historical Society, stated on May 16 at the VFW, the new Wildomar history book will be available and Bob Cashman, author, will be holding a book signing.

Wayne Williams, We the People, stated his appreciation to the Council for entertaining an Ordinance that would allow medical marijuana dispensaries in the City. He urged the Council to limit the number of dispensaries, and to limit them based on their business plan.

Veronica Langworthy, resident, related information she received from the State of California regarding medical marijuana dispensaries and collectives. She added that there is a great deal of information on the State's Public Health website. She is concerned about how the marijuana is being used in the City and encouraged the City Council to follow the lead of the San Ramon City Council and place a ban on these types of businesses until such time as this issue had been thoroughly researched further.

City Attorney Biggs advised that the City of Wildomar currently does not allow medical marijuana dispensaries in any zone now, so there is no need for an urgency Ordinance.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Ade, seconded by Council Member Farnam, to approve the agenda as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to approve the Consent Calendar as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – April 28, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Warrant Registers Dated April 28 & May 6, 2010; Payroll Warrant Register Dated April 30, 2010

Approved:

1. Warrant Register dated April 28, 2010 in the amount of \$215,659.00;
2. Warrant Register dated May 6, 2010 in the amount of \$455,978.95; and
3. Payroll Warrant Register dated April 30, 2010 in the amount of \$288.50.

2.0 PUBLIC HEARINGS

2.1 Ordinance Amending Chapter 1.03 of the Wildomar Municipal Code Pertaining to Code Violations

Mayor Moore opened the public hearing.

City Engineer Kashiwagi presented the staff report.

SPEAKERS:

Diane O'Malley, resident, stated she is troubled with aspects of the Ordinance. There appears to be layers and the Hearing Officer will not be a City employee and therefore not accountable to anyone. She feels there is no oversight and that a great deal of harm could be done to the citizens. We have employees that are accountable to the people now, including the Council who have taken ethics training. She would also like to see the City adopt a code of ethics.

City Attorney Biggs stated the City Council must abide by the State's code of ethics. In regards to the Hearing Officer, cities are required to contract that out as you cannot have someone who is relying upon the city for their income, as that would be a bias they would have.

Deputy City Attorney McEwen explained that, by law, the city has to contract independent hearing officers. He then explained court cases where this was not the case and the court rulings on these cases against the cities stating a conflict of interest. Additionally, a hearing officer's decision does have judicial recourse.

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

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to introduce an Ordinance entitled:

ORDINANCE NO. 50
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING CHAPTER 1.03 OF THE
WILDOMAR MUNICIPAL CODE PERTAINING TO CODE VIOLATIONS

Council Member Cashman stated this is the type of Ordinance he hoped would never be in Wildomar. This is being done on a thought that we may need it, but there are no current cases we can pinpoint that would need an Ordinance like this. What is the training that Code Enforcement Officers need to determine if it is a criminal offense, and where is the oversight of the Supervisor. The Hearings are conducted as a "mini-trial" when it is a trial and what is the recourse one would have regarding the decision. A criminal offense belongs at the City Manager level where the City Council can be advised of the legal aspects. This Ordinance is too heavy-handed. He recommends the Ordinance be tabled.

Deputy City Attorney McEwen stated this Ordinance is a product of a discussion with Code Enforcement Staff as a way to strengthen existing regulations and to address areas that were missing. This is an administrative hearing, not a trial.

City Attorney Biggs stated this Ordinance allows for lesser intrusive actions so that the matters can be resolved without going to Court.

Discussion ensued regarding administrative citations and the process; and the current system in place leaves the City with no other option than to take the person to Court.

City Clerk Lee stated that an email was received from Gil Rasmussen, resident, in support of the Ordinance. Each Council Member did receive a copy of the email.

Roll call vote: Ayes – 3; Nays – 1, Council Member Cashman; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

3.0 GENERAL BUSINESS

3.1 AB1645 "Safe, Clean, and Reliable Drinking Water Supply Act of 2010"

City Clerk Lee gave brief background on the issue stating the issue came to the City through WRCOG who adopted a similar Resolution. She then introduced Greg Morrison, Elsinore Valley Municipal Water District, who gave the presentation.

Mr. Morrison presented a power point regarding AB1645.

Discussion ensued regarding the grant process.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt Resolution No. 2010 – 17.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

RESOLUTION NO. 2010 – 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, IN SUPPORT OF THE SAFE, CLEAN, AND RELIABLE
DRINKING WATER SUPPLY ACT OF 2010

3.2 Inland Valley Hospital Update

City Manager Oviedo gave the staff presentation. He reviewed the information contained in the staff report. Currently there are several regulatory issues that Southwest Health Care Systems is facing. Also, the State is in the process of revoking their licenses due to the regulatory issues. Currently they are overhauling their system, such as a new CEO is on board. The Mayor, Mayor Pro Tem, and he, met with Marc Miller, President, Universal Health Services, to discuss Inland Valley Hospital's status and steps being taken to correct the situation there.

Council Member Ade asked if they indicated how often they would be updating the City.

Mayor Moore answered that he did not indicate that, but did say they would update everyone at the same time.

Discussion ensued regarding the Board of Directors; Better communication on the part of the Hospital between the Hospital and the City; and more participation in the Chamber of Commerce.

3.3 Autism Task Force

City Manager Oviedo gave the staff presentation.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to appoint Council Member Farnam to the Autism Task Force.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson.
Motion carried.

CITY MANAGER REPORT

City Manager Oviedo stated the Public Budget workshop will take place on May 20, at 7:00 p.m. in the Council Chambers. Also, May 25, 5:30 – 7:30 p.m. at Wildomar Elementary School, regarding the Safe Routes to School grant that the City received. This will be a time for the citizens to comment and preview the design of the plan and generally comment on the plan. A subcommittee of EVMWD wants to meet with a subcommittee of the Council. He would like this to be part of the Economic Development Subcommittee's duties.

It was the consensus of the City Council to add this to the duties of the Economic Development Subcommittee.

City Manager Oviedo stated he will be bringing to the City Council a recommendation regarding the Cemetery District. He briefly went over the issues with Caltrans regarding the on and off ramps of Clinton Keith being shut down without notifying the City.

CITY ATTORNEY REPORT

City Attorney Biggs advised she will not be able to attend the next Council meeting and that Assistant City Attorney Jex will be attending in her place. Also, her office is working on the medical marijuana issue and they attended the League of California Cities conference for attorneys last week where it was discussed. She noted that there are two articles in the current Western City magazine that the League puts out. One article discusses how to ban the medical marijuana facilities and the other article discusses how to regulate them. Also, she has applied for, and has been declared eligible for, the California Redistricting Committee. She is also hosting a fundraiser at her home for Tom Campbell, candidate for the U.S. Senate on May 13, from 5:00 – 7:00 p.m. and invited the City Council.

COUNCIL COMMUNICATIONS

Council Member Cashman stated he did attend a full day workshop and meeting of the Habitat Conservation Committee. He spoke about the burrowing owls.

Council Member Ade stated she attended the SCAG General Assembly where all the Cities in SCAG participated. This was a first for SCAG. She spoke about the conference and related it was very good.

Council Member Farnam stated he attended WRCOG, two RCTC meetings, and the High Speed Rail committee. He will also be doing economic development at ICSC show later in the month.

Mayor Moore stated she attended: the Miss Wildomar pageants; the clean-up day at Elsinore High School and Ronald Reagan Elementary; the Bi-National Mayors summit in Rosarito Beach in Mexico; the League Dinner in Canyon Lake; and ROTC. She encouraged everyone to attend the Farmers Market on Monday nights at Marna O'Brien Park. She also encouraged everyone to participate in the bicycle safety event on May 15. She thanked Council Member Cashman for co-writing the article with her that is in the Wildomar Gazette regarding the history of Wildomar.

Council Member Farnam encouraged everyone to vote on June 8.

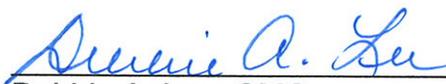
FUTURE AGENDA ITEMS

No items.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 8:40 p.m.

Respectfully submitted by:



Debbie A. Lee, CMC
City Clerk