

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
JUNE 23, 2010**

The regular meeting of June 23, 2010, of the Wildomar City Council was called to order by Mayor Moore at 6:00 p.m.

Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, and Farnam. Members absent: Council Member Cashman

CALL TO ORDER (CLOSED SESSION) - 6:00 P.M.

LITIGATION – One Matter

Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

County of Riverside v. Hayes, et al; Case #RIC 505588

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(b) regarding matters of potential litigation:

APN 376-140-022 - owner of record Thomas and Elizabeth R. Plott

APN 380-110-045 - owner of record Wildomar Square Partners, LLC

APN 380-240-001 - owner of record CHOA Murrieta, LLC

APN 380-240-003 - owner of record Kim/Kwak

APN 380-240-007 - owner of record Richard S. Pavelec & Cissy Fisher, Trustees

APN 380-110-034 - owner of record Sierra Noble, Inc.

APN 380-240-008 - owner of record Archland Property II, LP

APN 380-240-023 - owner of record Tesoro Sierra Properties, LLC

At 7:00 p.m. the Council reconvened into open session, with all Council Members present, making the following announcement.

City Attorney Biggs stated, in the matter of County of Riverside vs. Hayes, et al, Case #RIC 505588, a settlement has been reached on motion of Council Member Farnam, second by Council Member Swanson, a vote of 4-0, with Council Member Cashman absent. There is no reportable action regarding the second closed session matter.

There being no further business, Mayor Moore declared the closed session portion of the agenda adjourned.

CALL TO ORDER – 7:00 p.m.

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

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.

A moment of silence was observed and the flag salute was led by the Wildomar Young Marines.

PRESENTATIONS

The Radio Field Day event was presented.

Code Enforcement Officer Kowalski presented the Code Enforcement monthly update.

Mayor Moore presented certificates to the Wildomar Little League Cherry Bombers – District 28 TOC Champions.

Chris Sorensen presented the H.E.L.P. Homeownership Education Learning Plan program.

Mayor Moore presented a Proclamation to Cindy Quigley who will be retiring.

Mayor Moore presented a Proclamation to Brandon Cleary in celebration of attaining the Boy Scouts Eagle Scout.

Mayor Moore presented a Proclamation and plaque to Police Chief Joe Cleary thanking him for his service as Chief of Police of Wildomar.

City Manager Oviedo announced that Lt. Dave Fontneau will be promoted to Captain and become the new Chief of Police for Wildomar.

At 7:38 p.m. the City Council recessed.

At 7:50 p.m. the City Council reconvened into open session, with Council Member Cashman absent.

PUBLIC COMMENTS

Diane O'Malley, citizen, spoke regarding a code of ethics.

George Wasenius, Farm Mutual Water Company, thanked the Staff for approving their Olive Grove Reservoir. He is requesting that Building and Safety expedite the process as this project is an improvement to the City and the citizens. He also inquired how the Water Company can communicate with the City. He would like to work as one group.

Viet Tran, SCE Regional Manager, stated he is presenting the Edison State of the Utility. He then presented the handout given to the City Council.

APPROVAL OF THE AGENDA AS PRESENTED

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

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

1.0 CONSENT CALENDAR

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

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Warrant Registers

Approved the following Warrant Registers:

1. Dated June 9, 2010 in the amount of \$110,866.37; and
2. Dated June 17, 2010 in the amount of \$35,009.46.

1.3 Treasurer's Report

Approved the Treasurer's Report for the month of May, 2010.

2.0 PUBLIC HEARINGS

2.1 Establishing Code Enforcement Fees

City Clerk Lee presented the item.

Mayor Moore opened the Public Hearing.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Ade, to continue the item to the meeting of July 14, 2010, at 7:00 p.m.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.2 Fiscal Year 2009/10 Fourth Quarter Budget Review

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Council Member Ade, seconded by Mayor Pro Tem Swanson, to approve the recommended budget changes listed in the Fourth Quarter Budget Status Report for Fiscal Year 2009/10.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

A MOTION was made by Council Member Ade, seconded by Council Member Farnam, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 26
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RATIFYING THE PROVISIONAL
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.3 Fiscal Year 2010/11 Budget (Continued from 06-09-10)

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

Assistant City Manager Nordquist presented the staff report.

Speakers:

Martha Bridges, resident, thanked Assistant City Manager Nordquist for producing a budget that was clear and concise. She then stated she has questions regarding the Gann Limit and would like to know what the dollar amount will be that will be on the November ballot.

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

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 27
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADOPTING THE PROPOSED CITY
OF WILDOMAR FISCAL YEAR 2010-11 OPERATING BUDGETS
AND THE CAPITAL IMPROVEMENT BUDGET, AS SPECIFIED IN
THE STAFF REPORT AND BUDGET DOCUMENTS

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 28
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RATIFYING THE PROVISIONAL
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-11

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.4 Measure A Five Year Expenditure Plan (Continued from 06-09-10)

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

City Engineer Kashiwagi presented the staff report.

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

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 29
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE FIVE-YEAR MEASURE A
EXPENDITURE PLAN FOR FISCAL YEARS 2010/11 THROUGH 2014/15

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.0 GENERAL BUSINESS

3.1 Resolution Calling a General Municipal Election

City Clerk Lee presented the item and presented the staff report.

Discussion ensued regarding the election.

City Attorney Biggs stated that the actual appropriations limit number is not what is stated in the staff report. The correct number is \$7,728,041.

Assistant City Manager Nordquist stated the auditor's have stated that the only numbers that can be used are the General Fund taxes, and not Gas Tax, etc.

Speakers:

Martha Bridges stated that she no longer wished to speak as her concern has been taken care of.

A MOTION was made by Council Member Farnam, seconded by Council

Member Ade, to adopt a Resolution, as amended, entitled:

RESOLUTION NO. 2010 – 30
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2,
2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY
THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA
RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO
THE VOTERS A QUESTION RELATING TO THE GANN LIMIT

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.2 Regulations Regarding Candidate Statements

City Clerk Lee presented the item and presented the staff report stating the question before the City Council is whether the City should pay for candidate statements, or if the candidate should pay.

It was the consensus of the City Council that if a candidate desires to have a candidate statement, that the candidate pay for their statement.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 31
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR
ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS
SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 2, 2010

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.3 Resolution of Necessity – Clinton Keith Overpass

City Clerk Lee presented the item.

Julie Kline, Public Works Department, presented the staff report.

City Attorney Biggs stated this is a public meeting and not a public hearing

as the City has already had the public hearing.

Discussion ensued regarding a public meeting and a public hearing.

At 9:00 p.m. the City Council recessed.

At 9:07 p.m. the City Council reconvened into open session, with Council Member Cashman absent.

City Attorney Biggs stated the notice was given in accordance with law. The Code states we must give the notice and give an opportunity for a public hearing. For the purposes of this meeting, it is fine that it is a public meeting and not a public hearing.

A MOTION was made by Council Member Ade, seconded by Mayor Pro Tem Swanson, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 32
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DECLARING THE NECESSITY AND AUTHORIZING THE
COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO
SECURE REAL PROPERTY INTERESTS NECESSARY TO
CONSTRUCT THE I-15/CLINTON KEITH INTERCHANGE
RECONSTRUCTION PROJECT

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

CITY MANAGER REPORT

City Manager Oviedo thanked Assistant City Manager Nordquist and the Staff in getting the budget together.

CITY ATTORNEY REPORT

City Attorney Biggs reported that there has been a ruling in the St. Marie case regarding the County augmentation payments to the City. The ruling states that it needs to go back to the trial court for further proceedings and have not granted summary judgment at this time.

COUNCIL COMMUNICATIONS

Mayor Pro Tem Swanson stated she attended the Western Regional Water luncheon last week. The City's birthday is coming on Monday, July 5 at Marna O'Brian Park. She also encouraged everyone to shop Wildomar.

Council Member Ade stated she will be attending the WRCOG program tomorrow.

Council Member Farnam stated he would like the Council to sponsor the H.E.L.P. program in the form of a Resolution and to show we are behind them.

It was the consensus of the City Council to do this.

Mayor Moore stated she attended the following: Chamber Mixer at City Hall; Farmer's Market on Monday nights; EDWC luncheon; College meeting; Elected women's luncheon.

FUTURE AGENDA ITEMS

There were none.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 9:17 p.m. in memory of Dennis Meinberger.

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk