

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

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

The closed session of July 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 5:30 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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 Jex, and City Clerk Lee.

**PUBLIC COMMENTS**

There were no speakers.

**CLOSED SESSION**

City Clerk Lee read the following:

1. 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 matter of significant exposure to litigation regarding a potential challenge to the City's proposed Housing Element.
2. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (a) to confer with legal counsel with regard to the following matter of pending litigation: City of Wildomar v. Hose Kim, et al, Case No. RIC10016029.

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

**RECONVENE INTO OPEN SESSION**

At 6:30 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.

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

The regular meeting of July 11, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 6:30 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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 Jex, Public Works Director D'Zmura, Planning Director Bassi, Community Services Director Willette, Fire Chief Beach, Police Chief Kennedy-Smith, Assistant Police Chief Adams, and City Clerk Lee.

The Flag Salute was led by former Police Chief Fontneau.

## **PRESENTATIONS**

Dennis Green, Green Com, Inc., presented the Clinton Keith interchange construction project update.

Chief Beach presented the Fire Department monthly update.

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

Mayor Benoit presented a Proclamation, plaque, and a gift from the Council and Staff, to former Police Chief Dave Fontneau.

Mayor Benoit introduced the City's new Police Chief Shelley Kennedy-Smith who stated she is honored to be named the new Police Chief.

At 6:53 p.m. took a break for refreshments in honor of former Police Chief Fontneau.

At 7:05 p.m. the City Council reconvened, with all Council Member present.

## **PUBLIC COMMENTS**

Ken McGuffin, Corona resident, stated his Father owns a piece of property at Lemon and Grape Streets. The zoning is RR and they are wondering what they can do with the property. They spoke with Assistant Planner Garcia and all they can do is put a house on the property. They would like to know other options for the property such as wholesale nursery, RV storage, or other uses.

Planning Director Bassi stated he will meet with him to discuss the property.

Darryl Smith, NAACP, stated they are holding their Seventh Annual Scholarship Gala and all are invited.

Terri Hampton, resident, stated she is on the Stonehurst HOA Board. The sidewalk on Palomar has been repaired by the City and it is now bowing, and some spots are sinking. Also, they were repaired with asphalt and it looks a mess. The repair was done improperly.

Charles Hutchins, resident, stated he is on the Stonehurst HOA Board. There was an attempt to resurface the streets prior to the City incorporating. Gravel was spread throughout the roads and no one came back to seal it. He would like something done before it becomes a serious and expensive problem.

Public Works Director D'Zmura stated the streets and sidewalks were done prior to incorporation and unfortunately the contractor skipped on the job. He will meet with Mr. Hutchins to talk about the issues in the subdivision. The City did receive a credit from the County, and if this is one of the areas, there could be monies available to fix the problems. He will also look into the sidewalk issues.

## **APPROVAL OF THE AGENDA AS PRESENTED**

**A MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Walker, to approve the agenda as presented.

**MOTION** carried, 5-0.

## **1.0 CONSENT CALENDAR**

Mayor Benoit stated that Councilman Cashman had some questions on item #1.5 and #1.6.

### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

#### **1.5 Statement of Investment Policy FY11-12**

Councilman Cashman stated the policy delegates the investment responsibility to certain individuals. He has no problem with the person being the City Manager or Financial Officer, however there is a clause which states they can appoint an unspecified person to do this. This should be an employee and he feels this is inappropriate.

Assistant City Manager Nordquist stated it is written that way to provide flexibility in case the City Manager or Financial Officer is not available. The City Clerk can be designated as she is an employee, and bonded. The problem is there are only three employees that can be designated in Wildomar. Also, this is only for one year, and if there is a problem it can be changed next year, or if there needs to be a change mid-year, Staff can bring it back then as well.

Discussion ensued regarding leaving the policy the way it has been presented.

#### **1.6 Unpaid Trash Collection Charges - Notice of Intent to Place Liens on Parcels**

Councilman Cashman stated if he is correct, this is just the notice that there will be a public hearing regarding the liens.

Assistant City Manager Nordquist answered that is correct.

Councilman Cashman stated regarding the collection of trash on vacant parcels, the Council has discussed this before and felt it was not right. This was supposed to be looked at as well as a self-hauler provision. It appears this has not been done and this should be done before the public hearing.

Councilwoman Moore stated that is exactly what the public hearing is for.

Councilman Cashman stated he would like to hear that these issues will be resolved before the public hearing.

Councilwoman Swanson stated they will be resolved at the public hearing. This item just gives notice of the public hearing.

**A MOTION** was made by Councilwoman Moore, seconded by Councilwoman Swanson, to approve the Consent Calendar as presented, with the exception of items #1.5 and #1.6.

**MOTION** carried, 5-0.

**1.1 Reading of Ordinances**

Approved the reading by title only of all ordinances.

**1.2 Minutes – June 13, 2012 Regular Meeting**

Approved the Minutes as presented.

**1.3 Warrant and Payroll Registers**

Approved the following:

1. Warrant Register dated June 7, 2012 in the amount of \$1,122,327.99;
2. Warrant Register dated June 14, 2012 in the amount of \$224,447.27;
3. Warrant Register dated June 21, 2012 in the amount of \$140,096.84;
4. Warrant Register dated June 28, 2012 in the amount of \$232,483.19; &
5. Payroll Register dated June 29, 2012 in the amount of \$46,162.97.

**1.4 Treasurer's Report**

Approved the Treasurer's Report for May, 2012.

**1.7 First Amendment to the Memorandum of Understanding (MOU) for Joint Monitoring of Emergency Ambulance Services**

Approved the first amendment to the MOU with the Riverside County Emergency Management Agency for joint monitoring of emergency ambulance services, and authorize the City Manager to execute the amendment.

**1.8 Revisions to the Planning Commission Regular Meetings and Time**

Adopted a Resolution entitled:

RESOLUTION NO. 2012 - 33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DESIGNATING THE TIME, DATE AND LOCATION OF PLANNING COMMISSION MEETINGS; AND REPEALING RESOLUTION NO. 08-63

In regard to item #1.5:

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

RESOLUTION NO. 2012 - 32  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, ADOPTING STATEMENT OF INVESTMENT POLICY

**MOTION** carried, 4-1, with Councilman Cashman dissenting.

In regard to item #1.6:

**A MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Walker, to provide a Notice of Intent to hold a Public Hearing on August 8, 2012, for placing liens on parcels with unpaid charges for trash collection services.

**MOTION** carried, 4-1, with Councilman Cashman dissenting.

## **2.0 PUBLIC HEARINGS**

### **2.1 Housing Element Adoption – General Plan Amendment No. 12-01 (Cont. from 06-13-12)**

City Clerk Lee read the title.

Planning Director Bassi stated Staff needs to do additional research and is requesting the item be continued to the October 10, 2012 meeting.

**A MOTION** was made by Councilwoman Swanson, seconded by Councilwoman Moore, to continue this item to the October 10, 2012 City Council meeting.

**MOTION** carried, 5-0.

### **2.2 County Service Area Charges for FY 2012-13**

City Clerk Lee read the title.

Mayor Benoit opened the public hearing.

Public Works Director D'Zmura presented the staff report.

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

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

RESOLUTION NO. 2012 - 34  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, ADOPTING COUNTY SERVICE AREA CHARGES FOR  
FISCAL YEAR 2012-13

**MOTION** carried, 5-0.

**2.3 Amendment to the Zoning Ordinance - Mini-Warehouse/Self-Storage uses - Zoning Ordinance Amendment No. 12-02**

City Clerk Lee read the title.

Mayor Benoit opened the public hearing.

Planning Director Bassi presented the staff report.

There being no speakers Mayor Benoit closed the public hearing.

Councilwoman Moore inquired could a future City Council change this and deem the businesses non-conforming and they would have to cease business.

Planning Director Bassi answered any future City Council could do that.

Mayor Pro Tem Walker inquired if the nonconforming issue is transferable to a new ownership.

Planning Director Bassi answered yes. The only caveat is if the business goes out of business for six months or longer, then the new business would have to conform to the zoning.

**A MOTION** was made by Councilwoman Swanson, seconded by Mayor Pro Tem Walker, to introduce and approve reading of an Ordinance entitled:

ORDINANCE NO. 69  
AN 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 APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 12-02 AMENDING CHAPTER 17.72 (C-1/C-P ZONE) TO PROHIBIT MINI-WAREHOUSE/SELF-STORAGE FACILITIES; AND AMENDING CHAPTERS 17.96 (I-P INDUSTRIAL-PARK ZONE), 17.100 (M-SC MANUFACTURING-SERVICE COMMERCIAL ZONE), 17.104 (M-M MANUFACTURING-MEDIUM ZONE) AND 17.108 (M-H MANUFACTURING-HEAVY ZONE) TO REQUIRE A CONDITIONAL USE PERMIT FOR MINI-WAREHOUSE/SELF-STORAGE USES SUBJECT TO THE DEVELOPMENT STANDARDS OF SECTION 17.240

which title was read.

**MOTION** carried, 5-0.

**2.4 Amendment to the Zoning Ordinance Related to Nonconforming Structures and Uses - Zoning Ordinance Amendment No. 12-01**

City Clerk Lee read the title.

Mayor Benoit opened the public hearing.

Planning Director Bassi presented the staff report.

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

Discussion ensued regarding nonconforming uses.

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

ORDINANCE NO. 70  
AN 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. 12-01 AMENDING CHAPTER 17.184 (NONCONFORMING STRUCTURES AND USES)

which title was read.

**MOTION** carried, 5-0.

### **3.0 GENERAL BUSINESS**

#### **3.1 Polling and Communication Update**

City Clerk Lee presented the item.

City Manager Oviedo presented the staff report.

Mayor Benoit stated if we are going to do this, we need to do it right, and go with the Lew Edwards Group.

Mayor Pro Tem Walker stated this time he wants to know that this will pass instead of spending the money and guessing.

Councilman Cashman inquired if the City gets anything else out of the poll besides the park issue.

City Manager Oviedo answered yes, we can get policy direction from it.

Discussion ensued regarding how the polling would be done, and what they have done in other entities.

**A MOTION** was made by Councilman Cashman, seconded by Mayor Pro Tem Walker, to authorize \$23,000 be spent on a telephone survey in regards to the parks issue.

**MOTION** carried, 5-0.

#### **3.2 Animal Shelter**

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Discussion ensued regarding costs based on animal counts or population; what the cost is having the City of Menifee using the animal shelter; and a letter from the City Council to each individual Council Member of the member agencies, and County Supervisor stating Wildomar's position that a fair and equitable share of costs should be based on population and not animal counts.

Martha Bridges, resident, stated she thinks the shelter is doing a good job. However, when you adopt you choose which vet you will go to for the spay

or neuter surgery. If the shelter is going to offer low cost spay and neuter, then it will impact the vets in Wildomar. Also, there should be a shot clinic at Marna O'Brien park so that you wouldn't have to take your pet to Lake Elsinore.

Sharon Heil, resident, stated when an animal is turned in the person should show a utility bill so that the proper City, or the County, are billed. In that way the costs are shared fairly.

Mike Bagwell, Menifee resident, stated his wife runs the shelter. He wants it clear that they work there 10-14 hours each day and they do it for the animals. He explained how the animal drop-off works and is divided up. The JPA was already set up when Wildomar incorporated. One of the reasons Wildomar's numbers are up is because there is no education of the public regarding animal control.

Gil Rasmussen, resident, stated Wildomar made a mistake in joining the JPA. Wildomar is the only entity that can legally drop the JPA and only have to pay back the loan they gave the City. He has crunched numbers and believes the City can provide animal control for \$170,000 annually. He will be taking this to the voters.

Discussion ensued regarding the inequity of cost based on animal counts versus population.

## **CITY MANAGER REPORT**

City Manager Oviedo reported the following:

- \*July 11, 8:30 a.m., Southwest Realtors Association breakfast
- \*Oak Springs Development have paid their fees and they are ready to start the project
- \*Grand Street Sidewalk Project Grant was awarded to the City
- \*The City received a clean audit of the TUMF monies

City Clerk Lee advised that nomination period for the November election begins on Monday, July 16 and will run through August 10. Even though City Hall is closed on Fridays, the City Clerk's Office will be open on Fridays throughout the nomination period. Voter registration cards are available on the table for those who wish to register or re-register. Also, citizens may want to consider voting by mail. For the June 2012 election 70% of voters voted by mail countywide. On August 29 Wildomar will co-host an FPPC workshop for candidates and

treasurer's in Murrieta. On August 16 there will be a candidate orientation in the Council Chambers.

### **CITY ATTORNEY REPORT**

City Attorney Jex presented an update regarding the vehicle license fee lawsuit.

### **COUNCIL COMMUNICATIONS**

Councilwoman Moore stated she attended an RTA meeting today. Also Friends for Wildomar Parks will have a casino night at Harrah's.

Councilwoman Swanson stated she attended an RTA meeting, as the Alternate.

Councilman Cashman stated on July 1 the historic bell was rung on the City's birthday.

Mayor Pro Tem Walker stated they did hold the monthly economic development roundtable and it was very well attended. There is a lot of interest in the development impact fees and they are anxious to see what those will be.

Mayor Benoit stated he did attend RCTC and WRCOG.

### **FUTURE AGENDA ITEMS**

There were no items.

### **ADJOURN THE CITY COUNCIL**

There being no further business, at 8:43 p.m. Mayor Benoit declared the City Council meeting adjourned.

Submitted by:



Debbie A. Lee, CMC  
City Clerk

Approved by:



Ben J. Benoit  
Mayor