

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 8, 2010**

CALL TO ORDER – CLOSED SESSION

The closed session of September 8, 2010, of the Wildomar City Council was called to order at 5:37 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, City Attorney Biggs, Police Chief Fontneau, and City Clerk Lee.

City Clerk Lee announced that the City Council will meet in closed session pursuant to Section 54956.9(b) of the California Government Code to confer with legal counsel with regard to one matter of significant exposure to litigation.

At 7:00 p.m. the City Council reconvened into open session making no announcements.

There being no further business, at 7:00 p.m. Mayor Moore adjourned the closed session.

CALL TO ORDER – REGULAR SESSION

The regular meeting of September 8, 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, 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, Supervising Engineer Crawford, Planning Director Hogan, Police Chief Fontneau, Fire Chief Beach, and City Clerk Lee.

A moment of silence was observed and the flag salute was led by Boy Scout Troop 196.

PRESENTATIONS

Jasper the Alpaca was presented. He is a registered therapy alpaca and the only one in the United States.

Mayor Moore presented a Proclamation to Westley Greuel in honor of his achieving the Eagle Scout rank.

Sycamore Academy gave an update on the start of their second year.

Chief Beach presented the Fire Department monthly update.

Community Services Director Willette presented the monthly update.

The Chamber of Commerce monthly update was not given.

PUBLIC COMMENTS

Robert Skiff, Murrieta resident, stated Inland Valley Hospital does not have the standards the community needs. He feels it is a substandard hospital. He has spoken with several people who have been misdiagnosed and contract serious infections while they are there.

Gerry Hall, resident, thanked the Fire Department for the quick action given to the recent fire.

APPROVAL OF THE AGENDA AS PRESENTED

Mayor Moore stated she would like to move 3.0 General Business before 2.0 Public Hearings.

A MOTION was made by Council Member Farnam, seconded by Council Member Cashman, to move 3.0 General Business before 2.0 Public Hearings.

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

City Clerk Lee advised of a speaker for item #1.4 on the Consent Calendar.

Martha Bridges, resident, stated she is concerned about what is being placed on the Consent Calendar. There is too much money involved with this item for it to

be placed there. Also, there needs to be more information than what is being provided as far as financial impact to the City. Also, how much further are we going to go with the County.

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

Council Member Cashman stated these concern need to be discussed.

A MOTION was made by Council Member Cashman, seconded by Council Member Ade, to pull item #1.4 on the Consent Calendar for separate discussion and action.

Roll call vote: Ayes – 2, Council Members Ade and Cashman; Nays – 2, Mayor Moore and Council Member Farnam; Absent – Mayor Pro Tem Swanson. Motion failed.

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

Council Member Ade stated she did not wish to hold up anything on the Consent Calendar.

City Manager Oviedo stated that Supervising Engineer Crawford could give a brief explanation of item #1.4.

Supervising Engineer Crawford stated this is a service that the City is need of from the County. Also contained in the agreement are items that the City might need on an “as needed” basis and the City will only pay for those services when they are utilized. This would be the second year the City would have this contract.

City Manager Oviedo stated this is very common for a new City. Until Staff is comfortable that the City is at a level that we can provide those services, we will need an agreement such as this.

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

1.0 CONSENT CALENDAR

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 August 11, 2010 in the amount of \$56,570.92;
2. Dated August 19, 2010 in the amount of \$389,250.42;
3. Dated August 26, 2010 in the amount of \$161,702.65;
4. Dated September 2, 2010 in the amount of \$332,014.09.

1.3 Treasurer's Report

Approved the Treasurer's Report for July, 2010.

1.4 Agreement with the County of Riverside Transportation and Land Management Agency (TLMA)

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 46
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF
RIVERSIDE, TRANSPORTATION AND LAND MANAGEMENT AGENCY AND
THE CITY OF WILDOMAR

3.0 GENERAL BUSINESS

3.1 Intent to Participate in the Southwest Financing Authority

City Clerk Lee presented the item.

Assistant City Manager Nordquist presented the staff report.

Gil Rasmussen, resident, questioned if the City has sufficient funds for this contract and if all alternatives had been looked at. He feels the City should hire an animal control officer. He researched salary, vehicles, licensing, and housing, and feels Staff should look at this as he feels it is feasible for the City.

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

RESOLUTION NO. 2010 - 47
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A
LETTER OF INTENT, IDENTIFYING DESIRED CONDITIONS, FOR THE
CITY OF WILDOMAR TO JOIN THE SOUTHWEST COMMUNITIES
FINANCING AUTHORITY

Council Member Ade stated she has concerns. Have the other City Council's agreed to these conditions and is this typically how it is done.

City Manager Oviedo stated yes, this is how it is done, and once this is given to the Authority, the other City Council's will have to agree to it.

Temecula Council Member Maryann Edwards explained how the JPA adds new members.

Council Member Ade questioned the license fee increase. She does not see any backup information on this agreement. Also, are there other options.

City Manager Oviedo stated this Resolution is really only deal points and not specifics. This is a starting point in the negotiations. The only other shelter available to us is 33 miles away in Ramona, which is where the expense would come in if we had our own officer.

Assistant City Manager Nordquist stated the field service is not part of the Resolution at this point.

Council Member Ade stated she is not comfortable with this or raising the fees.

Mayor Moore stated the raising of fees will come back to the Council before it can be done.

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

3.2 Medical Benefits

City Clerk Lee presented the item.

Assistant City Manager Nordquist presented the staff report.

Martha Bridges, resident, stated that given the economic climate of today and the foreseeable future, this benefit package is excessive. The present package for employees and Council is equal to, or in excess of, what major corporations provide for their employees. The City is on a survival budget and the Council should consider if this is not excessive.

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

RESOLUTION NO. 2010 - 48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION FOR EMPLOYEES AND THE EMPLOYER'S CONTRIBUTION FOR ANNUITANTS AT DIFFERENT AMOUNTS

Council Member Cashman inquired if the long term commitments to retirement benefits encumber the City in any way.

Assistant City Manager Nordquist stated 20 – 30 years from now it could, but by putting the savings aside now, the City will have the money when that occurs.

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

2.0 PUBLIC HEARINGS

2.1 Medical Marijuana Ordinance

City Clerk Lee presented the item.

Mayor Moore stated that due to the number of speakers, a time limit of two minutes will be applied.

Mayor Moore opened the public hearing.

City Manager Oviedo presented the staff report.

City Attorney Biggs gave an overview of the Anaheim case regarding medical marijuana dispensaries.

City Manager Oviedo stated that at the previous hearing in April, Staff did schedule Riverside County Supervisor Jeff Stone to speak to this issue. He was unable to attend that night but is here now. He brings a unique perspective as he is a Pharmacist and is very familiar with this issue.

Supervisor Stone stated as a Pharmacist you are taught that Federal Law trumps State Law unless it is stricter than Federal Law. He reviewed the various drugs on the various schedules and how marijuana was first introduced and how it was first used and the continued use today. The County will be undertaking an Ordinance for medical marijuana next week and the Ordinance will be dealing only with collectives and cooperatives, not dispensaries. There are several issues that need to be addressed:

- *Maximum number of collectives and cooperatives in the City;
- *The size of the collectives and cooperatives;
- *Require that they register annually with the Police Department;
- *Records of acquisition and what is dispensed;
- *Location and zoning of collectives and cooperatives;
- *Distances from churches, schools, and places where children congregate;
- *Conditions of operation for storefront collectives and cooperatives;
- *Service hours posted;
- *Web based closed circuit monitoring;
- *Carefully monitored fire and burglar alarm systems;
- *Alcohol sale and consumption prohibitions;
- *Storage requirements for dried medical marijuana;
- *Require inspection from the Fire and Code Enforcement Departments when medical marijuana is cultivated indoors;
- *Establish visibility prohibitions and require security measures to prevent non-patient access when medical marijuana is cultivated outdoors; how are you going to secure that;
- *Prohibit for-profit operations;
- *Prohibit minors in the facilities; Go further with the prohibition of minors in the cooking, preparation, and manufacturing of medical marijuana;
- *Prohibit consumption of medical marijuana at the collective or cooperative;
- *Prohibit the collective or cooperation from providing medical marijuana to any persons other than the member of the collective or cooperative;
- *Provide medical marijuana to a member of the collective or cooperative from a prescription from a Doctor for a patient who resides in Wildomar;
- *Require that the proof of participation records be maintained for a period of three years, and the Police Department should be able to go in, at any time, without any warrants, to check said records;

- *Require the owner and workers of the cooperative or collective have the appropriate background checks;
- *Require that the Managers are a member of the collective or cooperative that they are managing;
- *Prohibit a worker from working in a collective or cooperative if in the previous ten years they have convicted of a felony or a crime of moral turpitude, or is on probation or parole for the sale or distribution of a controlled substance;
- *Require that no qualified patient with an identification card, or primary care giver, may be a member at the same time of more than one collective or cooperative;
- *Prohibit collectives and cooperatives from storing more than \$200 in cash overnight and requiring twice daily bank drops;
- *Require a state licensed, uniformed security guard patrol a two block radius during all hours of operation;
- *24 hour telephone number for receiving complaints and inquiries;
- *Require an annual audit that is verified by a reputable CPA;
- *Require that a physician that is writing a prescription for a controlled substance have a DEA license;
- *Making sure that the name of the patient, the date dispensed, the potency of the marijuana is inscribed on the label with the following Federal caution: "It is a violation of Federal Law for anyone to utilize a prescription for anyone other than for whom it was prescribed";
- *Require that only MDs, DOs, NDs be the only ones that can write these prescriptions and that they must be in good standing with their medical boards; and
- *A maximum of five refills or six months is the expiration of the prescription.

This is a very complicated issue. He recommends that if the City moves forward with this Ordinance that it be strengthened.

Assistant Sheriff Williams then spoke stating if the Council goes forward with this make sure the research is there. He is working with the County on their Ordinance regarding the enforcement aspect. The primary agency on these is Code Enforcement and they work very closely with this Department.

SPEAKERS:

Mrs. N.L. Mitchell, resident was not able to stay but wanted her opposition to the Ordinance voiced.

Veronica Langworthy, resident, stated if this is allowed the city will be known as Weed-o-mar and all the good work that has been done will be for naught. The Laguna Woods Ordinance will not work in Wildomar. She wants the children to be thought of and property owners as well. She feels the threat of a lawsuit by the ones who want this is nothing more than bullying.

Maria Walker, resident, stated she has a brother that is addicted to marijuana and there was a great deal of pain and suffering in her home. He stole from her and her family and it cost a great deal of money to replace everything. She does not want others to have to grow up this way. The cost of policing this could cripple the City's budget.

Tim Walker, resident, stated this is a Federal issue and it trumps the State. This will be out of control. The Council's job is to protect the public.

Ginger Carlson, resident, stated smoking marijuana is the most abused drug in the United States. It is not recommended for any disease. She does not want it in Wildomar.

Robert Skiff, Murrieta resident, stated he has had several surgeries and has been in an extreme amount of pain. He never took marijuana and didn't need it as there are pain medications that take care of the discomfort.

Gloria Young, resident, stated she is against the Ordinance. She is concerned about the children of the community.

Gil Rasmussen, resident, stated medical marijuana is State Law and the Council took an oath to uphold the State Constitution. He thanked Council Member Ade for her leadership.

Gerry Hall, resident, stated he is concerned about the enforcement of this. He distributed a report regarding these dispensaries and cooperatives. A good deal of the crimes do not occur at the dispensary or cooperative, they occur when they are followed by others who will do harm or even kill. How will the Council feel if that happens here after the Council approves the Ordinance. Additionally, since there is a Council Member absent tonight he would like this continued until the full Council is present.

William Sump, Wildomar Patients Compassionate Group, stated there is a great deal of misinformation regarding medical marijuana. He understands how the community feels about it, but he would hope they

would understand the needs of those who need it. He urged the Council to allow the safe access to medical marijuana within the community.

Norman Smith, resident, stated he agreed with Mr. Hall's comments.

Martha Bridges, resident, stated she is in opposition to the Ordinance. She suggests that if the Council wishes to adopt an Ordinance in the future that it be put on the ballot for voter approval. The majority of residents in Wildomar do not want this.

Steve Price, resident, read from a white paper that he got from the California Police Chief's Task Force regarding medical marijuana. He is opposed to this and asked the Council not to adopt the Ordinance.

Chris Allen, resident, was not present.

Don Whildin, Murrieta resident, stated he is opposed to the Ordinance.

George Taylor, resident, stated given the amount of letters and emails received against the Ordinance, he is recommending that the Ordinance not be adopted.

Garin Heslop, Canyon Lake resident and a member of a Temecula cooperative, stated he understands this is a difficult decision. He has seen the benefit of using medical marijuana and is in favor of it.

Mary Austin, resident, stated her concerns have been made and she is opposed to the Ordinance.

Greg Langworthy, resident, stated there have been unintended consequences of this compassionate use law. This has been a convenient cover-up for the illegal use of marijuana. He is opposed to the Ordinance.

Nancy Johnson, resident, stated she lives off the Cottonwood Canyon area where a number of crimes involving drugs occur. This will complicate the issues already existing. She is opposed to this Ordinance.

Steve Beutz, resident, stated legal action has been threatened if the Council does not adopt this Ordinance. This is an untrue statement. If this Ordinance is adopted, the public could get a referendum to stop the Ordinance. The public can also put in term limits and recall Council Members. He is opposed to the Ordinance.

Ron Downey, Nuevo resident and member of Wildomar Patients Compassionate Group, stated he is in favor of the Ordinance. There are more bank robberies and pharmacy robberies, are those to be prohibited as well.

Chris Yap, Murrieta resident and member of Wildomar Patients Compassionate Group, stated he is in favor of the Ordinance. Those who need this need safe access to medical marijuana. It is an alternative solution to other drugs for pain. Having regulations is good and can be done.

Mark Macias, resident, stated this Ordinance would do more harm than good and he is against it. He is concerned about abuse and recreational uses.

Mike Hendricks, resident, urged the Council to not adopt the Ordinance.

Renee Hendricks, resident, stated she is opposed to this Ordinance. They left Victorville after 17 years to get away from this type of thing. She urged the Council to oppose the Ordinance.

Kyle Castanon, resident and applicant for a cooperative, stated he feels the Ordinance is very strong and is good. He urged the Council to vote for the Ordinance. He passed out a paper regarding ways that he would run his dispensary.

Gina Castanon, resident, stated she would like to know how much money the City has spent in developing this Ordinance. She has several changes to the Ordinance, and is in support of it. She urged the Council to adopt the Ordinance for safe access for those who choose to use medical marijuana.

Katherine Bailey, resident, stated the Ordinance is good, but could use some amendments. She would like the Council to adopt the Ordinance and put it in place.

Wayne Williams, resident, stated he is in favor of the Ordinance. He stated that the crime rate during Prohibition was high, and when it was repealed the crime rate dropped. He urged the Council to think about that.

Joe Nazarowski, Lake Elsinore resident and representing San Bernardino Patient Association, stated he operates a dispensary. They have never had a problem due to precautions they have in place such as armed

security. He is in favor of the Ordinance.

Ronald Reinke, resident, stated he is in opposition of the Ordinance.

Kelly Renee, Canyon Lake resident, stated she is in favor of the Ordinance and uses medical marijuana.

Jake Aguiar, resident, stated he is opposed to the Ordinance. He does not want Wildomar to be a leader in this when there are other issues that Wildomar can take the lead on.

At 9:47 p.m. the City Council took a recess.

At 9:53 p.m. the City Council reconvened, with Mayor Pro Tem Swanson absent.

It was the consensus of the City Council to extend the meeting to 10:30 p.m.

Council Member Ade stated Supervisor Stone had some good comments and how can we incorporate those into the City's Ordinance.

City Attorney Biggs stated she would recommend to hold off on this Ordinance and model an Ordinance after the one the County will be doing.

Council Member Ade stated she agrees and would also like to read what Kyle Castanon submitted.

Council Member Farnam stated after months of gathering information, talking with experts in this field, and talking with the residents, he has to put his own personal feelings aside and go with what the residents are wanting.

Council Member Ade stated that many people will not show up and support it because of the issue.

Mayor Moore stated they can phone, write a letter, or an email anonymously.

Council Member Ade stated there is a stigma attached to it and that is why they won't come forward. They don't want people to know. We have not heard from everyone on this and there is still the law to consider.

Council Member Cashman stated he feels there should be cooperatives and at some point the State will force us to do it. However, all he has

heard mostly is the residents don't want it. He therefore doesn't want to go forward with this until the City is forced to do it.

Council Member Ade stated we are not talking about recreational use. We are talking about safe access for those who wish to use medical marijuana.

Council Member Cashman stated he personally doesn't oppose it, however after listening to Supervisor Stone we have deficiencies in this Ordinance and he would rather wait to see what the County does.

Council Member Ade stated her concurrence with waiting to see the County Ordinance. Our job is to listen to both sides, not just those who don't want it. She would like to come into compliance with State law.

Mayor Moore stated she would like to know how much money has been spent to put this Ordinance in place. She did not want to spend one more penny on this issue, and now you want to postpone it. Back in April she wanted to wait until after the November election to see what the outcome is of the Proposition and see what the State is going to do. Also we knew back then that the County was working on an Ordinance.

Council Member Ade stated we do represent the community and have listened to both sides. We are talking about safe access to this.

Council Member Cashman stated he feels there are those who need medical marijuana and they will have to continue getting it the way they have been getting it. He doesn't like that, but he just can't support this Ordinance.

A MOTION was made by Council Member Farnam, seconded by Council Member Cashman, to make no changes to the current Ordinance in effect.

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

CITY MANAGER REPORT

Nothing to report.

CITY ATTORNEY REPORT

Nothing to report.

COUNCIL COMMUNICATIONS

Council Member Ade stated in regards to the SCAG meeting she attended, GHG target goals for the carbon, the regional council rejected the goals for the carbon and asked for lower goals and outlined conditions they wanted enacted. In regards to RTA and bus shelters, we have to bring every one of them in compliance with ADA. There would be a huge cost involved.

Council Member Farnam thanked everyone for coming out to the meeting and sharing their thoughts. He also thanked everyone who sent in emails, letters, and called in. They are moving forward at RCTC on the 91 freeway widening.

FUTURE AGENDA ITEMS

Council Member Farnam stated he hears we may be challenged on the prohibition of cooperatives, he would like to know what the City's fee schedule is on fining people who open their doors in violation.

City Attorney Biggs stated it is through Code Enforcement and it is limited by State Law. It can be checked and Staff can update the Council on it.

Council Member Ade stated she would like the City to move forward on the Old Town plan. We can get grant money on this from SCAG.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 10:15 p.m.

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk