

**CITY OF WILDOMAR  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 10, 2014**

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

The closed session of September 10, 2014, of the Wildomar City Council was called to order by Mayor Swanson 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: Council Members Cashman (Arrived at 5:33 p.m.), Walker, Mayor Pro Tem Benoit, Mayor Swanson. Members absent: Councilwoman Moore.

Staff in attendance: Assistant City Manager York, City Attorney Jex, and City Clerk Lee.

**PUBLIC COMMENTS**

There were no speakers.

**CLOSED SESSION**

City Attorney Jex stated there are two items which need to be added to the agenda that came up too late for the posting of the agenda, but are in need of action before the next Council meeting. The City received two comment letters from Ray Johnson who is representing the Alliance for Intelligent Planning regarding items #2.2 and #3.2 on the Council regular session for this meeting. Should this be approved to be added, item #2 on the closed session would be amended to three matters of potential exposure to litigation rather than one.

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to add the two items to the agenda.

**MOTION** carried 3-0-2, as follows:

YEA: Councilman Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Council Members Cashman and Moore.

City Clerk Lee read the following:

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(d)(1) to confer with legal counsel with regard to the following matters of pending litigation.:

A. Citizens for Quality Development v. City of Wildomar and Sunbelt Communities, Case No. MCC 1300818

B. City of Wildomar v. Goulart – RSC Case Number 1400301

2. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(d)(2) to confer with legal counsel with regard to three matters of potential exposure to litigation.

At 5:33 p.m. Councilman Cashman arrived at the Dais and the City Council convened into closed session, with Councilwoman Moore absent.

### **RECONVENE INTO OPEN SESSION**

At 6:30 p.m. the City Council reconvened into open session with Councilwoman Moore absent.

### **ANNOUNCEMENT**

City Attorney Jex stated there is no reportable action.

### **ADJOURN CLOSED SESSION**

There being no further business Mayor Swanson declared the closed session adjourned at 6:32 p.m.

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

The regular meeting of September 10, 2014, of the Wildomar City Council was called to order by Mayor Swanson at 6:32 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: Council Members Cashman, Walker, Mayor Pro Tem Benoit, and Mayor Swanson. Members absent: Councilwoman Moore.

Staff in attendance: Assistant City Manager York, City Attorney Jex, Planning Director Bassi, Fire Chief Beach, Police Chief Hollingsworth, Administrative Analyst Morales, and City Clerk Lee.

The flag salute was led by Chief Beach.

## **PRESENTATIONS**

Mayor Swanson presented a Proclamation for Adult Literacy Awareness Month – September, 2014.

Chief Beach presented the Fire Department update.

## **PUBLIC COMMENTS**

Judy Guglieimana, Wildomar Chamber of Commerce, presented the Chamber update.

Kenneth Mayes, resident, spoke regarding community issues.

Ms. Miller, Global Harmony, spoke regarding community issues.

## **COUNCIL COMMUNICATIONS**

The City Council Members spoke regarding the various committees, commissions, and boards that they serve on locally and regionally.

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

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

**MOTION** carried 4-0-1, as follows:

**YEA:** Council Members Cashman and Walker, Mayor Pro Tem Benoit, Mayor Swanson

**NAY:** None

**ABSTAIN:** None

**ABSENT:** Councilwoman Moore

## 1.0 CONSENT CALENDAR

City Clerk Lee advised there are speaker slips for items #1.5, #1.6, #1.7, #1.11 and #1.12.

Regarding item #1.5, Ms. Miller, resident, stated it is not on the City's website so it should not be acted on.

Regarding item #1.6, Ms. Miller, resident, stated the project needs to be stopped.

Regarding item #1.7, Ms. Miller, resident, stated the project should not be built.

Regarding item #1.11, Ms. Miller, resident, stated she is against this.

Regarding item #1.12, Ms. Miller, resident, stated she is against this.

**A MOTION** was made by Councilman Cashman, seconded by Mayor Pro Tem Benoit, to approve the Consent Calendar as presented, with the exception of items #1.6, #1.11, and #1.12.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman and Walker, Mayor Pro Tem Benoit,  
Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

### 1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

### 1.2 Warrant & Payroll Registers

Approved the following:

1. Warrant Register dated 08-07-14 in the amount of \$119,837.66;
2. Warrant Register dated 08-13-14 in the amount of \$150.00;
3. Warrant Register dated 08-14-14 in the amount of \$168,535.07;
4. Warrant Register dated 08-21-14 in the amount of \$326,908.85;
5. Warrant Register dated 08-28-14 in the amount of \$602,499.86 &
6. Payroll Register dated 9-02-2014 in the amount of \$59,704.09.

**1.3 Treasurer's Report**

Approved the Treasurer's Report for July, 2014.

**1.4 Resolution in Support of the Release of Marine Sergeant Andrew Tahmooressi**

Adopted a Resolution entitled:

RESOLUTION NO. 2014 - 43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, IN SUPPORT OF ASSEMBLYWOMAN MELISSA MELENDEZ'S LETTER URGING THE PRESIDENT OF THE UNITED STATES TO ACTIVELY PURSUE THE TIMELY RELEASE OF MARINE SERGEANT ANDREW TAHMOORESSI; AND AUTHORIZE THE MAYOR TO SIGN THE LETTER ADDRESSED TO THE PRESIDENT

**1.5 Tri-Party Consultant Service Agreement for the Grove Park Development Project Environmental Impact Report (Planning Application No. 14-0069)**

1. Authorized the City Manager to execute a Tri-Party Consultant Services Agreement (Attachment A) between the City of Wildomar, Strata Keith, LLC, and LSA Associates, Inc. for the preparation of an Environmental Impact Report (EIR) for the Grove Park Development project; and
2. Authorized the City Manager to execute a Consultant Services Agreement/Contract between the City of Wildomar and LSA Associates, Inc., for the preparation of an Environmental Impact Report (EIR) for the Grove Park Development project.

**1.7 Tri-Party Consultant Service Agreement for the Spring Meadow Ranch Specific Plan Environmental Impact Report (Planning Application No. 13-0107)**

1. Authorized the City Manager to execute a Tri-Party Consultant Services Agreement (Attachment A) between the City of Wildomar, Spring Meadow Ranch, LLC, and Bonterra-Psomas, Inc. for the preparation of an Environmental Impact Report (EIR) for the Spring Meadow Ranch Specific Plan project; and
2. Authorized the City Manager to execute a Consultant Services Agreement/Contract between the City of Wildomar and Bonterra-Psomas, for the preparation of an Environmental Impact Report (EIR) for the Spring Meadow Ranch Specific Plan project.

**1.8 Conflict of Interest Code Amendment**

Adopted a Resolution entitled:

RESOLUTION NO. 2014 - 44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE AND REPEALING RESOLUTION NO. 08-61

**1.9 Grading Agreement with MSL Orange, LLC - City Project 14-0021: Tentative Tract Map 36519**

Authorized the City Engineer to:

1. Execute the Grading Agreement for TTM 36519 with MSL Orange, LLC.; and
2. Execute the Grading Agreement for TTM 36519 with the new owner once verification of new ownership is provided to the City.

**1.10 Public Improvement Agreement - McGinness Medical Building, Plot Plan 13-0007, 32299 Wildomar Road**

Authorized the City Manager to execute the Public Improvement Agreement.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**1.6 Tri-Party Consultant Service Agreement for the Baxter Village Mixed-Use Project Environmental Impact Report (PA No. 14-0002)**

Councilman Cashman stated the commercial zone on this parcel is too small.

**A MOTION** was made by Councilman Walker, seconded by Mayor Pro Tem Benoit, to:

1. Authorize the City Manager to execute a Tri-Party Consultant Services Agreement (Attachment A) between the City of Wildomar, Strata Baxter, LLC, and LSA Associates, Inc. for the preparation of an Environmental Impact Report (EIR) for the Baxter Village Mixed-Use project; and
2. Authorize the City Manager to execute a Consultant Services Agreement/Contract between the City of Wildomar and LSA Associates, Inc., for the preparation of an Environmental Impact Report (EIR) for the Baxter Village Mixed-Use project.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman and Walker, Mayor Pro Tem Benoit,  
Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**1.11 Ordinance No. 99 Second Reading - Zoning Ordinance Amendment No. 14-02 R-4 Code Amendment**

Councilman Cashman voiced his dissention with the item.

Mayor Pro Tem Benoit spoke regarding the mandate from the State for these types of housing.

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to adopt an Ordinance entitled:

ORDINANCE NO. 99

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING AN ADDENDUM TO THE HOUSING ELEMENT CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH# 2013051001) IN ACCORDANCE WITH SECTION 15164 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVAL ZONING ORDINANCE AMENDMENT NO. 14-02 TO AMEND SECTION 17.60.030 REVISING THE MINIMUM LOT SIZE REQUIREMENTS FROM NINE (9) ACRES TO FOUR(4) ACRES FOR PROJECTS LOCATED IN THE R-4 ZONE

**MOTION** carried 3-1-1, as follows:

YEA: Councilman Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: Councilman Cashman

ABSTAIN: None

ABSENT: Councilwoman Moore

**1.12 Second Reading Ordinance No. 86 - Change of Zone No. 13-02**

Councilman Cashman voiced his dissention with the item.

**A MOTION** was made by Councilman Walker, seconded by Mayor Pro Tem Benoit, to adopt an Ordinance entitled:

**ORDINANCE NO. 86**

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 13-02 TO CHANGE THE EXISTING ZONING DESIGNATION FROM R-R (RURAL RESIDENTIAL ZONE) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR FOUR PARCELS IDENTIFIED AS APN'S: 380-220-002 (SITE #22 LOCATED ABOUT 500' WEST OF JEFFERSON AVENUE & GATEWAY DRIVE); 370-400-009 (SITE #23 LOCATED ON THE SOUTH SIDE OF CORYDON STREET ABOUT 330' EAST OF UNION STREET); 380-270-013 (SITE #24 LOCATED AT THE NORTHEAST CORNER OF JEFFERSON AVENUE AND THE WILDOMAR/MURRIETA BORDER) AND 380-250-003-THE SOUTHERLY 10-ACRE PORTION OF SAID PARCEL (SITE #25 LOCATED AT THE SOUTHWEST CORNER OF YAMAS DRIVE & CLINTON KEITH ROAD)

**MOTION** carried 3-1-1, as follows:

YEA: Councilman Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: Councilman Cashman

ABSTAIN: None

ABSENT: Councilwoman Moore

## **2.0 PUBLIC HEARINGS**

### **2.1 Lennar Residential Project (Planning Application No. 12-0364)**

City Clerk Lee read the title.

Mayor Swanson opened the public hearing.

Planning Director Bassi presented the staff report. He stated that the City received one letter from the Briggs Law Firm requesting Lennar provide solar to the project.

The Applicant spoke requesting approval of their project.

**SPEAKERS:**

Ms. Miller, resident, spoke in opposition.

There being no further speakers Mayor Swanson closed the public hearing.

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

**RESOLUTION NO. 2014 - 45**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION MONITORING & REPORTING PROGRAM (MMRP) FOR A CHANGE OF ZONE (PA 12-0364) FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL ZONE), TENTATIVE TRACT MAP NO. 36497 (PA 12-0364) FOR THE SUBDIVISION OF 24 ACRES INTO 67 PARCELS (INCLUDING APPROVAL OF MINOR VARIATIONS IN ACCORDANCE WITH THE COUNTYWIDE DESIGN STANDARDS AND GUIDELINES) AND PLOT PLAN NO. 12-0364 (INCLUDING A FINAL SITE PLAN OF DEVELOPMENT) FOR THE DEVELOPMENT OF 67 SINGLE FAMILY RESIDENTIAL DWELLING UNITS LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

**MOTION** carried 4-0-1, as follows:

**YEA:** Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

**NAY:** None

**ABSTAIN:** None

**ABSENT:** Councilwoman Moore

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

**ORDINANCE NO. 101**

AN ORDINANCE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 12-0364) FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR A 24 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

**MOTION** carried 4-0-1, as follows:

**YEA:** Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

**NAY:** None

**ABSTAIN:** None

**ABSENT:** Councilwoman Moore

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

**RESOLUTION NO. 2014 - 46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 36497 (PA 12-0364) FOR THE SUBDIVISION OF APPROXIMATELY 24 ACRES INTO 67 PARCELS (INCLUDING APPROVAL OF MINOR VARIATIONS IN ACCORDANCE WITH THE COUNTYWIDE DESIGN STANDARDS AND GUIDELINES), SUBJECT TO CONDITIONS LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

**MOTION** carried 4-0-1, as follows:

**YEA:** Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

**NAY:** None

**ABSTAIN:** None

**ABSENT:** Councilwoman Moore

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

**RESOLUTION NO. 2014 - 47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PLOT PLAN NO. 12-0364 (INCLUDING A FINAL SITE PLAN OF DEVELOPMENT) FOR THE DEVELOPMENT OF 67 SINGLE FAMILY RESIDENTIAL DWELLING UNITS, SUBJECT TO CONDITIONS LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**2.2 General Rule Exemption and approval of Zoning Ordinance Amendment No. 14-04 to amend Chapter 17.252 (Sign Regulations) of the Zoning Ordinance relating to Freestanding Freeway Signs**

City Clerk Lee read the title.

**A MOTION** was made by Councilman Walker, seconded by Councilman Cashman, to table the item indefinitely.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**3.0 GENERAL BUSINESS**

**3.1 Freedom Swing**

City Clerk Lee read the title.

Assistant City Manager York presented the staff report.

Discussion ensued regarding the efforts by Ashley Fox to get this item for the park.

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to:

1. Appropriate funding for play area improvements;
2. Approve the addition of an event for September 27, 2014; and
3. Re-appropriate Park event funding.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

### **3.2 Bundy Canyon Road Improvement Project Final Environmental Impact Report**

City Clerk Lee read the title.

Assistant City Manager York presented the staff report.

Riverside County representatives presented the project.

Ms. Miller, resident, stated her opposition to the project.

Richard Cooley, resident, states his opposition to the project.

Discussion ensued regarding the project.

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

#### RESOLUTION NO. 2014 - 48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2007051156) AND ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BUNDY CANYON/SCOTT ROAD IMPROVEMENT PROJECT

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to award a Professional Services Agreement with

Parsons for Final Engineering, Plans, Specifications and Estimate and authorize the City Manager to execute the Agreement.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to authorize the City Manager to execute a Memorandum of Understanding with the City of Menifee.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**3.3 Construction Contract Award - Residential Slurry Seal Project FY13/14**

City Clerk Lee read the title.

Assistant City Manager York presented the staff report.

Doug Ford, Pavement Coating Company, spoke regarding his concern with the bids.

Kenneth Mayes, resident, spoke regarding his concern with the bids.

Discussion ensued regarding the bid process.

**A MOTION** was made by Councilman Walker, seconded by Mayor Pro Tem Benoit, to consider the bid of lowest bidder Pavement Coatings Co. to be non-responsive due to its failure to submit the required Bidder's Checklist (Section A) and the acknowledgments contained therein.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to accept the bid of the second lowest bidder, American Asphalt South, Inc. in the amount of \$481,598.05 as the lowest responsive and responsible bidder.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to authorize the City Manager to execute a construction contract with American Asphalt South, Inc. in the amount of \$481,598.05 for the Residential Slurry Seal Project FY 13/14. Staff further recommends the City Council authorize the City Engineer to approve change orders not to exceed 20% of the contract amount.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

**3.4 Construction Contract Award - George Avenue Sidewalk Infill Improvement Project (CIP 0029)**

City Clerk Lee read the title.

Assistant City Manager York presented the staff report.

**A MOTION** was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to authorize City Manager to execute a construction

contract with DASH Construction Company, Inc. in the amount of \$86,262.50 for the George Avenue Sidewalk Infill Project (CIP 0029). Staff further recommends the City Council authorize the City Engineer to approve change orders not to exceed 10% of the contract amount.

**MOTION** carried 4-0-1, as follows:

YEA: Council Members Cashman, Walker, Mayor Pro Tem Benoit, Mayor Swanson

NAY: None

ABSTAIN: None

ABSENT: Councilwoman Moore

## **CITY MANAGER REPORT**

City Manager Nordquist presented his report.

## **FUTURE AGENDA ITEMS**

\*\*Noise Ordinance for trucks – Jake brakes

## **ADJOURN THE CITY COUNCIL**

There being no further business Mayor Swanson declared the meeting adjourned at 8:45 p.m.

Submitted by:

Approved by:



Debbie A. Lee, CMC  
City Clerk



Ben J. Benoit  
Mayor