

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 14, 2011**

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

The closed session of September 14, 2011, of the Wildomar City Council was called to order by Mayor Swanson 5:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, and City Clerk Lee.

City Clerk Lee announced the following:

The City Council will meet in closed session to confer with legal counsel pursuant to the provisions of Government Code Section 54956.9(c) with regard to potential initiation of one matter of litigation. The underlying facts known to all parties relate to the processing of park assessment district refunds by the County of Riverside from general City of Wildomar revenues held by the County not collected by or from the park assessment district.

City Attorney Biggs stated she would like to add an item to the closed session as a subsequent needs item that came up after the posting of the agenda and needs immediate attention. It is a matter of pending litigation pursuant to Government Code Section 54956.9(b), the Alliance for Intelligent Planning vs. the City of Wildomar.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to add the item to the closed session.

MOTION carried, 5-0.

At 5:32 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 Swanson declared the closed session meeting adjourned.

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

The regular meeting of September 14, 2011, of the Wildomar City Council was called to order by Mayor Swanson 6:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director D'Zmura, Planning Director Bassi, Police Chief Fontneau, and City Clerk Lee.

The Flag Salute was led by Boy Scout Troops 332 and 2011.

PRESENTATIONS

Mayor Swanson presented a Certificate of Achievement to Boy Scout Troop 2011 and Troop 332 from Wildomar for being receiving the Honor Troop Award.

Mayor Swanson presented a Certificate of Appreciation to Lt. Matt Burden who is transferring from the Wildomar Police Station. Police Chief Fontneau made a presentation to Lt. Burden from the Wildomar Police Department. He then introduced Lt. Adams who will be replacing Lt. Burden in the Wildomar Police Department.

Raymond Wolfe, Caltrans District 8 Director, made a presentation regarding protocol for ramp closures and work that impacts the City of Wildomar.

The Fire Department monthly update was not given as they were called to the Kern County fire.

Chief Fontneau presented the Police Department quarterly update.

Mayor Swanson stated she would like to take the approval of the agenda as presented prior to public comments.

APPROVAL OF THE AGENDA AS PRESENTED

City Attorney Biggs stated that the applicant on item #1.4 has requested that the item be tabled until the meeting of October 12, 2011.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to table item #1.4.

MOTION carried, 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR AND TABLED

1.4 Ordinance No. 63 Second Reading – Change of Zone & Plot Plan No. 10-0222, Subway Retail Project

RECOMMENDATION: Staff recommends that the City Council adopt an Ordinance entitled:

ORDINANCE NO. 63
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 10-
0222 TO CHANGE THE ZONING FROM R-R (RURAL RESIDENTIAL)
TO C-1/C-P (GENERAL COMMERCIAL) ON A 1.27 ACRE SITE
LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and
366-390-027)

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to approve the agenda as amended.

MOTION carried, 5-0.

PUBLIC COMMENTS

Henry Silvestre, Wildomar Rotary and Wildomar Chamber of Commerce, stated tomorrow is the Chamber mixer at the Glass Doctor in Murrieta. On October 23 the Animal Friends will hold their annual costume spooktacular where owners dress their dogs up. There will also be food and entertainment there. All monies

raised will go to the shelter.

Ronda Kirkbride, resident, stated that Cottonwood Canyon Road is being neglected by the City. When it was County it was graded every 6 – 8 weeks, and now it's only graded after numerous phone calls and a great deal of frustration. When it is graded it is a sloppy job. It has only been graded 4 times since incorporation of the City.

Gil Rasmussen, resident, stated he filed a complaint last week protesting the closed session held last Friday. The Brown Act allows you to discuss price and terms of payment only. The Council discussed the possible purchase of the former Jean Hayman School and you are not allowed to discuss that. It should have been discussed in a public session. The citizens are entitled to hear your deliberations. He would like the City to justify the closed session.

City Attorney Biggs explained the Brown Act specially allows a closed session to discuss real estate negotiations. The Council is allowed to discuss whether there will be a purchase or sale of property and what those terms and/or conditions will be. If the Council deliberated that in public it would certainly disadvantage the City in negotiations down the line. The Council is authorized to meet in closed session to discuss whether they wish to purchase or sell property and then to discuss price and terms. This is a common practice in cities throughout the State and is not illegal.

Jeanne Weiler, Anne Sullivan School, stated the classrooms are almost completed. She thanked the Staff for their assistance with the engineering, planning, and inspections so that the School can open. Also she really appreciates the new sidewalks that are being installed.

Andy Morris, EVMWD, gave an update on what the Elsinore Valley Municipal Water District is doing on Clinton Keith and Salida del Sol. They are getting ready for construction for the new veterinary facility that is going there. This will go on for approximately one month.

1.0 CONSENT CALENDAR

A MOTION was made by Councilwoman Moore, seconded by Councilman Walker, to approve the Consent Calendar as amended (Item #1.4 was removed and tabled).

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – August 10, 2011 Regular Meeting

Approved the Minutes as submitted.

1.3 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated August 11, 2011 in the amount of \$135,470.42 and \$6,426.03;
2. Warrant Register dated August 18, 2011 in the amount of \$489,781.80 and \$76,325.18;
3. Warrant Register dated August 25, 2011 in the amount of \$22,965.94 and \$23,724.87;
4. Warrant Register dated September 1, 2011 in the amount of \$35,098.51; and
5. Payroll Register dated September 2, 2011 in the amount of \$39,839.99.

2.0 PUBLIC HEARINGS

No Public Hearings were scheduled.

3.0 GENERAL BUSINESS

3.1 City Manager Contract Amendments

City Clerk Lee read the title of the item.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to adopt the First Amendment to Agreement for Employment of City Manager.

MOTION carried, 5-0.

3.2 Conversion to Electronic Agenda Packets

City Clerk Lee read the title of the item; she then presented the staff

report.

City Attorney Biggs stated that paper agendas will still be available for anyone who wishes to have one.

City Clerk Lee stated that is correct, the agendas will still be on the table by the Chamber door on meeting night. Also, should there be a big map or blueprint, these will continue to go to the Council in paper form so that it can more easily be read.

SPEAKERS:

Sheryl Ade, resident, stated if there will be any procedural safeguards in place. We don't know that Council is really looking at their agendas, they could be texting. She assumes this will be on the honor system. The County has a static system which the City may want to look into. It doesn't allow you to move around. Also will big documents that are usually stated "under separate cover" be scanned in or will they continue to be under separate cover.

City Clerk Lee responded Staff will be asking Developers and others to submit items in an electronic format so that they can more easily be incorporated.

Mayor Pro Tem Benoit stated the County is switching over to the iPads as well and doing away with the other system they are using. He is not aware of any procedures they have in place.

Councilman Cashman stated how the City will keep the historical record if we do away with a hard copy of the agenda.

City Clerk Lee answered there will still be a hard copy record of the meeting. This item is only for agenda packets at a Council meeting. However, in the future when there is money for a records management program, the entire agenda could be electronic and kept on CDs or other types of medium for permanent storage.

Mayor Swanson stated it is a learning curve to let go of the paper copy. It may be that we have the paper copy as well as the iPad for a couple of months until we get used to it. She has had her iPad for several months and is just now getting comfortable in letting go of the paper copy.

City Manager Oviedo stated that Mayor Pro Tem Benoit has offered to do

training on the use of the iPad to help us all out on getting used to the iPad.

City Clerk Lee stated the training would be an open and public meeting so those who have an iPad in the community and would like some free training would be able to attend and learn how to use an iPad.

City Manager Oviedo stated if the Council would like to have some formal procedures in place it could be done at a future norming session. This is also something that every City is dealing with as well.

It was the consensus of the City Council to start utilizing the iPads at the first meeting in 2012 and for training to take place as soon as the iPads are issued. The City Council will utilize both paper and electronic versions of the agenda packet until the first meeting in 2012. Also to utilize the \$20 per month for the 1 gb.

A MOTION was made by Councilwoman Moore, seconded by Councilman Walker, to approve the conversion of all City Council agendas from a paper format to an electronic format; and to purchase the \$20 for 1 gb data plan for those Council Members who will need it.

MOTION carried, 5-0.

CITY MANAGER REPORT

City Manager Oviedo stated he will be speaking at the Rotary meeting tomorrow in Fire Chief Beach's absence. He invited everyone to attend.

CITY ATTORNEY REPORT

City Attorney Biggs reported that the St. Marie vs. LAFCO case regarding the City's incorporation has been determined by the Court of Appeals upholding the County's actions of the formation of the City of Wildomar.

COUNCIL COMMUNICATIONS

Councilwoman Moore stated that October 16 is the Race for the Cure and the City will have a team. The movie in the park last week was a great success and the next one will be October 28. She attended the Chamber mixer; and a

meeting with officials at William Collier Elementary School regarding access through Heritage Park.

Mayor Pro Tem Benoit stated the staff at Riverside Conservation Authority is looking into why our area received no monies from the Federal level to buy properties for conservation. At WRCOG he learned a great deal about what happened in the Legislature regarding SB 89. The bottom line is we will be waiting a long time to see a fix to this issue. He attended the Board of Supervisors meeting as they had an item on their agenda to receive and file a report by the CAO regarding what they can do to help the four recently incorporated cities deal with SB 89. One of the options is pushing the repayment of monies owed to the County after incorporation from five years to ten years. He spoke about some Bills that were not passed by the State which was a big help that they didn't pass.

Mayor Swanson stated she and Mayor Pro Tem Benoit attended the Student of the Month lunch. She is disappointed with Sacramento and SB 89, but we will fight on and not give up. Also, October 22 will be the Mayor's Ball at the Elks Lodge and will also be her birthday bash.

FUTURE AGENDA ITEMS

*Maintenance of dirt roads

ADJOURNMENT

Mayor Swanson asked for a moment of silence in memory of Chuck Montiel, Councilwoman Moore's Father, who recently passed away.

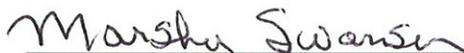
There being no further business, at 7:40 p.m. Mayor Swanson declared the meeting adjourned.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Marsha Swanson
Mayor