

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2011**

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

The closed session of November 9, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 5:32 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, City Attorney Biggs and City Clerk Lee.

PUBLIC COMMENTS

There were no speakers.

CLOSED SESSION

City Clerk Lee announced the following:

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54958.6 to give direction to Frank Oviedo, its property negotiator, for negotiations with the property owner regarding one matter of possible acquisition of property located at 23873 Clinton Keith Road. Under negotiation are terms and conditions of possible purchase.

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54958.6 to give direction to Frank Oviedo, its property negotiator, for negotiations with the property owner regarding one matter of possible acquisition of property located at La Estrella and George Avenue, APN 376-410-020, Wildomar, CA 92595. Under negotiation are terms and conditions of acquisition of property.

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54958.9(b) to confer with legal counsel regarding one matter of pending litigation: Alliance for Intelligent Planning vs. City of Wildomar RIC1114945.

City Attorney Biggs stated there is a subsequent needs item to add:

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54958.9(c) regarding a possible initiation of one matter of litigation.

The facts and circumstances surrounding that involve the park assessment refund situation. The matter arose out of action taken yesterday by the Board of Supervisors to continue for two weeks the decision on the current refunds. The City Council will not be meeting during that time frame, so it is imperative to take hear the issue now.

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

MOTION carried, 5-0.

RECONVENE INTO OPEN SESSION

At 6:35 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 at 6:30 p.m.

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

The regular meeting of November 9, 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,

Community Services Director Willette, Police Chief Fontneau, Fire Chief Beach, and City Clerk Lee.

The Flag Salute was led by George Taylor, Wildomar resident.

PRESENTATIONS

Mayor Swanson presented a Proclamation for Pancreatic Cancer Awareness Month (November 2011).

Chief Beach presented the Fire Department monthly update.

PUBLIC COMMENTS

Sharon Heil, resident, stated she attended a program for Veterans at Lakeland Village Middle School. They not only sang the song and said a poem, they did sign language with it. The Elks is having a craft fair on November 19. The Elks will also have the Christmas Tree Lane on December 3.

Gary Andre, with donated time from Richard Heil, stated there is money available through the RDA for trails that the City can use. Palomar was to be widened in 2009/10, but the recession happened and everything came to a standstill. They started in front of the Post Office in 2007. There is a bond posted on that which still sits with the County. There is money we could have in our community instead of the County's. Also on Baxter where it curves and becomes Central, there is a culvert there which the County is to maintain. The County is saying they don't know who is supposed to maintain it. In the meantime, the culvert is completely plugged and needs to be cleared so that when the rains come it doesn't drain water out onto the street and onto people's properties. There is also an issue with the Clinton Keith Bridge and flooding. There are flooding issues in this City that need to be taken care of.

Glenn Copple, Original Christmas Tree Lane, stated they would like the City Council to be judges at their event.

James Johnson, resident, stated he is new to Wildomar. He is an eight-year veteran of the Army and is wondering why there is no light shining on the flag.

Mayor Swanson thanked Mr. Johnson for bringing this to the City's attention. Apparently the light has burned out and needs to be replaced.

APPROVAL OF THE AGENDA AS PRESENTED

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

MOTION carried, 5-0.

SPECIAL ORDER OF BUSINESS

A.1 Presentation by Gil Rasmussen, President Wildomar Cemetery District

Wildomar Cemetery District President Rasmussen gave a presentation of the Wildomar Cemetery District. He gave a brief overview of the District and introduced the two workers at the cemetery. The District has been contracting with the City of Wildomar for administrative services since March, 2011 and it has been a good relationship and a good business decision. Also, the District is financially sound and healthy. He spoke regarding the perimeter wall project and hopes that the City will finish that project. The Board feels that Parcel 5 should be developed and the circular driveways need to be resurfaced, and land acquisition should be looked into. He then asked that the City Council honor the precedents that are in place. In particular not flying the POW-MIA flag, which was addressed by the out-going Board.

Mr. Rasmussen stated the cemetery should not be used for any political events ever. Also, it would not be right for the Council to take a \$100 per meeting stipend. There should be a six month moratorium until such time that it has been determined if \$100 is really warranted. A reduced stipend of \$60 per meeting would be more appropriate. Finally, referring to his personal discussions with the City Manager, that Community Services Director Willette should not hold any position in the Cemetery District due to her tenure on the out-going District Board of Trustees. It would appear if this were to happen that she had a vested interest in voting for the merger.

A.2 Establishment of Wildomar Cemetery District As A Subsidiary District of the City of Wildomar

City Clerk Lee read the title noting that the Resolution title has changed and the City Attorney will explain the reason why.

City Attorney Biggs stated the policies and procedures were included in the Resolution, which is in error. That needs to go to the Board of Trustees at their next meeting. Since those were pulled out of the Resolution, the title needed to be changed. All references in the Resolution will also be deleted.

SPEAKER:

Sheryl Ade, with donated time from Gil Rasmussen, stated when she was on the City Council, her and Councilman Cashman met with the County's CAO Office and Supervisor Buster's Office to talk about the merger of the Cemetery District with the City of Wildomar. She feels the outgoing Board has done an outstanding job. She stated she would not like to see politics at the Cemetery. She also thanked Assistant City Manager Nordquist for his services as the contracted General Manager. She also stated that it states in the Resolution that the Cemetery District meetings will be at the end of the Council meetings, so the Council may want to consider placing it at the beginning of the meeting instead.

Councilman Cashman gave the history of the Cemetery District.

Councilman Walker stated he loves the look of the cemetery, it's always well kept and is beautiful to look at.

A MOTION was made by Councilman Cashman, seconded by Councilman Walker, to adopt an Urgency Ordinance entitled:

ORDINANCE NO. 64
AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WILDOMAR, CALIFORNIA, ADDING A NEW CHAPTER
2.08 TO THE WILDOMAR MUNICIPAL CODE ESTABLISHING
THE WILDOMAR CEMETERY DISTRICT AS A SUBSIDIARY
DISTRICT OF THE CITY

MOTION carried, 5-0.

City Attorney Biggs advised the Resolution is being amended: Removing the fifth "Whereas", deleting "and adopt the Restated Policies and Procedures Manual" from the sixth "Whereas"; and deleting Section V.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ACCEPTING THE WILDOMAR
CEMETERY DISTRICT AS A SUBSIDIARY DISTRICT OF THE
CITY

as amended.

MOTION carried, 5-0.

At 7:15 p.m. the City Council recessed in order to conduct the business of the Wildomar Cemetery Board.

RECONVENE THE CITY COUNCIL

At 7:32 p.m. Mayor Swanson called the City Council to order, with all Council Members present.

1.0 CONSENT CALENDAR

A **MOTION** was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to approve the Consent Calendar as presented.

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated October 13, 2011 in the amount of \$381,805.29;
2. Warrant Register dated October 20, 2011 in the amount of \$6,961.26;
3. Warrant Register dated October 27, 2011 in the amount of \$218,177.64;
4. Payroll Register dated October 28, 2011 in the amount of \$40,978.00.

1.3 Claim Rejection for Damages Against the City of Wildomar

Rejected the claim made by Elizabeth Wales and directed Staff to notify the claimants.

2.0 PUBLIC HEARINGS

No Items Scheduled

3.0 GENERAL BUSINESS

3.1 Unpaved Roadways Update

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report.

Supervising Engineer Palmer presented the update on the status of unpaved roadways. He presented a map showing public paved roadways; public unpaved roadways; private paved roadways; and private unpaved roadways. Approximately 26% of the City's roadways are private unpaved roads. These roads are not owned by the City and are therefore not improved or maintained by the City. He then gave an overview of what the monies spent on public roads is used for.

Councilman Walker inquired if there are any private roads that the people are willing to deed over to the City.

Engineer Palmer answered yes, there are three. Staff is working through the assessment process in order to get the roads up to standards.

Councilman Cashman inquired how do the people deed over the property, what is the process.

Engineer Palmer answered there are two ways. When the map gets recorded there is an irrevocable offer of dedication that the City can accept at any time. The other way is if there is no such offer, all the owners would have to be willing to grant to the City the property. The reason a lot of the roads were never accepted by the County is because they were not built to acceptable standards. This is the dilemma the City has as well because they are still not up to acceptable standards.

Public Works Director D'Zmura added that there is no formal policy on acceptance. The City does have an unimproved road program which is how the City is operating today.

Councilman Cashman stated the County used to come through from time to time and grade these roads, and the City does not. Is there a legal barrier that prevents the City from doing that, or is it just money.

City Attorney Biggs answered if it is a private road, there is a barrier because it is private property.

Discussion ensued regarding the unimproved roadway program; grading private roads with public monies; and the ability of emergency vehicles being able to pass on the dirt roads.

3.2 Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreements with Western Riverside Council of Governments (WRCOG) for Clinton Keith Road Widening and Grand Avenue Widening Projects

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilman Walker, to approve TUMF Reimbursement Agreements with WRCOG for Clinton Keith Road Widening and Grand Avenue Widening Projects.

MOTION carried, 5-0.

3.3 Sidewalks to Schools Improvement Project Central Street Area Improvements

City Clerk Lee read the title.

Supervising Engineer Palmer presented the staff report. He then showed pictures of the project area before the improvements and after.

The City Council and City Manager thanked the Staff for their work on the grant and the project.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 52
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING CONTRACT CHANGE ORDER NUMBERS
7, 9, 10, AND 11, ACCEPTING THE SIDEWALKS TO SCHOOLS
IMPROVEMENT PROJECT CENTRAL STREET AREA IMPROVEMENTS
AS COMPLETE, AND AUTHORIZING STAFF TO PREPARE AND FILE
THE NOTICE OF COMPLETION WITH THE RIVERSIDE COUNTY
RECORDER

as amended.

MOTION carried, 5-0.

3.4 Rescinding Letter of Intent for the Jean Hayman Elementary School Property

City Clerk Lee read the title.

City Manager Oviedo presented the staff report.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to rescind the City's Letter of Intent to purchase Jean Hayman Elementary School.

MOTION carried, 5-0.

3.5 Repeal E-Verify Ordinance

City Clerk Lee read the title.

City Attorney Biggs presented the staff report.

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

ORDINANCE NO. 65
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, REPEALING CHAPTER 3.09 OF THE
WILDOMAR MUNICIPAL CODE PERTAINING TO THE E-VERIFY
PROGRAM

which title was read.

MOTION carried, 5-0.

CITY MANAGER REPORT

City Manager Oviedo reminded the Council of the joint meeting with the Planning Commission regarding the housing element on December 7. Tomorrow the Southwest Coalition representatives will be meeting in Menifee regarding ambulance service. The League dinner will be on Monday in Beaumont. There is a meeting tomorrow with the County Health Department in relation to County Water. Also he is still working with the other three new cities regarding SB 89.

City Clerk Lee announced that the iPads have been received and it is time to set the training session.

It was the consensus of the Council to hold the training session on Wednesday, December 14 at 4:30 p.m.

CITY ATTORNEY REPORT

City Attorney Biggs stated the Court of Appeal issued a published opinion today upholding the City's right to ban medical marijuana dispensaries completely. This was in conjunction with the City of Riverside case.

COUNCIL COMMUNICATIONS

Councilman Walker commended the Staff as they are all doing an awesome job. With all the constant daily attacks on the City, it is a difficult job. He and Councilman Cashman did meet with Supervisor Buster. He also commended the Police Department for the great job they are doing, as well as the Fire Department. He is extremely happy with the Planning Commission and thinks everyone is doing a great job.

Councilwoman Moore stated she attended the Heroes in Education dinner; the Animal Friends of the Valleys event; Autism Task Force; RTA meeting; CPR and First Aid training; SCAG; and a ride along with the Fire Department. The Friends for Wildomar Parks will be holding a Bingo event on January 15 with all proceeds going to saving Marna O'Brien Park.

Mayor Pro Tem Benoit stated he attended WRCOG and RCTC.

Councilman Cashman stated he and Councilman Walker met with Supervisor Buster. They talked about improving communication and it was a very productive meeting. The meeting in Murrieta for the 395 corridor is on November 17 and he is unable to attend. He wanted to make sure someone from the Council is going to be attending. The old David A. Brown house that is on Baxter is in need of a grant to help restore it. It is an asset to the community as it is over 110 years old.

Mayor Swanson stated she and Councilman Walker have been holding the monthly economic development roundtable and they have learned a great deal. The local Board of Realtors has put together a group as well and she was invited to their first meeting last week.

FUTURE AGENDA ITEMS

*Dirt roads

ADJOURNMENT

There being no further business, at 8:27 p.m. Mayor Swanson declared the meeting adjourned.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Marsha Swanson
Mayor