

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
NOVEMBER 10, 2010**

CALL TO ORDER – CLOSED SESSION

The closed session of November 10, 2010, of the Wildomar City Council was called to order at 6:03 p.m.

City Council Roll Call showed the following members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Cashman, and Farnam. Members absent: None.

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

City Clerk Lee announced that the City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(b) (1) to confer with its legal counsel regarding one matter of significant exposure to litigation that may result from the opening of a medical marijuana facility in the City of Wildomar. Also, the City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(c) to confer with its legal counsel regarding one matter of potential initiation of litigation.

At 7:05 p.m. the City Council reconvened into open session making no announcements.

There being no further business, at 7:05 p.m. Mayor Moore adjourned the closed session.

CALL TO ORDER – REGULAR SESSION

The regular meeting of November 10, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:05 p.m.

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

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

A moment of silence was observed and the flag salute was led by Fire Battalion Chief Hendershot.

PRESENTATIONS

Mayor Moore read a Proclamation for National Family Caregivers Month which will be sent to the organization.

Mayor Moore presented a Certificate of Appreciation to Fire Chief Jerry Hendershot, Cal Fire, for his service to the City of Wildomar.

Chief Beach presented the Fire Department monthly update.

Community Services Director Willette presented the monthly update.

Agnes Rita, Branch Manager of the Mission Trails Library and Veronica Langworthy presented the library update.

Henry Silvestre presented the Chamber of Commerce monthly update.

PUBLIC COMMENTS

Sharon Heil, Lake Elsinore Wildomar Elks Lodge, stated she has provided information on events that will be taking place at the Lodge. She thanked the Council for all the assistance they received in getting the Lodge opened before the holidays.

George Taylor, resident, stated he provided information to the Council on the need for fixing Bundy Canyon. He urged the City Council to look into a way to get some funds for this road.

Glenn Cople, Original Christmas Tree Lane, gave information on the upcoming event. All the funds raised are for the local youth.

John Lloyd, Wildomar Community Council & HOPE, stated the need for food in the valley. HOPE has between 500-600 families they distribute to and they are in need of more food.

APPROVAL OF THE AGENDA AS PRESENTED

City Clerk Lee stated that an item needs to be added to the agenda that was inadvertently left off of the agenda. The item is in regards to the County of Riverside Mortgage Credit Certificate (MCC) Program, and that would become item #3.6.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to add the item as item #3.6.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to approve the agenda as amended.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.0 CONSENT CALENDAR

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

Roll call vote: Ayes – 5; Nays – 0. Motion carried

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – October 13, 2010

Approved the Minutes as submitted.

1.3 Warrant Registers

Approved the following Warrant Registers:

1. Dated October 28, 2010 in the amount of \$51,922.97; and
2. Dated November 4, 2010 in the amount of \$512,326.65.

1.4 National Flood Insurance Program Participation

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING THE CITY'S INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM AND AUTHORIZING APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

1.5 Amendment to FY 2010-11 Budget and Capital Improvement Program for Sidewalk Safety Improvements to School Program (Phase 2)

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING THE FISCAL YEAR 2010/11 BUDGET AND RELATED CAPITAL IMPROVEMENT PROGRAM TO REFLECT TWO GRANTS TOTALING \$560,250 FOR THE SIDEWALK SAFETY IMPROVEMENTS TO SCHOOL PROJECT (PHASE 2)

1.6 Offer of Dedication for a Storm Drain Easement and Quitclaim of Flood Control Easements to the County of Riverside Flood Control and Water Conservation District

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATES OF ACCEPTANCE FOR TWO STORM DRAIN EASEMENTS

And a Resolution entitled:

RESOLUTION NO. 2010 - 56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIMS OF TWO FLOOD CONTROL EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1.7 Planning Commission Vacancy

1. Declared one vacancy on the Planning Commission (currently held by Ben Benoit), effective December 8, 2010; and
2. Directed the City Clerk to advertise the vacancy in accordance with the Government Code Section 54974.

2.0 PUBLIC HEARINGS

2.1 Change of Zone 7440 and Plot Plan 22249 (Project No. 08-0162 - Robles)

City Clerk Lee read the item.

Mayor Moore opened the public hearing.

Planning Director Bassi presented the staff report stating there is a revised

Ordinance and Resolution that was given to the Council at the start of the meeting. The Ordinance is amending Section 1 regarding environmental findings and Section 1 of the Resolution regarding environmental findings. Issues were brought to his attention regarding the CEQA negative declaration. The environmental assessment was prepared by the County Planning Staff and adopted by the County Planning Commission in June 2008. The notice of determination was filed with the County Clerk and the applicant paid the \$64 administrative fee, as well as the \$1876 fish and game fee. Given that information the Council does not have to make a determination on the CEQA as the applicant has met his legal obligations. The statute of limitations on a notice of determination is 30 days for legal challenges on the environmental. If a notice of determination was not filed, it extends out to six months. It has been 1 ½ years since the adoption. The project Council is reviewing now is the same plan the County approved. The only change is the architecture which the Council changed in January 2009. Therefore, in the Staff Report, the first Resolution, Attachment A, is not necessary. He then presented a power point presentation on the project.

Kenny Robles, applicant, stated Mr. Bassi explained the project very well and has nothing to add.

Council Member Cashman inquired is this a place where mufflers will be tested, or sold, or what.

Mr. Robles answered it is a muffler and automotive shop. It is repair of mufflers, and other services. There is not a great deal of sound coming from the shop.

Council Member Cashman inquired if there will be storage of vehicles overnight.

Mr. Robles answered no.

Council Member Cashman asked if street lights are going up or low level lights around the building.

Al Aguirre, representing the applicant, answered they have to submit a plan as to where the lighting will be installed.

SPEAKERS:

Martha Bridges, resident, stated she has submitted a letter of concern on

the project.

Jennifer Stone, resident, stated she is opposed to this project. She feels it will bring traffic, noise, safety issues, and bring down the value of the houses. She would like more housing tracts around her and not commercial projects. The zoning should stay residential.

Kathy Miller, resident, stated she is opposed to this project because of safety of the community, increased cost to the residents, lower the home values, strain on the infrastructure, traffic issues on Palomar, potential buyers of the remainder of the tract will not build, increased noise of traffic and the automotive facility, increased pollution, increased crime, vehicles left overnight on the site. She bought her home because it was residential and now the Council wants to rezone the area to commercial.

Nadine Goodreau, resident, stated she is opposed to the project and most of the homeowners are not aware of this hearing. The Homeowners Association is very rigid and there are several problems with the tract that no one is taking responsibility for. Now the Council wants to rezone the property adjacent to the tract to commercial instead of residential. Another site needs to be found for this type of project. It is already difficult to sell the undeveloped land in the tract.

Linda Rangel, resident, stated she is opposed to the project. She bought her home knowing it would remain residential, not commercial. She agrees with the previous speakers regarding the problems this will bring to the area.

Michael Altobelli, resident, stated he is opposed to the project. This type of project will bring noise to the neighborhood, cause the housing values to drop, crime, traffic, and pollution.

Raymond Johnson, attorney, stated this City Council must make the determination on the environmental as it can only be made by the final approving authority, which is the Wildomar City Council. The notice of determination was filed prematurely as the Board of Supervisors would have to have had made the determination, not the Planning Commission. Also, the Council has made changes to the project which will alter the environmental assessment. The sound will be sent to the residential area due to the change the Council made. He did submit a letter to the Council.

Tari Broderick, resident, stated she is opposed to the project. She has

heard nothing in regards to the animals in the area. She is opposed to the hours, and the lights. There are schools close by, the road narrows, and the speed limit on Palomar is 50 mph.

Frank Robles, brother of the applicant, stated they have worked four years to get this project to where it is. What the speakers are saying in regards to hazardous waste is just not right. In this economy we need jobs, which is what this will provide. He would appreciate the Council giving consideration to this project.

Mr. Aguirre stated they have been working on this project for four years. All the items brought up here tonight were addressed by the County. The residents need to study this. They missed approval by the County by one month. Wildomar became a City right after the Planning Commission approval and they had to start all over again.

Mr. Robles stated in terms of the environmental, he does not see the difference in building a tract of homes versus his two acre site. Also, when those homes were being sold this property was designated commercial for many years, not residential. More research should have been done before the residents bought their homes.

City Attorney Biggs stated the City is in an odd position due to the incorporation of the City and when this project was going through the process. Wildomar operates under the same process the County does, which is a receive and file process. When it came to the Council it came with complete environmental documentation from the County. Many cities do not proceed this way, but that is not how it is done here. The applicant went through the process with the County and now it has come to the Council. There are options the Council can consider. The Council could treat this as a new submission and adopt the Resolution for the negative declaration. She has advised against that because of what the applicant has in terms of the negative declaration. The Council can adopt the zone change, or you do not have to. However, if the zone change is not done it may not be consistent with the General Plan. There is no obligation to change the zone. The plot plan came to the Council because of concerns of the way the project looked and how it was built. The changes that have been made to the project do not trigger a re-examination of the environmental document.

Council Member Cashman inquired if the Council could send this to the Planning Commission.

City Attorney Biggs answered yes.

Mayor Moore asked that Planning Director Bassi address the hazardous materials concerns brought up by the residents.

Planning Director Bassi stated the County Fire Department regulates the use of hazardous waste. The handling, storage, and transportation of hazardous materials are all regulated by the County.

Council Member Cashman stated it was brought up that changing the orientation of the doors would change the distribution of noise going towards the residents. Is this a material change.

Planning Director Bassi answered he can't say unless there was a special noise study done. The fact that there are still doors on the north side as there were in the beginning, he does not anticipate that. Half the building now will be non-auto related businesses, there were 16, now there are 8.

Mayor Pro Tem Swanson stated with the change of zone, is this holding only to automotive or could some other type of business like computer repair go in there.

Planning Director Bassi answered it is not strictly automotive that could be there.

Mayor Moore stated can you explain the zoning there, what you can and cannot build there.

Planning Director Bassi answered it is general retail and has been since at least 2003. The present designation is RR and whatever goes there will have to have a zone change to bring it consistent with the General Plan.

Mayor Moore stated it will never be residential.

Planning Director Bassi answered it is unlikely, but someone could buy up the property for residential, however they would have to go through a General Plan Amendment to change it back to residential.

City Attorney Biggs stated the Council could also do a General Plan Amendment if they so chose to.

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

Council Member Farnam stated he appreciates the residents voicing their concerns. He can remember back in 2004 that there was a big sign on the property clearly stating the property was commercial and they were marketing it for that purpose. The homes were built after that. That is the commercial corridor and he feels it is the best use. He has been through many public hearings and the same thing always comes out, the residents don't want the commercial by them. The same concerns always come out as well with no documentation. He is in favor of the project. He appreciates that the applicant got caught in the process between the County and the incorporation of the City. The Council asked he make changes to the project, and he did what was asked.

Council Member Cashman stated one of the things he does not like is getting something at the last minute and having to make a decision on it. This is as a result of it not going to the Planning Commission. It makes it hard for him to support the project. He feels the City should be doing the environmental.

Mayor Pro Tem Swanson stated she is comfortable with the project. The new design is much more desirable, and the City could have been stuck with a project we didn't like. It will fit nicely with residential development. This will bring jobs and may even bring a builder in to finish the tract.

Council Member Ade inquired if notice was mailed to the residents.

Planning Director Bassi answered yes.

Council Member Ade inquired if the applicant had met with the residents.

Mr. Robles answered no.

Council Member Ade stated a great deal of the concerns could have been addressed if he had. Every developer should meet with the residents. Was the property owner to the west notified.

Planning Director Bassi answered yes, everyone within 3,000' of the site was notified.

Council Member Ade stated there was misconception by the residents that this was residential. It has been commercial since 2003. The problem isn't that it is zoned commercial, it's the lack of buffers. She is concerned about the hours of operation. The sewer capacity doesn't seem sufficient. In reading through the environmental assessment, it was approved in

2008, but it was prepared in 2006. In the environmental factors it doesn't make sense in what they have marked. The plot plan does not meet application submittal requirements and she thinks the change of zone map probably doesn't either. Where is the County Planning Commission minute order as it wasn't attached. There were things not addressed in the environmental assessment. She is concerned about possible flooding, the pipe being too small, fencing around the riparian area, shadow canyon specifically addressed, future uses should come to the Council for a hearing, ingress and egress, high fire area, and fencing for the trail. This should have gone through the Planning Commission and she is not comfortable going forward with this. She agrees with Council Member Cashman and this should go to the Planning Commission.

Mayor Moore stated she appreciates the homeowners coming out and voicing their concerns. She sees both sides and the applicant has rights also. The property is zoned commercial and has been for a long time. This is a very hard decision.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to introduce Ordinance No. 54, as amended.

Roll call vote: Ayes – 3, Mayor Moore, Mayor Pro Tem Swanson, Council Member Farnam; Nays – 2, Council Members Ade and Cashman. Motion carried.

ORDINANCE NO. 54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE 7440 (CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Resolution No. 2010 – 59 as amended.

Council Member Cashman stated if this is approved we can't remove it.

Roll call vote: Ayes – 3, Mayor Moore, Mayor Pro Tem Swanson, Council Member Farnam; Nays – 2, Council Members Ade and Cashman. Motion carried.

RESOLUTION NO. 2010 - 59
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING PLOT PLAN 22249 (CITY PROJECT NO. 08-
0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE-FOOT MULTI-
TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBLES
AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT
NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE
(ASSESSOR'S PARCEL NO. 380-140-004)

City Attorney Biggs stated the Council proceeded through the receive and file process to accept the environmental review and Negative Declaration approved by the Riverside County Planning Commission in 2008, without change or specific action and to introduce and approve first reading of the zoning change ordinance and approval of the plot plan for the project.

Council Member Ade stated we discussed the receive and file process in the norming session and we did not come to a consensus on that process.

City Attorney Biggs stated it is still the law that is on the books and that is how this came to the Council.

2.2 City Initiated Code Amendment to Revise Title 17, Section 17.200 Related to Conditional Use Permits

City Clerk Lee read the title.

Mayor Moore opened the public hearing.

Planning Director Bassi presented the staff report.

There being no speakers Mayor Moore closed the public hearing.

Council Member Ade stated the direction was to handle these on a case by case basis and not have the Planning Director approve them.

Council Member Cashman inquired if that is what came from the Planning Commission.

Planning Director Bassi stated what was presented to the Planning Commission is exactly what is being presented tonight.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to introduce Ordinance No. 55.

Roll call vote: Ayes – 5; Nays – 0. Motion carried

ORDINANCE NO. 55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
AMENDING TITLE 17, SECTION 17.200 RELATED TO TIME LIMITS
AND EXTENSIONS FOR CONDITIONAL USE PERMITS (ZONING
CODE AMENDMENT 10-06)

3.0 GENERAL BUSINESS

3.1 Save Our Parks Update

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the update stating the committee will bring forward a recommendation on an engineering firm to assist the City in establishing an assessment district. He then gave an update on the fund raising efforts that have been done.

Discussion ensued regarding the money and how it can be spent; A logo; How the money is collected and accounted for; and A thermometer for tracking goals.

3.2 Clinton Keith Road/I-15 Interchange Improvements Project – Agreement with the County of Riverside

City Clerk Lee read the title.

Development Services Director Kashiwagi presented the staff report.

Council Member Cashman inquired about the timeline of the bridge.

Mr. Kashiwagi answered the current schedule is it will go out to bid in February 2011, bid award in June 2011, with an expected start around August 2011.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to adopt Resolution No. 2010 - 60.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

RESOLUTION NO. 2010 - 60
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND CITY OF WILDOMAR RELATED TO SERVICES AND ACTIVITIES TO BE PERFORMED ON THE CLINTON KEITH ROAD/I-15 INTERCHANGE IMPROVEMENT PROJECT

3.3 2010 California Building Codes – Set Public Hearing

City Clerk Lee read the title stating that a change has been made to the recommendation as is noted in the material handed out earlier. This item is to set the public hearing for December 8, 2010, and Council has received a copy of the revised staff recommendation and revised Ordinance. Staff is recommending three actions on this item. The first will be to introduce the Ordinance, the second will be to approve the introduction of the Ordinance, and the third is to set the public hearing for December 8, 2010. All questions regarding the codes will be addressed at the public hearing. Additionally, a true and complete copy of the all the referenced codes are available in the Office of the City Clerk.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to introduce Ordinance No. 56, as amended.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

ORDINANCE NO. 56
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 8.01 TO THE WILDOMAR MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE AND THE 1997 EDITION OF THE UNIFORM HOUSING CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to pass the first reading of Ordinance No. 56.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

A MOTION was made by Council Member Cashman, seconded by Mayor Pro Tem Swanson, to set the public hearing for December 8, 2010, at 7:00 p.m., or as soon thereafter, to hear testimony in this matter.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.4 E-Verify Program

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Michael Mudd, Menifee Tea Party, stated he is in favor of the Ordinance as it will ensure that jobs will go to American citizens and not illegal aliens.

Shellie Milne, area Tea Parties, stated she does not live in Wildomar, but she does do business in Wildomar. She is in favor of the Ordinance as this benefits American workers. She encouraged the Council to make this City-wide for all businesses.

Gerald Hall, resident, stated he supports the e-verify program but is wondering why a business license is not in the Ordinance. He urged the City to get a business license program in the Ordinance and get this done right the first time.

Council Member Cashman stated Arizona has adopted the e-verify program and it is showing how things can go wrong with the program. The study showed that 50% of the people who received tentative non-conformance notices never had a chance to clear their names because of bad information received. They were denied, or lost their jobs and it included American citizens. He does not trust the big government system that put the e-verify program together. Also, he is concerned that there is a notion that we have to have the Federal Government checking every job in the United States. He does not like this and he cannot support it.

Council Member Farnam inquired when did he get the data that says the program is 50% inaccurate. He has seen where the accuracy rate is up to 90%, however nothing is ever 100%.

Council Member Cashman answered he got it from the 2009 Department of Homeland Security study.

Mayor Moore stated that the City is looking into a business license program and although it is not in this Ordinance, that is an issue that is still on the table.

A MOTION was made by Council Member Farnam, seconded by Mayor

Pro Tem Swanson, to introduce Ordinance No. 57.

Roll call vote: Ayes – 4, Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade and Farnam; Nays – 1, Council Member Cashman. Motion carried.

ORDINANCE NO. 57
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADDING NEW CHAPTER 3.09 TO THE
WILDOMAR MUNICIPAL CODE PERTAINING TO THE E-VERIFY
PROGRAM

3.5 Second Hand Smoke Ordinance Advisory Report

City Clerk Lee read the title.

City Manager Oviedo presented the staff report. This is an advisory item to see if the Council wishes the Staff to move forward with an Ordinance.

Mayor Moore stated when she and City Manager Oviedo attended the meeting regarding this, and there were a number of suggestions that simply do not apply to Wildomar, such as no smoking in movie theater lines and those types of things. However, there were some suggestions that Wildomar could do such as the Farmer's Market. She is not in favor of getting real strict.

City Manager Oviedo stated there is no legal reason the City would have to do this, it is voluntary. Most cities have done just the minimum such as enacting it for parks, which is what Staff would recommend.

Council Member Cashman stated he is not in favor of any Ordinance regarding this as it infringes on personal rights and freedom. He is tolerant of smokers and there should be a place for them. It won't be Ordinances that stop people from smoking, it will be public shame.

Council Member Ade stated she agrees with Council Member Cashman's comments. She does not care how the American Lung Association wants to grade Wildomar they do not know the community. It is a blanket grading without taking the cities into consideration.

Mayor Pro Tem Swanson stated she agrees with Council Member Cashman and Ade. If someone is smoking she has the choice to move away from it.

Council Member Farnam stated he was at a function where two people in front of him were smoking. He was frustrated that they would do that, but he got up and moved away from it.

Mayor Moore stated she has asthma and she does not care to be around smoking. She asks people not to smoke around her, or she moves.

It was the consensus of the City Council not to proceed with an Ordinance.

ITEMS ADDED TO THE AGENDA

3.6 Authorization to Participate in the Riverside County EDA Mortgage Credit Certificate (MCC) Program

City Clerk Lee read the title and presented the staff report stating this is a program the City has been involved with since incorporation. Every City was involved and now all but four cities are involved in the program. The reason this is urgent is because they need to send off the program materials for approval on November 15. The program does not cost the City any money and in 2009-10 it did help two home buyers in obtaining a home in the City. The only cost that might be incurred is they could ask the City to advertise twice a year, so far the City has not been asked.

Mayor Pro Tem Swanson stated it is a good program and it does help people buy a home. Perhaps if the City advertised we could help more than two people. She is in favor of the program.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Resolution No. 2010 - 57.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

RESOLUTION NO. 2010 – 57

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, PARTICIPATING WITH THE COUNTY OF RIVERSIDE
MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM**

CITY MANAGER REPORT

City Manager Oviedo stated he has three items:

1. He and Public Works Director D'Zmura toured Bundy Canyon Road and parked on several sections of the road and walked parts of it. Staff is looking into the issues there and will be reporting back to the Council.
2. He, Public Works Director D'Zmura, and Mayor Moore attended the San Diego Regional Water Quality Board in Temecula. One of the main issues brought up by the agencies is that the new permit is putting onerous provisions in it that will require expensive costs to the cities to monitor storm water. Each of the Mayors spoke to this. It appears the Board is completely out of touch with what is going on with the cities in these tough economic times.

Public Works Director D'Zmura stated he did receive an email just after 5:00 p.m. and the Board did approve the permit essentially as presented by Staff. They did not accept any of the modifications proposed by the cities. He agrees, the Board does not have an understanding with the fiscal constraints the cities and county have. Wildomar did get approval to be monitored by only one agency instead of two because of how the lines are drawn.

3. Is the Council interested in having the November 24, 2010 meeting. It was the consensus of the City Council to go dark on November 24, 2010.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Council Member Cashman stated when he came home today a smart meter was being installed at his home. In Europe a huge number of the population are rising up against these because they can monitor everything you do in the house from satellites. Was there something the utility company has given to the City about these meters.

Council Member Ade answered there was a pamphlet in the last bill that explained the program.

Mayor Pro Tem Swanson stated she is grateful the election is over and the signs are coming down. She attended the Student of the Month lunch. The car show was great even though it was slow and not a great deal of people attended.

Council Member Farnam stated he has attended various Board meetings and will continue to do so until December 8. He thanked the Council for their support during his tenure.

Mayor Moore stated she attended the Sycamore Harvest Festival, Elsinore High School football game, Peppertree Manor Haunt, the clean-up event was great, WCC Fair and car show, Boy Scouts clean-up at the cemetery, and the blood drive for Liam Dunn. She encouraged everyone to come out and honor all the veterans at the cemetery tomorrow.

FUTURE AGENDA ITEMS

Mayor Pro Tem Swanson stated with the Clinton Keith overpass project coming up soon, we have a local developer who will have lots of dirt to move on his project. She hopes we can save some money by having the dirt come from close by and would like Staff to look into this.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 9:45 p.m.

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk