

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 12, 2009**

The regular meeting of November 12, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 6:00 p.m.

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

POTENTIAL LITIGATION

Government Code Section 54956.9(b)

The City Council convened into closed session to confer with legal counsel regarding one matter of significant exposure to litigation. The facts and circumstances are known to the parties and relate to the application submitted by Cornerstone Church relating to construction of a parking lot, the approval of the application by the Planning Commission, and the appeal of that decision by the City of Menifee and Mr. Jim Filanc.

At 7:02 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 Farnam adjourned the closed session at 7:02 p.m.

CALL TO ORDER (OPEN SESSION) - 7:00 P.M.

The regular meeting of November 12, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 7:02 p.m.

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

Staff in attendance: City Manager Oviedo, City Attorney Biggs, Public Works Director Kashiwagi, Planning Director Hogan, Finance Director Nordquist, Fire Chief Beach, Lt. Kennedy-Smith, and City Clerk Lee.

The Flag Salute was led by Mayor Farnam.

PRESENTATIONS

Mayor Farnam and Council Member Swanson presented a Proclamation and plaque to outgoing Planning Commissioner Miguel Casillas.

Chief Beach gave the Fire Department Monthly Update.

The Chamber of Commerce monthly update was given by Henry Silvestre.

PUBLIC COMMENTS

Gina Castanon, speaking on behalf of Kristan Lloyd, stated Tracey and Wes Lobo have an illegal business operating next door to them. The City is aware of the issues and everyone is awaiting some type of action. She is asking for an official investigation into the business license of these people. This business is illegal as a home occupation and the City illegally gave them a business registration. She then went through various laws regarding food handling businesses. She is asking the City to work with the County Health Department to investigate this business and either bring it up to standards or shut it down.

APPROVAL OF THE AGENDA AS PRESENTED

Mayor Farnam stated he would like to move item 2.3 ahead of 2.1.

A MOTION was made by Mayor Farnam, seconded by Council Member Ade, move item 2.3 ahead of 2.1, and approve the agenda.

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

1.0 CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, 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 Special Meeting Minutes - October 28, 2009

Approved the Minutes as submitted.

1.3 Regular Meeting Minutes - October 28, 2009

Approved the Minutes as submitted.

1.4 Warrant Registers and Payroll Warrant Registers

Approved the following Registers:

1. Warrant Register dated October 28, 2009, in the amount of \$26,975.83;
2. Warrant Register dated November 3, 2009, in the amount of \$356,290.83;
3. Payroll Warrant Register dated October 30, 2009, in the amount of \$7,088.83.

1.5 City Holiday Schedule Resolution

Adopted Resolution No. 09-73 regarding City holidays:

RESOLUTION NO. 09 – 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, REPEALING RESOLUTION NO. 08-12 AND DESIGNATING CITY
HOLIDAYS

1.6 Cimarron Plaza (Stable Lanes Commercial Center) Ordinance Adoption

Adopted Ordinance No. 37:

ORDINANCE NO. 37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF
WILDOMAR FOR A PROPERTY LOCATED AT THE SOUTHWEST CORNER
OF CLINTON KEITH ROAD AND STABLE LANES WAY FROM RURAL
RESIDENTIAL TO GENERAL COMMERCIAL, KNOWN AS ASSESSOR'S
PARCEL NO. 380-120-012 AND 380-120-013

2.0 PUBLIC HEARINGS

2.3 Appeal of the Planning Commission Approval of the Cornerstone Community Church Parking Lot Expansion (Project No. 08-0163)

Mayor Farnam opened the public hearing.

Planning Director Hogan stated Cornerstone Church has requested that this item be continued as their primary representative has been unexpectedly called out of town on a family emergency. Staff is recommending that this item be continued to January 27, 2010. Additionally, Staff also recommends that the Council take

public testimony tonight as some people may not be available to attend the January 27th meeting.

Mayor Farnam stated he would like the Council to consider continuing the item as it is only fair that both sides are present. Additionally, for those who want to speak tonight, if you can be available at the January 27th meeting, please save your comments for that time.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to continue the appeal of the Planning Commission approval of the Cornerstone Community Church parking lot expansion, Project No. 08-0163, to the meeting of January 27, 2010.

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

SPEAKERS:

Sharon Heil stated she would wait to speak until the January 27 meeting.

George Taylor, resident, read from the letter he submitted. He is not opposed to the project; he is opposed to the hauling on Bundy Canyon Road as he feels it is a dangerous situation. The Council has the ability to condition this project to protect the community. He suggested various options that are provided in the letter he submitted.

Mary Flores, resident, stated she is in opposition to this project. The citizens were not even aware of the environmental issues when the previous project at the Church was done. This should make the Council even more cautious that this be done. She added that the public notice was not in the paper, which is legally required.

Raymond Johnson, Wildomar First, submitted a letter to the Council, and stated this is an improper segmentation of a project. The Church has a larger project they wish to do and they don't want to do an environmental. Additionally, no traffic study has been done at all. There were assumptions made on the air quality impacts, and they need to prepare an EIR. Also, the noise element was not addressed properly.

Rocky Jackson stated he will speak on January 27th.

Gerry Hall, resident, thanked the Council and community for the Veterans Day ceremony. He then stated that he has become aware that there are Council Members who are also members of Cornerstone Church. He feels they have a

conflict of interest and should step down on this issue.

City Clerk Lee stated the City of Menifee has submitted a letter to the Council.

Jim Filanc, co-appellant, stated he supports the Church, however, he is opposed to the traffic issues of this project. It is already too crowded in the area and this project is going to make it worse for safety reasons. He submitted some documentation for the Council to review.

There being no further speakers, Mayor Farnam stated the public hearing on this item will be continued to the meeting of January 27, 2010.

2.1 Economic Incentives – Development Impact Fee Reduction Ordinance

Mayor Farnam opened the public hearing.

Mayor Farnam stated the proposed 50% reduction of the DIF and TUMF go hand in hand. He has been contacted by the neighboring cities that a conversation take place before the Council takes action on these items. He will be meeting with them on November 19.

A MOTION was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to continue the Public Hearing to the meeting of December 9, 2009.

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

Gina Castanon, resident, stated she is in opposition to the DIF. It is her opinion that the City cannot sustain the reduction in fees. Also, Council Member Ade had requested a report from the Finance Director regarding what the impact would mean to the City. She wants to be sure that it will be available to the citizens and not buried. Lastly, the conflict of interest issue that has been submitted to the City Attorney's attention. There is a question, and if not pursued they will file a complaint with the FPPC.

2.2 Updating the Western Riverside Council of Governments Transportation Uniform Mitigation Fee (TUMF)

Mayor Farnam opened the public hearing.

Public Works Director Kashiwagi presented the staff report. He added that an errata sheet has been given to the Council for the two modifications WRCOG has asked for.

Discussion ensued regarding how long the Ordinance would be in place.

SPEAKERS:

John Lloyd, resident, stated he has read the Ordinance. There is a statement about finding revenue sources to offset the amount in fees that will not be collected. He has a concern with this. Also, on the table it is showing a \$625,000 difference in what TUMF will cover and the actual costs of the Clinton Keith overpass. Does the City have money to cover this.

Discussion ensued regarding the monies for the overpass.

Mark Knorringa, BIA, stated when these documents were transmitted from WRCOG it included the 50% reduction of the TUMF fees. Will the Council be considering that as well.

Public Works Kashiwagi answered the Council has requested that the 50% reduction not be considered at this time.

There being no further speakers, Mayor Farnam closed the public hearing.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to introduce Ordinance No. 38. Mayor Pro Tem Moore read the title of Ordinance No. 38.

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

ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING AND SUPERSEDING ORDINANCE NO. 824 AND NO. 24 TO UPDATE ITS PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to adopt Resolution No. 09-74.

Council Member Ade inquired if this is just the intent to consider.

Mayor Pro Tem Moore answered yes.

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

RESOLUTION NO. 09 – 74

A RESOLUTION OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING

THE INTENT TO CONSIDER THE 2009 NEXUS STUDY, ESTABLISHING A
REVISED AND UPDATED FEE SCHEDULE APPLICABLE UNDER THE
WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION
FEE (TUMF) PROGRAM

3.0 GENERAL BUSINESS

None

CITY MANAGER REPORT

There was no report.

CITY ATTORNEY REPORT

There was no report.

COUNCIL COMMUNICATIONS

Council Member Ade stated she attended the Veterans Day ceremony and gave thanks to all who participated in the event.

Mayor Pro Tem Moore stated the annual Santa Margarita Watershed clean up was last week. It was a great success. She also attended the Young Marines breakfast at the VFW; the Wildomar Historical Society awards; Attended the Chamber breakfast where Chief Cleary spoke; She took a HAM radio class, and Wildomar now has seven new operators; Today she gave a tour of City Hall to Murrieta Pack 309 of the Boy Scouts. Council Member Swanson thanked everyone involved with the Veterans Day ceremony as it was excellent. She attended a meeting on SB375.

Mayor Farnam stated he also attended the meeting on SB375.

FUTURE AGENDA ITEMS

Council Member Ade stated Staff needs to pursue the SCAG Compass Program. This will give us grant funding to help revise the General Plan.

ADJOURNMENT

There being no further business, Mayor Farnam declared the meeting adjourned at 8:13 p.m.

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk