

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
DECEMBER 8, 2010**

CALL TO ORDER – REGULAR SESSION

The regular meeting of December 8, 2010, of the Wildomar City Council was called to order by Mayor Moore at 6:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Cashman and Farnam. Members absent: Council Member Ade.

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

A moment of silence was observed and the flag salute was led by Council Member Farnam.

A. SPECIAL ORDER OF BUSINESS

A.1 Certification of November 2, 2010, General Municipal Election

City Clerk Lee introduced the item.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Resolution No. 2010 - 61.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Ade. Motion carried.

RESOLUTION NO. 2010 - 61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL
ELECTION HELD ON TUESDAY, NOVEMBER 2, 2010, DECLARING
THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

SPECIAL PRESENTATIONS

Various presentations were made to the out-going Council Members Ade and Farnam.

Council Member Farnam gave a farewell speech thanking the citizens, Council, and Staff.

City Clerk Lee gave the Oath of Office to Council Member-Elects Timothy Walker, Ben Benoit, and Marsha Swanson.

At 6:25 p.m. the City Council recessed.

At 6:40 p.m. the City Council reconvened into open session, with all Council Members present.

PRESENTATIONS

Chief Beach presented the Fire Department monthly update.

Community Services Director Willette presented the monthly update.

Henry Silvestre presented the Chamber monthly update.

PUBLIC COMMENTS

Henry Silvestre, Fit2go, stated the BBQ event will take place at the complex where City Hall is, and not Tom's Farm. He also talked about the VIP event for New Year's Eve that will benefit the City Parks.

Gary Andre, resident, stated his son-in-law, who works for Edison, came out to City Hall to discuss the lighting. He will be saving the City over \$8,000 in lighting costs. His son-in-law is currently working on a new program now that could save the City more.

Gerry Hall, resident, stated on the City's website where the agenda is posted, the payroll registers can't be read. He would appreciate the registers being horizontal instead of vertical and bigger print.

Richard Deskin, Elsinore High Solar Team, gave an update on the team. He invited everyone to the event during May 14-16, when they will be racing again.

William Sump, Wildomar Patients Compassionate Group, stated in light of the Court decision that has come down against the City of Anaheim, he urged the Council to work with them so that no further litigation costs will be incurred.

Glenn Copple, Original Christmas Tree Lane, stated he hopes that everyone will come out to the event.

APPROVAL OF THE AGENDA AS PRESENTED

City Attorney Biggs stated there is an item that arose earlier in the day that needs to be added to the City Council's agenda. It is a matter pursuant to Government Code Section 54956.9(b) which is potential litigation. The City has received a statement from Mr. Johnson that he will be filing an action in relation to the Robles project.

A MOTION was made by Council Member Benoit, seconded by Mayor Pro Tem Swanson, to add the closed session item to the agenda.

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

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

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

1.0 CONSENT CALENDAR

City Clerk Lee advised that there are speakers for item #1.6 and #1.8.

A MOTION was made by Council Member Cashman, seconded by Mayor Pro Tem Swanson, to approve the Consent Calendar with the exception of item #1.6 and #1.8.

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 27, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Minutes – November 10, 2010 Regular Meeting

Approved the Minutes as submitted.

1.4 Warrant Registers

Approved the following Warrant and Payroll Registers:

1. Warrant Register dated November 15, 2010 in the amount of \$444,331.77;
2. Warrant Register dated November 18, 2010 in the amount of \$41,865.56;
3. Warrant Register dated November 24, 2010 in the amount of \$35,866.50;
4. Warrant Register dated December 2, 2010 in the amount of \$44,664.15;
5. Payroll Register dated November 2, 2010 in the amount of \$1,507.56;
6. Payroll Register dated November 15, 2010 in the amount of \$16,861.72; and
7. Payroll Register dated December 2, 2010 in the amount of \$1,495.56.

1.5 Treasurer's Report – October 2010

Approved the Treasurer's Report for October 2010.

1.7 Ordinance No. 55 Second Reading – City Initiated Code Amendment Relating to Conditional Use Permits

Adopted an Ordinance entitled:

ORDINANCE NO. 55
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING TITLE 17, SECTION 17.200
RELATED TO TIME LIMITS AND EXTENSIONS FOR CONDITIONAL
USE PERMITS (ZONING CODE AMENDMENT 10-06)

1.9 Appeal of Regional Water Quality Control Board Tentative Order (Ms4 Permit) Relating to Storm Water

Authorized the City Manager to execute an engagement letter authorizing Riverside County Flood Control's counsel to represent the city for purposes of filing an appeal of the Regional Water Quality Control Board's adoption of Tentative Order R9-2010-0016 within the 30 day appeal period.

1.10 City of Wildomar and Cal Fire Smoke Detector Program for Seniors

Approved a free Smoke Detector Program to Wildomar senior residents who are financially unable to maintain a working smoke alarm in their home.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Ordinance No. 54 Second Reading Change of Zone (Project No. 08-0162) – Robles Auto Repair

Speakers:

Frank Robles, applicant, stated they have lived in the City for 20 years. He encouraged the Council to approve their project. They are ready for the turmoil that is coming.

City Attorney Biggs stated that one of the conditions of approval is that Mr. Robles will indemnify and defend the City against any action that comes forward. The City will be having further conversations with Mr. Robles.

Bob Benini, Crivello's, stated he has the business adjacent to the proposed project, and he is in favor of it.

Ken Robles, applicant, stated he does not see what the issue is regarding his project.

A MOTION was made by Council Member Walker, seconded by Council Member Benoit, to adopt an Ordinance entitled:

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)

Roll call vote: Ayes – 4; Nays – 1, Council Member Cashman. Motion carried.

1.8 Ordinance No. 57 Second Reading - E-Verify Program

Speakers:

Gerry Hall, resident, stated there is nothing in this that has any teeth in it and that concerns him.

A MOTION was made by Council Member Benoit, seconded by Mayor Pro Tem Swanson, to adopt an Ordinance entitled:

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

Council Member Cashman stated this is a program he doesn't feel will work. The City should be able to make sure it's workers are U.S. citizens and not rely on another governmental agency to tell us that.

Roll call vote: Ayes – 4; Nays – 1, Council Member Cashman. Motion carried.

2.0 PUBLIC HEARINGS

2.1 Ordinance No. 56 Second Reading - 2010 California Building Codes Adoption

City Clerk Lee introduced the item.

Mayor Moore opened the public hearing.

Public Works Director D'Zmura presented the staff report.

Mayor Pro Tem Swanson inquired if the fire sprinklers will be required when a manufactured home or mobile home that is not currently on a permanent foundation is going to be placed on a permanent foundation.

Building Official Thomas stated that will not be regulated by the City but by the State Housing Community Development. He is not sure how this will be done.

Council Member Benoit inquired if there was an estimate as to how much this will be in the price of a home.

Building Official Thomas answered it is unknown right now. The big problem right now is water and the possibility of needing a bigger meter or water supply.

Speakers:

Alfredo Adriano, resident, stated they have bought a commercial parcel in Wildomar, and these codes are going to raise the cost of building on their property. In this economy this is not business friendly. He would like the City to put this to a vote of the people and not do this just because other government agencies are doing it.

Council Member Cashman inquired if the City is required by law to adopt these codes.

City Attorney Biggs answered these are the minimum standards for the State and it is required.

Council Member Benoit inquired what would happen to the City if these weren't adopted.

City Attorney Biggs answered the City could be challenged and the City would have liability. These are the standards the City would be judged by.

Public Works Director D'Zmura stated if the City did not adopt this now, it automatically becomes law for the City on July 1.

Fire Chief Beach stated he wants to make it clear that this is for new construction, or major reconstruction only and is not retroactive.

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

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Walker, to adopt Ordinance No. 56 entitled:

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
THERE TO

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

2.2 Extension of Ordinance No. 45 – Boat Storage, Recreational Vehicle Storage, Self-Storage Facilities and Mini-Warehouses in Commercial and Residential Zones Moratorium

City Clerk Lee introduced the item.

Mayor Moore opened the public hearing.

Planning Director Bassi presented the staff report.

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

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Walker, to adopt Ordinance No. 58 entitled:

ORDINANCE NO. 58
AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WILDOMAR CALIFORNIA, CONTINUING THE PROVISIONS
OF ORDINANCE NO. 45 FOR A PERIOD OF ONE (1) YEAR
ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL
OF TRAILER AND BOAT STORAGE, RECREATIONAL VEHICLE
STORAGE, AND SELF-STORAGE FACILITIES AND MINI-WAREHOUSE
USES IN COMMERCIAL AND RESIDENTIAL ZONES IN THE CITY

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

3.0 GENERAL BUSINESS

3.1 Save Our Parks Update

City Clerk Lee introduced the item.

Assistant City Manager Nordquist presented the staff report. He gave an update on the activities the Blue Ribbon Committee has been working on. The Committee issued an RFP to look at an assessment district for the parks. Of all the RFPs received the Committee has chosen Albert A. Webb Associates. The Committee is also working on a logo for the Save Our Parks efforts. The proposed logo will be brought to the City Council at a later date for approval.

John Lloyd, Chairman, thanked everyone for their submissions for the proposed logo. He reminded everyone of the Bingo event coming in January. The money raised for that event will go towards educating the citizens on the future ballot measure for the parks.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Benoit, to authorize the City Manager to sign all required documents to engage Albert A. Webb Associates to assist with the Formation of a Community Services District.

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

3.2 FY2010/11 COPS Grant Program

City Clerk Lee introduced the item.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Council Member Benoit, seconded by Mayor Pro Tem Swanson, to adopt a resolution entitled:

RESOLUTION NO. 2010 - 62
A RESOLUTION OF THE COUNCIL OF THE CITY OF WILDOMAR
RECOMMENDING THE USE OF \$100,000 FROM THE 2010-11 STATE
BUDGET TO PROVIDE FUNDING ADDITIONAL PUBLIC SAFETY
PERSONNEL

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

3.3 Part –Time Staff/Intern Positions

City Clerk Lee introduced the item.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Walker, to add the part time positions for Student/Intern and Office Assistant to the City's Table of Organization and approve the hiring of the positions of Student/Intern and Office Assistant on an as needed and funded basis.

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

3.4 Animal Shelter Membership Agreement for the Southwest Communities Financing Authority

City Clerk Lee introduced the item.

City Manager Oviedo presented the staff report.

A MOTION was made by Council Member Cashman, seconded by Council Member Walker, to adopt the Third Amended and Restated Joint Powers Agreement between the County of Riverside, City of Canyon Lake, City of Lake Elsinore, City of Murrieta, City of Temecula, and the City of Wildomar, creating the Southwest Communities Financing Authority (Animal Shelter) and approve a Sublease Agreement as a member of the Authority for the Animal Shelter.

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

3.5 Stable Lanes Commercial Center Grading Material Export

City Clerk Lee introduced the item.

Council Member Walker stated he has been advised that he may have a conflict of interest regarding this item and he will abstain from the discussion and decision regarding this item.

Public Works Director D’Zmura presented the staff report.

Jim Bach, Markham Development, stated the soils reports have been done and they have already cut into the hill. They have already started exporting off the dirt and the soil is suitable for Caltrans standards.

A MOTION was made by Council Member Benoit, seconded by Mayor Pro Tem Swanson, to direct Staff to send a letter to the County stating that, to the extent it does not negatively impact the Interchange Reconstruction Project, it is the City’s preference that the export material from the Stable Lanes Commercial Center Project be used.

Roll call vote: Ayes – 4; Nays – 0; Abstain – 1, Council Member Walker. Motion carried.

3.6 Planning Commission Appointments

City Clerk Lee introduced the item.

Mayor Moore asked if the three Council Members are ready to make their appointments.

Mayor Pro Tem Swanson and Council Member Walker stated they are ready and Council Member Benoit stated he is not ready to appoint.

Discussion ensued regarding the availability of Council Members on December 22 and whether to make the two appointments now and continue the other to December 22.

Mayor Pro Tem Swanson stated she would like to re-appoint Michael Kazmier to the Planning Commission.

Council Member Walker stated he would like to appoint Veronica Langworthy to the Planning Commission.

Council Member Benoit stated he would like to wait until December 22 to make his appointment so that he may have time to interview all the applicants that did apply.

A MOTION was made by Council Member Benoit, seconded by Council Member Cashman, to appoint Michael Kazmier and Veronica Langworthy to the Planning Commission and continue the appointment by Council Member Benoit to December 22, 2010.

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

3.7 Appointments to the City and Regional Committees, Commissions and Boards

3.8 Mayor and Mayor Pro Tem Appointment for 2011

Mayor Moore asked if the City Council would like to table item #3.7 and #3.8 to the December 22, 2010 City Council meeting.

It was the consensus of the City Council to continue item #3.7 and #3.8 to the December 22, 2010 City Council meeting.

CITY MANAGER REPORT

City Manager Oviedo reported the following:

*California EMA has officially supported our \$170,000 reimbursement for the

storm event earlier this year.

*He and Mayor Moore attended the SCAG economic development summit last week in Los Angeles. Everyone agrees as to the over-regulation in the State, however until the Legislators change this, nothing will happen.

*He and Public Works Director D'Zmura have done a field inspection on Bundy Canyon. Since that inspection Public Works Director D'Zmura has been working with his staff to get some cost estimates. Staff feels there are improvements that could be made to this road.

*Western City magazine has some good articles in it this month and every Council Member receives this from the League of California Cities.

*He congratulated Mayor Pro Tem Swanson, Council Member Benoit, and Council Member Walker on their election to the City Council.

CITY ATTORNEY REPORT

City Attorney Biggs congratulated the newly elected Council Members.

COUNCIL COMMUNICATIONS

Council Member Cashman stated the Wildomar Five Parks Historical Society has an annual short story contest. The winners will be presented with their awards on December 12 at 2:00 p.m. at the VFW. Also, the Wildomar Historical Society is planning a Founder's Day week February 7 – 12, 2011, with a barn dance at the end of the celebration. Wildomar Elementary School stated they would incorporate some of the storied of Wildomar in their school lessons.

Mayor Pro Tem Swanson stated she attended the Student of the Month lunch. She also stated "Go Tigers" as their game is this Saturday.

Mayor Moore stated this Saturday is the championship game at Elsinore High School. She also congratulated the Elks on their annual Christmas Tree Lane at their new facility. She reminded everyone that the City's annual Open House event would be held on December 10 at 6:00 p.m., and the Breakfast with Santa will be on December 18.

FUTURE AGENDA ITEMS

There were no items.

CLOSED SESSION

At 8:07 p.m. the City Council convened into closed session, with all Council Members present, regarding 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(b) regarding the following matters of pending litigation:

Wildomar Patient Compassionate Group, Inc. v. Mathew Bassi, Planning Director for the City of Wildomar, Riverside Superior Court Case No. RIC10022476; and also the Robles project.

At 8:45 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

ADJOURNMENT

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

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk