

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
DECEMBER 9, 2009**

CALL TO ORDER

The regular meeting of December 9, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 7:03 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, Assistant City Manager Nordquist, Public Works Director Kashiwagi, Planning Director Hogan, Fire Chief Beach, Police Chief Cleary, and City Clerk Lee.

The Flag Salute was led by Mayor Farnam.

PRESENTATIONS

A Certificate of Congratulations will be sent to Randi Johnson in honor of her achieving the Girl Scout Gold Award.

Anne Bowman, Southwest California Pageants, made a presentation for the proposed Miss Wildomar Program.

Code Enforcement Officer Kowalski presented the Code Enforcement Monthly report.

Chief Beach was not present to give the Fire Department Monthly report.

Henry Silvestre gave the Chamber of Commerce Monthly report.

Chief Cleary presented the Police Quarterly report.

PUBLIC COMMENTS

Gil Rasmussen, Wildomar Cemetery District, stated the Board of Trustees have done a good job in protecting the people's interest in the District. At the last LAFCO hearing they stated they would like to propose that the City of Wildomar take over the cemetery district. He would like the City to entertain this proposal and enter into discussion with the District to take over the duties of the District.

Sharon Heil, resident, thanked all who participated in the Lake Elsinore-Wildomar Elk Lodge #2591 Christmas Tree Lane. She thanked the Council for being

judges in the event. Everyone enjoyed the event, and they raised \$12,600 that goes to school scholarships for the young people in the community.

Glenn Copple, resident, congratulated the Elks Lodge for a great job. He is representing the other Christmas Tree Lane that is held at the Lake Elsinore Outlet Center. He invited everyone to attend, with the money also going to young people for scholarships. He invited everyone to attend.

APPROVAL OF THE AGENDA AS PRESENTED

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

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

1.0 CONSENT CALENDAR

Gina Castanon, resident, stated she would like a copy of invoices for the following checks that are part of item #1.4:

- 1) Check #2041;
- 2) Check #2051; and
- 3) Check #2092.

Also, on item #1.7, if the TUMF is reduced 50%, the shortfall would have to be recouped elsewhere. If this happens, how would the City do that? She would like the City Council to leave the TUMF where it is and not reduce it.

A MOTION was made, and amended, by Mayor Pro Tem Moore, seconded by Council Member Swanson, to approve the Consent Calendar as presented, with the exception of item #1.2, #1.7 and #1.8.

Council Member Cashman stated item #1.2, the minutes do not read quite what happened in the session.

Council Member Ade stated it should be more verbatim. There was a lot of discussion and it was very important.

Motion was amended to exclude item #1.2.

Council Member Ade stated on item #1.7, she has concerns about verbiage in the Ordinance. Also, on item #1.8, the exhibit was not attached.

Motion was amended to also exclude item #1.7 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.

1.3 Regular Meeting Minutes - November 12, 2009

Approved the Minutes as submitted.

1.4 Warrant Registers and Payroll Warrant Registers

Approved the following Registers:

1. Warrant Register dated November 12, 2009 in the amount of \$775,953.70;
2. Warrant Register dated November 18-20, 2009 in the amount of \$253,965.88;
3. Warrant Register dated December 1, 2009 in the amount of \$301,197.81;
4. Payroll Warrant Register dated November 6, 2009 in the amount of \$1,077.60;
5. Payroll Warrant Register dated November 13, 2009 in the amount of \$4,968.85; and
6. Payroll Warrant Register dated November 27, 2009 in the amount of \$8,224.48.

1.5 Treasurer's Report, October 2009

Received and filed the Treasurer's Report for October, 2009.

1.6 Special Election Certification – Measures I, J, K

Adopted a resolution entitled:

RESOLUTION NO. 09 - 75
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL
ELECTION HELD ON NOVEMBER 3, 2009, DECLARING THE RESULT
AND SUCH OTHER MATTERS AS PROVIDED BY LAW

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.2 Special Norming Meeting Minutes - November 10, 2009

Council Member Cashman stated he does not feel the minutes are precise. His concern is item #2 under Planning Department. The wording is not quite right and does not reflect the tone of what we agreed upon and

it is too brief.

Council Member Ade voiced agreement. She would like more of what was said.

Council consensus that the regular meeting minutes are fine they way they are, however, the norming session minutes should reflect more than what is being presented.

Council Member Cashman stated that the next item after the one he just mentioned is not correct. He does not feel a consensus was reached on the Planning Application Approval Authority Matrix.

A MOTION was made by Council Member Cashman, seconded by Council Member Ade, to direct Staff to bring back the norming session minutes of November 10, 2009, with more substantive information for each item.

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

1.7 Ordinance No. 38 – TUMF Program – Second Reading and Adoption

Council Member Ade stated she thought that at the last meeting this was for consideration only as that is what the agenda stated. The City Attorney advised her that it was the first reading and was voted on. The Council also voted to look at the 50% reduction separately. However, in the Ordinance, Section 2.D, the findings, it states that by temporarily reducing the fees it will encourage economic development, and the City Council did not make this finding. Also Section 2.L is adopting the Nexus Study and the findings. If it's just the study, that is okay. However, in Section 4.D it talks about the 50% reduction. She wants to make sure that if this Ordinance is adopted, it is not adopting the reduction.

City Attorney Biggs stated the Ordinance does contain that, but does not mandate you take action on that finding. It does allow the Council to adopt a Resolution to reduce the TUMF. If the Ordinance is adopted it does not reduce the fees, the Council would have to take a separate action to do that.

Council Member Ade stated she has concerns with Section 6.B. The Board of Supervisors adopted an Ordinance stating the fees would be paid at the issuance of the building permit so that the money would get in quicker so that we can utilize it for Clinton Keith. She wants to be sure of that Ordinance.

Ruthanne Taylor Berger, WRCOG Deputy Executive Director, stated the mitigation fee allows for payment to be made at the issuance of building permit. What the County has done, and WRCOG also, is try to get that at that time. However, the law does allow that they can wait until occupancy.

Larry Markham, developer, stated that Ordinance relates to the DIF and the road and bridge fees, but not the TUMF.

A MOTION was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to adopt Ordinance No. 38.

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

ORDINANCE NO. 38
AN ORDINANCE OF THE CITY COUNCIL 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

1.8 Detachment of a Portion of County Service Area (CSA) 103 (LAFCO 2007-39-1 Annexation 111)

Public Works Director Kashiwagi stated that the question is where this parcel is located. It is a 20 acre parcel associated with Tentative Tract Map 29476 located north of Clinton Keith Road, east of I-15, as what appears to be at the end of La Estrella. This property has not been developed.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to adopt Resolution No. 09-76.

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

RESOLUTION NO. 09 – 76
A RESOLUTION OF APPLICATION BY THE CITY COUNCIL FOR THE
CITY OF WILDOMAR, CALIFORNIA, REQUESTING THE LOCAL
AGENCY FORMATION COMMISSION (LAFCO) TO TAKE
PROCEEDINGS FOR THE DETACHMENT OF LAFCO 2007-39-1
ANNEXATION 111 FROM COUNTY SERVICE AREA 103

2.0 PUBLIC HEARINGS

2.1 Clinton Keith Animal Hospital (Continued from 10-28-09)

Mayor Farnam opened the public hearing.

Planner Kanani presented the staff report.

Deborah Luzuriaga, applicant, stated this is a small business and they have spent the last 90 days with the water district trying to negotiate some concessions. They cannot afford the \$300,000 of infrastructure being required. Also, between the infrastructure and mitigation fees, it comes to \$475,000. The Bank has informed them that they will have to put up the money as a bond for the sewer line. That comes to about \$120,000 for the City to hold indefinitely, and that they cannot access. Given the economy and the state of development, they do not anticipate any growth in that area for the next 10 years. They do not have the money to do something like this and they are asking for a concession from the City on that requirement.

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

Council Member Ade asked why the Board of Supervisors denied the project initially.

Planning Director Hogan answered the timing with the General Plan update that was going on at the time.

Council Member Ade stated her concern is the change to industrial park. She also has concerns with the landscaping. She understands the cost of the project, but that is the cost of development and it is the same for any development.

Discussion ensued regarding the grading plan; zone change; second story storage; and the standing water on the property.

Council Member Cashman stated the water district was suggesting a financing plan for the sewer.

Jack Monroe, Engineer, stated there were a lot of different options, but nothing that is financially feasible for the applicant at this time.

Discussion ensued regarding the septic system the applicant is proposing, the requirement of a sewer and the cost; precedents of allowing septic

over sewer for businesses.

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to adopt Resolution No. 09-77.

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

RESOLUTION NO. 09 – 77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PROJECT NO. 08-0133 THAT IS LOCATED AT 35951 SALIDA DEL SOL KNOWN AS ASSESSOR'S PARCEL NO. 362-250-014

City Clerk Lee presented an Ordinance entitled:

ORDINANCE NO. 39

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 35951 SALIDA DEL SOL FROM RURAL RESIDENTIAL TO INDUSTRIAL PARK, KNOWN AS ASSESSOR'S PARCEL NO. 362-250-014

which title was read.

A MOTION was made, and amended, by Mayor Pro Tem Moore, seconded by Council Member Swanson, to introduce Ordinance No. 39, and changing the zone to manufacturing/service/commercial instead of industrial park.

Council Member Ade stated she still has concerns about the zoning.

Planning Director Hogan stated if the Council feels that industrial park is the wrong designation, manufacturing/service/commercial would also allow for this type of project and be consistent with the General Plan.

It was the consensus of the City Council to designate this as manufacturing/service/commercial.

City Attorney Biggs stated the change can be made now and will not be a problem.

The Motion was amended to reflect the revision.

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

A MOTION was made, by Mayor Farnam, seconded by Council Member Swanson, to adopt Resolution No. 09-78, with the revisions.

Discussion ensued regarding the sewer line.

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

RESOLUTION NO. 09 – 78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING APPROVAL OF PLOT PLAN 08-0133 TO ALLOW FOR CONSTRUCTION OF A 6,000 SQUARE FOOT VETERINARY HOSPITAL AND 4,500 SQUARE FOOT ROUGH GRADED PAD ON A 3.0 ACRE LOT AT 35951 SALIDA DEL SOL KNOWN AS ASSESSOR'S PARCEL NO. 362-250-014

2.2 DLC Almond Office

Mayor Farnam opened the public hearing

Planning Director Hogan presented the staff report.

Larry Markham, developer for the applicant, presented the project.

Speakers:

Gina Castanon, resident, stated she is concerned with adding another nursery in an area that already has three within a one mile radius. She is also concerned that it states there needs to be a zone change, when there does not. A nursery is an allowed use in rural residential. The applicants want to change it to commercial so that in the future they can sell the property for more money. This does not make a good plan for the City and she supports the Planning Commission recommendation in denying this project.

Richard Garcia, resident, stated there is a great deal of foot and car traffic around this area due to the High School. Almond Street is residential and cannot support a business. He then read from a letter he presented to the City Council.

There were also seven people who did not wish to speak, but who are in support of what Mr. Garcia stated. They all live in the area of the proposed project.

Daniel Segura, resident, stated he would like the Council to take into consideration the residents who have chosen Wildomar to raise their families and they would like the area to stay residential and not have a business there bringing traffic to the area.

Mr. Markham rebutted stating at some point this property will be zoned commercial. The County should have done this for consistency, and they did not. They will be doing improvements to the property that will make Almond a better, safer street. In the future when they come back with the permanent project, they will be improving Bundy Canyon as well.

Discussion ensued regarding the history of the zoning of the property and that this is in the redevelopment area.

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

Discussion ensued regarding the property and buffering for the residents; the interim use; the impact on safety issues with the proposed use; the impacts of a conditional use permit and how it runs with land and really has no time limit; redevelopment area issues; storage and transportation of construction materials; the issues surrounding an temporary use; and proposing entering into a development agreement.

A MOTION was made by Mayor Farnam, seconded by Mayor Pro Tem Moore, to adopt Resolution No. 09-79.

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

RESOLUTION NO. 09 - 79

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PROJECT
NO. 09-0265 THAT IS LOCATED AT THE NORTHWEST CORNER OF
ALMOND STREET AND BUNDY CANYON ROAD KNOWN AS
ASSESSOR'S PARCEL NO. 366-210-052, 366-210-053
AND 366-210-054**

City Clerk Lee presented an Ordinance entitled:

ORDINANCE NO. 40

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP
FOR THE CITY OF WILDOMAR FOR THREE PARCELS LOCATED AT
THE NORTHWEST CORNER OF ALMOND STREET AND BUNDY**

CANYON ROAD, FROM RURAL RESIDENTIAL TO GENERAL
COMMERCIAL, KNOWN AS ASSESSOR'S PARCEL NO. 366-210-052,
366-210-053 AND 366-210-054

which title was read.

A MOTION was made, by Mayor Farnam, seconded by Mayor Pro Tem Moore, to introduce Ordinance No. 40.

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

A MOTION was made, by Mayor Farnam, seconded by Mayor Pro Tem Moore, to approve the conditional use permit and direct Staff to bring forward a Resolution stating this.

Council Member Ade requested if any of the Council Members met with the applicant's representative and what was discussed.

Mayor Farnam, Mayor Pro Tem Moore and Council Members Cashman and Swanson stated they all met separately with the representative, received an overview of the proposed project and asked questions of the representative.

Roll call vote: Ayes – 3; Nays – 2, Council Members Ade and Cashman; Motion carried.

At 10:24 p.m. the City Council recessed.

At 10:35 p.m. the City Council reconvened, with all Council Members present.

2.3 Bella Rosa Condominium Project, Tentative Tract Map 33987 (PL08-0168)

Mayor Farnam opened the public hearing.

Planning Director Hogan presented the staff report.

City Clerk Lee stated there are no speakers, however there are six letters in support from residents on Peggy Lane.

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

Discussion ensued regarding the road connection for Bayless and La Estrella; property owners concerns to make the connections work; issues that would trigger a request for immanent domain procedure; fencing; and

infrastructure.

A MOTION was made, by Mayor Pro Tem Moore, seconded by Council Member Swanson, to adopt Resolution No. 09-81, as amended by the errata sheet.

Mayor Farnam, Mayor Pro Tem Moore and Council Member Swanson stated they met with the applicant one year ago regarding this project.

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

RESOLUTION NO. 09 – 81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 33987 WHICH WILL SUBDIVIDE 24.37 ACRES LOCATED NEAR THE INTERSECTION OF LA ESTRELLA ROAD AND DEPASQUALLE ROAD INTO FOUR LOTS AND ONE REMAINDER PARCEL (PROJECT NO. 08-0168)

2.4 DIF Reduction (Cont from 11/12/09)

Mayor Farnam opened the public hearing.

Planning Director Hogan presented the staff report.

Discussion ensued regarding the history of this item.

Speakers:

Kristan Lloyd, resident, stated she urges the Council not to reduce the fees as it will not be good for Wildomar.

Gina Castanon, resident, stated she urges the Council not to reduce the DIF or TUMF. She would like to see the fiscal impact of what reducing the fees would mean to the City. She also requested a copy of the City Council's 700 Form and their campaign filings.

John Lloyd, resident, stated reducing the fees would drastically affect the City's ability to provide parks now and in the future. He urged the Council not reduce the fees.

Mark Knorringa, BIA, urged the Council to approve the reduction to the DIF and the TUMF. He feels this will put people back to work and

stimulate the area economy.

Ruthanne Taylor Berger, WRCOG Deputy Executive Director, urged the Council to approve the reduction to the DIF and TUMF.

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

A MOTION was made by Mayor Farnam, seconded by Council Member Swanson, to not adopt a reduction to the City's development impact fees.

Discussion ensued regarding the fiscal impacts of what reductions would mean to the City.

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

3.0 GENERAL BUSINESS

3.1 Consideration of a temporary 50% reduction to the WRCOG TUMF

A MOTION was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to not adopt a reduction to the WRCOG TUMF.

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

3.2 Planning Commission Appointment

Council Member Swanson stated there were seven good applicants who applied and it was a difficult decision.

A MOTION was made by Council Member Swanson, seconded by Mayor Farnam, to appoint Michael Kazmier to the Planning Commission.

Council Member Ade stated she knows nothing about Mr. Kazmier and would like some information.

Mr. Kazmier gave some brief background on himself.

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

3.3 Southwest Cities Coalition Appointments

City Manager Oviedo presented the staff report.

Mayor Farnam described the duties of the coalition and what is hoped to be accomplished.

A MOTION was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to appoint Mayor Farnam and Mayor Pro Tem Moore to the Southwest Cities Coalition representative of the City of Wildomar and direct the selected members to return to the City Council at a future date to report on the progress of the Coalition's organizational structure, major goals, and membership responsibilities

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

3.4 Community Development Block Grant (CDBG) Requests

Kristan Lloyd, resident, stated the Wildomar Community Council did come to the City Council and requested monies. The WCC was told there was a moratorium on this, and they respected that. However, the City has just decided on its own who will get this CDBG money. This is of great concern to her as there is no paperwork on these proposed projects. The WCC would like to get some of that money for the community services they do.

Gina Castanon, resident, stated she is in favor of this, however, she has the same issues as the previous speaker. This needs to be opened up to everyone. This needs to be redone, start this from scratch, and open it up to every organization in the community.

Assistant City Manager Nordquist presented the staff report. He stated this is the first year the City has been involved and they have been working with the County regarding the CDBG process.

A MOTION was made by Mayor Farnam, seconded by Mayor Pro Tem Moore, to approve the Request for CDBG funds from Riverside County for projects and services within the City of Wildomar and discuss the provisions for funding Public Services provided by other organizations and adopt Resolution No. 09 – 83.

Discussion ensued regarding a sensor at Marna O'Brien Park.

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

RESOLUTION NO. 09-83

**A RESOLUTION OF THE COUNCIL OF THE CITY OF WILDOMAR
RECOMMENDING THE USES FOR THE ALLOCATION OF COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS FOR THE
CITY OF WILDOMAR DURING FISCAL YEAR 2010-11**

3.5 COPS Grant

A MOTION was made by Mayor Pro Tem Moore, seconded by Council Member Moore, to adopt Resolution No. 09 – 84.

Discussion ensued regarding the grant.

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

RESOLUTION NO. 09 – 84
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, RECOMMENDING THE USE OF \$100,000 FROM THE
2009-10 STATE BUDGET TO PROVIDE FUNDING ADDITIONAL
PUBLIC SAFETY PERSONNEL

It was the consensus of the City Council to table items #3.6 and #3.7 to the regular meeting of January 13, 2010.

3.6 FY2008-09 Preliminary Year End Report and FY2009-10 First Quarter Budget Report

3.7 Planning Commission Recommendation – Trailer and Boat Storage, Mini Warehouses Moratorium

3.8 Selection of Mayor and Mayor Pro Tem for 2010

Mayor Farnam opened nominations for Mayor for 2010 and nominated Mayor Pro Tem Moore. There being no further nominations, Mayor Farnam closed the nominations for Mayor.

Roll call vote: Ayes – 5; Nays – 0; to appoint Mayor Pro Tem Moore as Mayor for 2010, effective January 1, 2010.

Mayor Pro Tem Moore gave some brief remarks thanking the City Council.

Mayor Farnam opened nominations for Mayor Pro Tem for 2010.

Mayor Pro Tem Moore nominated Council Member Swanson.

There being no further nominations, Mayor Farnam closed the nominations for Mayor Pro Tem.

Roll call vote: Ayes – 5; Nays – 0; to appoint Council Member Swanson as Mayor Pro Tem for 2010, effective January 1, 2010.

Council Member Swanson thanked the City Council.

CITY MANAGER REPORT

City Manager Oviedo reported there is a joint study session with the Planning Commission on December 17, 2009, at 6:00 p.m.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Council Member Cashman stated the City Council needs to set a time limit on meetings and stick with it.

FUTURE AGENDA ITEMS

Direction for Staff to look into the possibility of the Wildomar Cemetery District coming under the City.

ADJOURNMENT

There being no further business, Mayor Farnam declared the meeting adjourned at 12:11 a.m.

Respectfully submitted,



Debbie A. Lee, CMC
City Clerk