

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
DECEMBER 12, 2012**

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

The closed session of December 12, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 5:30 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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

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

PUBLIC COMMENTS

William King, resident, stated he lives on Wesley Street between Grand and Palomar. There is a speeding issue on his street. He would like to get a stop sign at mid-block on his street.

CLOSED SESSION

City Clerk Lee announced the following:

1. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (a) to confer with legal counsel with regard to the following matter of pending litigation: Martha Bridges and John Burkett v. City of Wildomar; Riverside Superior Court Case Number 1216373.
2. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (c) to confer with legal counsel with regard to one matter of potential initiation of litigation.

At 5:36 p.m. the City Council convened into closed session with all Council Members present.

RECONVENE INTO OPEN SESSION

At 6:30 p.m. the City Council reconvened into open session, with all Council

Members present.

ANNOUNCEMENT

Assistant City Attorney Vail stated in regards to item #1 under the closed session, the Council unanimously voted to direct the City Attorney's office to defend the lawsuit. In regards to item #2, the Council unanimously voted to authorize legal counsel to commence a legal lawsuit.

ADJOURN CLOSED SESSION

There being no further business, Mayor Benoit declared the closed session meeting adjourned at 6:30 p.m.

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

The regular meeting of December 12, 2012, of the Wildomar City Council was called to order by Mayor Benoit at 6:31 p.m. at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 111, Wildomar, California.

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

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, Assistant City Attorney Vail, Public Works Director D'Zmura, Planning Director Bassi, Community Services Director Willette, Police Chief Kennedy-Smith, and City Clerk Lee.

The Flag Salute was led by Mayor Pro Tem Walker.

A. SPECIAL ORDER OF BUSINESS

A.1 Certification of November 6, 2012, General Municipal Election

City Clerk Lee read the title and presented the staff report.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2012 - 44
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL
ELECTION HELD ON TUESDAY, NOVEMBER 6, 2012, DECLARING
THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

MOTION carried, 5-0.

SPECIAL PRESENTATIONS

The Oath of Office was given to Council Members-Elect Bob Cashman and Bridgette Moore by City Clerk Lee.

REFRESHMENT BREAK

At 6:37 p.m. the City Council took a break.

RECONVENE OPEN SESSION

At 6:47 p.m. the City Council reconvened into open session, with all Council Members present.

PRESENTATIONS

The Clinton Keith interchange construction project update was given.

Mayor Benoit presented a plaque and Proclamation to City Manager Frank Oviedo who will be leaving the City on December 31, 2012.

Fire Captain Ed Estacio presented the Fire Department update.

Police Chief Kennedy-Smith presented the Police Department quarterly update.

PUBLIC COMMENTS

Dionna Fitch, Sycamore Academy, presented an update on the activities and events at the school.

Glenn Copple, Original Christmas Tree Lane, gave an update on the events they held. Next year they would like to add a City of Wildomar tree.

Monty Goddard, resident, read from the letter he submitted regarding the parks and police. He is concerned regarding the decrease in the police force and opening the parks. He would like Windsong Park to remain fenced and then padlocked after hours. Also he would like the rules posted at the park and the Police to drive by when the park is closed.

Xonia Villanueva, resident, stated she is an ex-resident of the Autumnwood tract which is the subject of contamination. Residents there have had physical and financial issues due to the problems there. The residents have asked for the Council's help in passing a Resolution for the DTSC to do testing at the tract. She and her family have been forced from their home, as have others. They know their soil is contaminated and want the City to stand with them.

Wil Kirk Lybarger, resident, stated he lives in the Autumnwood tract. He wants the Council to pass a Resolution to have DTSC test the soil. The residents believe the tract is contaminated and want DTSC to test immediately. All the residents are at risk. The people want answers and support from their City Council.

Jennifer Muniz, resident, stated she lives in the Autumnwood tract. There are two women who have died leaving children without mothers. She would like the City Council to pass a Resolution to ask the DTSC to test the soil in and around the Autumnwood tract for toxic chemicals. AQMD has agreed to do testing, however, they should not be the first agency responding.

Dr. Christian Nason, resident, stated he and his family moved to the Autumnwood tract in 2011. Since they have been there they have been sicker than they have ever been. The residents and the City need to find out why the residents are sick and he asked for the Council's help in making that happen.

Mayor Benoit stated he is concerned with what may be going on in the tract. The City has been in constant contact with DTSC and they are finally responding. He feels the residents going to the media has helped move this along with the DTSC. The first step is to sit down with them and discuss the concerns. That meeting will be next week with the residents and DTSC. The City has notified all the residents of the tract and left a flyer on every door. The AQMD is not the definitive agency for this, but based on their findings could prompt the DTSC to move forward with testing. Government may not work as fast as we would all like it to, but passing a Resolution to get them into action when they are already

making efforts to move ahead, is moot. Also, all the documents are on the City's website.

APPROVAL OF THE AGENDA AS PRESENTED

City Clerk Lee advised that Staff is asking that item #3.4 be tabled at this time as the Developer has not delivered the required documents to move the item forward.

A MOTION was made by Councilwoman Moore, seconded by Councilwoman Swanson, to table item #3.4 and approve the remainder of the agenda as presented.

MOTION carried, 5-0.

1.0 CONSENT CALENDAR

A MOTION was made by Councilwoman Moore, seconded by Councilwoman Swanson, to approve the agenda 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 11-08-12 in the amount of \$178,886.59;
2. Warrant Register dated 11-15-12 in the amount of \$97,856.71;
3. Warrant Register dated 11-21-12 in the amount of \$28,955.52;
4. Warrant Register dated 11-29-12 in the amount of \$26,241.11; &
5. Payroll Register dated 11-30-12 in the amount of \$48,585.21.

1.3 Treasurer's Report

Approved the Treasurer's Report for October, 2012.

1.4 Sidewalks to Schools Improvement Project - George Avenue

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CONTRACT CHANGE ORDER NUMBER 1, ACCEPTING THE SIDEWALKS TO SCHOOLS IMPROVEMENT PROJECT GEORGE AVENUE IMPROVEMENTS AS COMPLETE, AND AUTHORIZING STAFF TO PREPARE AND FILE THE NOTICE OF COMPLETION WITH THE RIVERSIDE COUNTY RECORDER

1.5 FY12 Emergency Management Performance Grant Program (EMPG) Award

Accepted \$10,876 in funding from Riverside County's FY12 EMPG Program.

1.6 FY12 Homeland Security Grant Program (HSGP) Award

Accepted \$5,751 in funding from Riverside County's FY12 HSGP Program.

1.7 Traffic Signal Improvements – Bundy Canyon Road/Mission Trail

Accepted the improvements and approve reduction of Bond No. PB101637000016 for traffic signal improvements at Mission Trail and Bundy Canyon Road to \$23,200.

2.0 PUBLIC HEARINGS

2.1 Budget – First Quarter Report

City Clerk Lee read the title.

Mayor Benoit opened the public hearing.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to continue the item to the January 9, 2013 Council meeting.

MOTION carried, 5-0.

3.0 GENERAL BUSINESS

3.1 City Manager Contract

City Clerk Lee read the title.

At 7:28 p.m. the City Council convened into closed session, with all Council Members present, pursuant to Government Code Section 54957.6, Conference with labor negotiators: Mayor and Mayor Pro-Tem; Unrepresented Employee: City Manager.

At 7:47 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to approve the City Manager contract as presented.

MOTION carried, 5-0.

3.2 Wildomar Parks Plans

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Gary Andre, Volunteer Trail Coordinator, stated Marna O'Brien is approved as a National Forest connection. It is very simple to implement.

Discussion ensued regarding an accounting of what it would take to get the parks up and running; \$20,000 for the rest rooms and maintenance; a walkway through to William Collier; the Citizens Oversight Advisory Committee and how to establish it and appoint members to it; funding options for the gap between now and July, 2013; preparation of an RFP for tax administration services; and a Parks Master Plan.

3.3 Request for Flood Channel Service Access Road – Trail Usage

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Gary Andre, Volunteer Trails Coordinator, with minutes donated by Richard Heil, stated this would be the same that Murrieta does in that one side would be for horses and the other side would be for bikes and walking. There is also talk regarding a bridge. He explained the many benefits this would provide.

Councilwoman Moore stated she and Councilman Cashman have met with the School District and they are not going to pursue putting a bridge in and the bridge would not qualify for a safe routes to school grant.

Mayor Benoit stated he did go on a field trip with various individuals regarding the trails.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2012 - 46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, REQUESTING RIVERSIDE COUNTY FLOOD CONTROL AGENCY FOR ACCESS, TO FLOOD CHANNEL SERVICE ACCESS ROADS FOR CITY OF WILDOMAR TRAIL IMPROVMENTS AND USE

MOTION carried, 5-0.

3.4 Final Map and Subdivision Improvement Agreement for Tentative Tract Map 31736, Oak Springs Ranch (08-0015)

This item was tabled.

3.5 Agreement to Form the Lake Elsinore and Canyon Lake Total Maximum Daily Load (TMDL) Task Force

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to approve and authorize the City Manager to execute the Agreement to form the Lake Elsinore and Canyon Lake TMDL.

MOTION carried, 5-0.

3.6 City-Wide Traffic Calming Speed Hump Policy

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report.

Councilwoman Swanson stated she is not in favor of speed humps.

Councilwoman Cashman stated he is also not in favor of these and the City should move cautiously.

Mayor Pro Tem Walker stated he has concerns because of the public safety aspect, especially the Fire Department.

Discussion ensued regarding speed bumps, speed humps, signage, and police patrol.

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Walker, to bring back a policy for discussion.

MOTION carried, 4-1, with Councilman Cashman dissenting.

3.7 Council Communications Placement on Agenda

City Clerk Lee read the title.

City Manager Oviedo presented the staff report.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to move this section of the agenda closer to the beginning of the meeting.

MOTION carried, 5-0.

3.8 Mayor and Mayor Pro Tem Appointments for 2013

City Clerk Lee read the title and presented the staff report.

City Clerk Lee opened the floor for nominations for Mayor for 2013.

Mayor Pro Tem Walker was nominated for Mayor.

There being no further nominations, City Clerk Lee closed the nominations for Mayor.

On a 5-0 vote, Mayor Pro Tem Walker was appointed as Mayor for 2013.

City Clerk Lee opened the floor for nominations for Mayor Pro Tem for 2013.

Councilwoman Swanson and Councilman Cashman were nominated for Mayor Pro Tem for 2013.

There being no further nominations, City Clerk Lee closed the nominations for Mayor Pro Tem.

On a 4-0-1 vote, with Councilman Cashman abstaining, Councilwoman Swanson was appointed Mayor Pro Tem for 2013.

3.9 Committees, Commissions, and Boards Appointments for 2013

City Clerk Lee read the title and presented the staff report.

A MOTION was made by Councilwoman Swanson, seconded by Councilwoman Moore, to make the following changes to the appointments list:

1. Take "City Attorney Budget" committee off of the list;
2. EVMWD Committee: Marsha Swanson, Tim Walker;
3. Intergovernmental Relations Committee: Ben Benoit, Tim Walker; and this committee to take in the City of Lake Elsinore & City of Wildomar 2 x 2 meetings, and any others such as that.
4. Take "Lake Elsinore-Wildomar" committee off the list;
5. Southwest Coalition – Bridgette Moore, Marsha Swanson;
6. League of California Cities – Marsha Swanson, Voting Delegate, Ben Benoit, Alternate; and
7. PARSAC alternate to be determined by the City Manager.

MOTION carried, 5-0.

CITY MANAGER REPORT

City Manager Oviedo reported the following:

Thank you to Sharon & Richard Heil for the annual Christmas gift to the staff

Autumnwood tract meeting at Wildomar Elementary School regarding the issues in the tract

Notice of Work from Caltrans – the stop signs on the east side of the overpass on Baxter will be installed on January 6

He thanked the City Council and Staff for his time at the City

CITY ATTORNEY REPORT

Assistant City Attorney Vail stated to keep an eye on SB33 which is infrastructure financing reform. It is an answer for infrastructure that the undoing of redevelopment agencies have left.

COUNCIL COMMUNICATIONS

Councilwoman Moore reported the following:

- *RTA meeting
- *Original Christmas Tree Lane events
- *LEUSD subcommittee meeting
- *Dec. 15 is Breakfast with Santa at Wildomar Elementary School
- *Blue Light ceremony

Councilwoman Swanson reported the following:

- *League Division meeting
- *Southeast California Economic Development Corporation meeting
- *Boy Scout Eagle Courts
- *Wildomar Rotary event
- *iTan Grand opening
- *Chamber breakfast

Councilman Cashman reported the following:

- *LEUSD meeting
- *Breakfast with Santa events.

Mayor Pro Tem Walker reported the following:

- *Chamber breakfast
- *Park celebration at Stadium pizza
- *State of the County breakfast

Mayor Benoit reported the following:

- *State of the County breakfast
- *RCTC meeting
- *WRCOG meeting
- *AQMD appointment

FUTURE AGENDA ITEMS

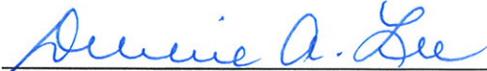
There were no items.

ADJOURN THE CITY COUNCIL

There being no further business Mayor Benoit declared the meeting adjourned at 9:17 p.m.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Timothy Walker
Mayor