

**CITY OF WILDOMAR  
CITY COUNCIL MEETING MINUTES  
APRIL 8, 2009**

The regular meeting of April 8, 2009 of the Wildomar City Council was called to order by Mayor Scott Farnam at 7:00 P.M.

Roll Call showed the following Council Members in attendance: Mayor Scott Farnam, Council Members Sheryl Ade, Bob Cashman and Marsha Swanson. Mayor Pro Tem Moore was absent.

Staff in attendance: Assistant City Manager Terry Fitzwater, City Attorney Julie Hayward Biggs, Supervising Engineer Jon Crawford, Assistant Planning Director Dave Hogan, Finance Director Gary Nordquist, Fire Chief Steve Beach and City Clerk Sheryll Schroeder.

**FLAG SALUTE:** Flag salute was led by Council Member Swanson.

**PRESENTATIONS:** Fire Chief Beach gave the Fire Department update for the month of March. He reminded everyone of the annual weed abatement inspections taking place in the next three months.

**COMMUNICATIONS FROM THE PUBLIC:**

Karleen Davis explained her business, Green Genie Lawn Dye service.

Council Member Cashman asked if this was a fire retardant substance, to which Ms. Davis answered no, it was strictly cosmetic.

Roger Zimer, speaking on Item 1 E., said he was available to answer any questions and reviewed the history and usage of the Rancho Springs Medical Center.

**1. CONSENT CALENDAR:**

Council Member Ade requested items 1 D., 1 E. and 1 F. be pulled for separate discussion and action.

Council Member Swanson moved to approve the Consent Calendar with Items 1 D., 1E. and 1 F. pulled, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 A. Approved the reading by title only of all ordinances.
- 1 B. Approved special meeting minutes dated March 25, 2009, regular meeting minutes dated March 25, 2009 and the adjourned regular City Council meeting minutes of March 18, 2009.
- 1 C. Approved Warrant Register dated April 8, 2009 in the amount of \$294,770.93.
- 1 G. Reviewed and adopted a Resolution ordering annexation of Street Lighting Zone 88 of LLMD No. 89-1-Consolidated, confirming the diagram and assessment for said zone and levying assessments on all assessable lots for fiscal year 2009-10.

RESOLUTION NO. 09-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

Motion: Directed the County of Riverside Auditor-Controller's Office to establish an interest-bearing sub-fund 20000 to receive deposits and interest thereon from Street Lighting Zone 88 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

- 1 D. Authorized the Mayor to execute letters of support for Senator Hollingsworth's introduction for **Senate Bill 568** (allow a taxpayer to elect to pay a tax on the sale or disposition of any capital asset that results in a net capital gain in an amount equal to 2% of the total net capital gain); **Senate Bill 566** (would make the unauthorized removal, disabling or tampering with a GPS device punishable); **Senate Bill 668** (would require registration, preregistration or re-registration of persons convicted of specified sex offenses be signed under penalty of perjury); **Senate Bill 669** (would provide whether a committed person should be conditionally released or unconditionally discharged if the person fails to engage in treatment would be considered evidence that his or her condition has not changed); and **Senate Bill 214** introduced by Senator Benoit (which would provide that a sober living home is exempt from licensure under certain provisions, and provide that a resident housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a

recognized nonprofit organization that provides a credible quality assurance service for applicants or members).

Council Member Ade expressed that if the items were taken together that it may set a precedent, she felt the Senate Bills should have been separated out and voted on separately. She moved to separate the bills out and vote on separately, seconded by Council Member Cashman. Roll call vote: - Ayes: 2; Council Members Ade and Cashman. Nays: 2, Mayor Farnam and Council Member Swanson. Absent: Mayor Pro Tem Moore. Motion failed.

Council Member Swanson moved to authorize the Mayor to execute letters of support for Senator Hollingsworth's introduction for Senate Bill 568, 566, 668 and 669 and Senate Bill 214 introduced by Senator Benoit. Seconded by Mayor Farnam.

Council Member Ade reiterated that she felt the Council was setting a precedent.

Council Member Cashman, speaking on Senate Bill 669, asked the City Attorney to explain the bill.

City Attorney Biggs noted that the full bill was attached to the staff report and read the bill.

Roll call vote: - Ayes: 2; Mayor Farnam and Council Member Swanson. Nays: 2, Council Members Ade and Cashman. Absent: Mayor Pro Tem Moore. Motion failed.

Council Member Ade noted again that she just wished to separate them out with separate votes and she so moved. Seconded by Council Member Swanson. Roll call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 568, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 568, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 566, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 566, seconded by Council Member Ade.

Council Member Cashman asked what would happen if the ankle device did not work, or was a faulty device. Council Member Swanson noted the bill said "removal, disabling or tampering with a GPS device". Roll Call vote: - Ayes: 3; Mayor Farnam, Council Members Ade and Swanson. Nays: 1, Council Member Cashman. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 668, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 668, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 669, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 669, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 214, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Benoit's introduction for Senate Bill 214, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 E. Review and consider authorizing the Mayor to execute a letter to Governor Schwarzenegger for the approval and licensing of the Murrieta Rancho Springs Medical Center.

Council Member Swanson moved to authorize the Mayor to execute a letter to Governor Schwarzenegger for approval and licensing of the Murrieta Rancho Springs Medical Center, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 F. Review and consider supporting a joint Safe Route to School project with the Lake Elsinore Unified School District in the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School.

Council Member Swanson moved to support a joint Safe Route to School project with the Lake Elsinore Unified School District in the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School. Seconded by Council Member Cashman.

Council Member Ade mentioned that there was no information about the off-site improvements, with multi use trails in the area; she was concerned about turning it over to the school district without the district working with staff.

Jon Crawford, Supervising Engineer, explained that staff had been meeting with the School District regarding the project and he noted that the district had to have City approval of their plans and staff would make sure they conformed to the joint use requirements in the area.

Council Member Ade asked if there was anything in writing, rather than sidewalk, the City's general plan called for a multi use trail in the area and she wondered what would happen.

Mr. Crawford said the Wildomar School was being treated the same, one side of the street was a joint use and the other side would be sidewalk. He noted that they could not do the improvements without the City's approval.

Council Member Swanson added that the proposed Council action was just approval for the grant money.

Council Member Ade explained she was not opposed, she felt student safety was important, but she wanted to make sure that if the improvement was in an area where there was a multi use trail and a sidewalk is constructed, there would be a disconnectivity of the trail system.

Mr. Crawford said he understood and would carry that message forward.

She added that she would like to see what the grant contained so she could follow along as it moved forward and the City did not know the conditions of the grant.

Mr. Crawford explained that the grant was a means of trying to provide pedestrian/bicycle use to an existing school, to try to improve an area that was under-improved and in this case, the district would like to support a project but cannot carry the grant forward. So the City will carry the grant for them but they cannot do any improvements within the City without getting permits from the City and do the improvements based on plans that the City approves.

Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

**2. PUBLIC HEARINGS:**

- 2 A. A public hearing to consider an amendment to Ordinance 824 adjusting the Transportation Uniform Mitigation Fee (TUMF) applicable to all development in the City of Wildomar.

ORDINANCE NO. 24 (Introduction and first reading) AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

Jon Crawford, Supervising Engineer, provided the staff report.

At 7:31 P.M., Mayor Farnam opened the public hearing and hearing no testimony, he closed the public hearing.

Council Member Ade questioned the term “periodic review” used in the staff report and she wondered if they did annual reviews and if there was a change when the index went up, asking when they would review it.

Mayor Farnam explained the nexus continues to go up but they had paused raising fees. Obviously with little building occurring, this would offer the building community an incentive, he added. He said the fees would eventually go up.

Council Member Swanson moved to introduce and hold first reading of Ordinance No. 24, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

The City Clerk read the title of ORDINANCE NO. 24, AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

**3. GENERAL BUSINESS ITEMS: None.**

**CITY MANAGER REPORT:**

Assistant City Manager Fitzwater said there were still some Strategic Visioning documents and the City was still taking comments.

**CITY ATTORNEY REPORT:**

City Attorney Biggs reported the franchise ordinances would probably be ready for the next agenda and the Jessica's Law ordinance with the predator zone map.

**COUNCIL COMMENTS:**

Council Member Swanson reported on the success of the City's Egg Hunt and she thanked Paula Willette for a great job.

Council Member Cashman noted he attended a Regional Conservation Agency meeting where a presentation was given on the number of species they were monitoring, 260 different species. He said they were in year four of a five year study where they were trying to study how many were in each area in the County. When he asked how many were in the City of Wildomar, their staff said they would get back to him.

Council Member Ade said she attended the Southern California Association of Governments meeting last week and they had a compass program which if the City wanted to apply for a grant for funds to work on the City's general plan, the City could do so. With a deadline at the end of May, she said she had asked staff to look at it. SCAG can offer programs and services at no charge and she felt it was worth pursuing. She clarified that they would not tell the City what to do, they would help pay for consultants.

Mayor Farnam noted he attended a WRCOG meeting on Monday and received the annual TUMF report, which featured a picture of Wildomar on the cover. He informed that he would be throwing out the first pitch at the Storm's opening game on Thursday.

**FUTURE AGENDA ITEMS:**

Mayor Farnam announced that when the City incorporated, they hired interim staff and consultants, two positions to migrate to full time staff was the City Manager and City Clerk. He requested to place on the next agenda, direction for the Interim Assistant City Manager to prepare job descriptions and salary ranges so advertising could proceed to replace the two positions.

Assistant City Manager Fitzwater requested, with Council approval, to begin advertising for the City Manager and City Clerk positions, adding he would say within the body of the advertising "pending Council approval".

Council Member Cashman explained the City wanted a permanent person, but was it three days a week, five days a week. He asked what was appropriate right now.

Council Member Swanson said it often took a long time to recruit and she would support starting the advertising with the suggested language.

City Attorney Biggs interjected that if Council was going to discuss this, it needed to be added to the agenda as an item that occurred after the posting of the agenda. She added that it would take a unanimous vote.

Council Member Swanson moved to place the item on the agenda as an urgency item, seconded by Council Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Council Member Cashman said since the City did not have the budget, did not have the salary requirements, would could the ad say.

Mr. Fitzwater explained that the ad would say pending Council approval and salary depending on qualifications and the plan was to agendize both positions on the April 22, 2009 agenda, with recommended salary ranges.

Council Member Ade said it was a long process and this would help get the process started.

Council Member Cashman wondered if the ad would draw the selected group and Mr. Fitzwater explained that the City Manger ad would run in Western Cities, places where people looking for that type of position would look. City Clerk ad would run in City Clerk's Association of California, he informed.

Mayor Farnam noted that leaving the salary open would give the Council flexibility in negotiations.

Council Member Cashman asked for a consensus to run the ad more than once.

Mr. Fitzwater explained that he had already written the job descriptions and he would take specifics from them to develop the advertisement.

Council Member Cashman asked if the duties of the City Clerk would remain the same or would the Clerk be doing additional things.

Mr. Fitzwater noted that the Clerk would be doing additional things, a special envoy to City Council and special assistant to the City Manager, a multi-purpose job.

It was the consensus of Council to permit the Assistant City Manager to move forward with placing the ads and return to April 22, 2009 meeting with job descriptions and salary rates.

Council Ad requested that the trail presentation be placed on the April 22, 2009 agenda.

**ADJOURNMENT:**

With no further business to come before the Council, Mayor Farnam adjourned the meeting at 7:55 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC  
City Clerk