

**CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
JUNE 10, 2009**

The regular meeting of June 10, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 7:00 p.m.

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

Staff in attendance: City Manager Danielson, City Attorney Biggs, Public Works Director Kashiwagi, Assistant Planning Director Hogan, Finance Director Nordquist, Fire Chief Beach, Police Chief Cleary, and City Clerk Lee.

Flag Salute

Mayor Farnam led the Flag salute.

Presentations

Jose Carvajal, PIO of Lake Elsinore School District, gave a District update. Now that school is out he would like to recap the year. They did have more budget cuts and a swine flu scare. They are now the #3 ranked, K - 12 school district, in the 23 Riverside County school districts. They started the year ranked #7. In the last three years they were ranked #11. He reported they are continuing to make improvements and achieving high marks in the State and the County.

John Garrett of the Temecula Valley Astronomers made a brief presentation. He reported on the various "star parties" they participate in. He spoke regarding light pollution and what the City could do to control it and enforce it. He showed various slides on the subject in different areas of the valley and other states.

PUBLIC COMMENTS

David Masters, resident, spoke regarding noise and specifically small 50cc pit bikes run on private property. He understands from the Police Department that they must respond to complaints of noise and the examples they gave him are lawnmowers, leaf blowers, chain saws, or go-carts. He would like to see a set level noise ordinance on private property before the Police have to issue a citation. With the current noise ordinance you cannot mow the lawn, practice a musical instrument, etc. on a Saturday afternoon. He would like the City to consider this.

Nancy Noble, reported various activities that will be taking place in the City.

1. CONSENT CALENDAR

City Clerk Lee advised on item 1B there was corrections in the spelling of a name and additional Council Comments were added. Also on item 1F the maps that were referenced were switched between the two haulers. Additionally there was added language to the Waste Management contract under Exhibit A, item #1.

Council Member Cashman inquired if there were any legal issues the Council needed to consider on 1 F.

City Attorney Biggs answered her office was involved with putting this item together and they have worked with the haulers and staff, so the answer would be no.

A Motion was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to approve the Consent Calendar as corrected.

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

- 1 A. Approved the reading by title only of all ordinances.
- 1 B. Approved the special and regular meeting minutes dated May 27, 2009.
- 1 C. Approved Warrant Register dated May 28, 2009 in the amount of \$261,915.49; Approved Warrant Register dated June 4, 2009 in the amount of \$50.00; Approved Warrant Register dated June 10, 2009 in the amount of \$24,476.02; and Approved Payroll Warrant Register dated May 29, 2009 in the amount of \$1,418.67.
- 1 D. Adopted Resolution No. 09-31 authorizing the Mayor to execute an Amendment of the Western Riverside Council of Government Joint Powers Agreement to include the Eastern and Western Water Districts as voting members of the Executive Committee and General Assembly.

RESOLUTION NO. 09-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENT (WRCOG) TO INCLUDE THE EASTERN AND WESTERN MUNICIPAL WATER DISTRICTS AS VOTING MEMBERS OF THE GOVERNING BOARD

- 1 E. Approved an Agreement for sale of remnant road Right of Way – Renaissance Plaza.
- 1 F. Approved Franchise Agreements with CR&R and Waste Management for solid waste collection services.
- 1 G. Adopted Resolution of Intention to grant gas franchise to the Southern California Gas Company.

RESOLUTION NO. 09-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING ITS INTENTION TO GRANT A GAS FRANCHISE TO THE SOUTHERN CALIFORNIA GAS COMPANY

2. PUBLIC HEARINGS

- 2 A. Mayor Farnam opened the Public Hearing.

Assistant Planning Director Hogan presented the staff report stating this is an appeal of the Planning Commission's denial of Variance No. 08-0072. He reviewed how the County came to their findings on this matter and the history. He then explained how City Staff reviewed this issue and came to their findings. The Planning Commission has heard this matter and the recommendation to the City Council is that of the Planning Commission's. He pointed out the sign comparisons in the staff report and stated that the main sign at Bear Creek Village is approximately 65 feet and that is what Staff has been using as a benchmark for this request.

David Horenstein, applicant, stated there is an element that is missing which is the Caltrans right of way dedication that is specific to this site. He gave a brief history of the issues he has had with the property. The approved 65 foot signs no longer work due to visibility issues from the further dedication to Caltrans. There are conditions that are unique to this site which have not been taken into consideration.

Speakers:

City Clerk Lee advised two letters had been received. One from Gary Andre in favor of a site visit to see the difference in the sign heights; and one letter from Emilio & Judith Gonzalez in favor of the denial.

Judith Gonzalez, resident, read her letter in favor of denying the variance. She felt the proposed sign height is too high and does not fit with the community.

Mayor Farnam read the letter from Gary Andre requesting that the Council do a site visit to see the height variation.

There being no further speakers, Mayor Farnam closed the Public Hearing.

Council Member Ade stated that aside from the height issue, she commends the applicant for the design of the sign. She inquired how will the sign not be visible.

Mr. Horenstein answered the sign will be visible, however three of the six panels, including the address, will not be visible from the northbound lanes.

Ron Breen, sign designer for the project, explained the visibility issues.

Discussion ensued regarding compromises that could be made such as having it at 75 feet and the only visibility issue would be the bottom panel instead of the bottom three; and lit signs on the back of the building fronting the freeway.

Mayor Farnam stated he has studied the site and visited it several times, however, he cannot support an 85 foot sign.

Discussion ensued regarding the visibility of just the bottom of the sign, but being able to see the majority of the sign; and making findings to justify the sign height.

Council Member Swanson stated she cannot support this stating it doesn't fit the community.

Mayor Pro Tem Moore inquired if the information regarding the additional dedication to Caltrans was given to the Planning Commission. She stated it is something the City Council is just now hearing.

Assistant Planning Director Hogan answered it was in the Planning Commission's staff report which is what is in the staff report for the Council.

Mr. Horenstein stated they were not given where the sign was originally going to be. They were only given where we had to move the sign.

Discussion ensued regarding the blockage by the signal.

Planning Commission Chairman Devine addressed the Council stating the Commission had all of the drawings that are before the Council now and they had all the information that the Council has now. The concern was the overall height and size of the sign.

Council Member Cashman stated he feels the sign too high for the City landscape.

Discussion ensued regarding the grade on the property.

City Attorney Biggs stated the City has zoning requirements that apply across the board. The limitation is 45 feet, and in order to grant more than that there must be a clear finding that there is something special about the property that would result in an injustice if you didn't grant the variance. The County deemed the grade made the sign 20 feet below grade and that was a special circumstance and granted the variance to 65 feet. Now the City is being asked to reconsider that raise it an additional 20 feet. She advised this is something that would not be allowed on another property that was similarly situated.

Mr. Horenstein stated he would be willing to do a crane test on the site so the difference in height could be seen and understood.

Assistant Planning Director Hogan stated the Planning Commission considered this offer and decided it would not change their outlook on it. However, if the City Council would like to, that is an option that is available.

A Motion was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to adopt Resolution No. 09-33 denying variance application No. 08-0072.

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

RESOLUTION NO. 09-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DENYING VARIANCE APPLICATION NO. 08-0072 TO INCREASE THE HEIGHT OF FREE-STANDING SIGN "A-1" TO 85 FEET AT WILDOMAR SQUARE SHOPPING CENTER LOCATED SOUTH OF CLINTON KEITH ROAD, EAST OF HIDDEN SPRINGS ROAD, AND WEST OF INTERSTATE 15 AND KNOWN AS ASSESSORS PARCEL NUMBER 380-110-039

3. GENERAL BUSINESS ITEMS

- 3 A. Finance Director Nordquist presented the staff report stating the haulers can request changes to their fees on an annual basis, however the City Council must approve those changes. This year Waste Management is asking for a new fee to be in place called a hauler call fee. This would cover instances where the bins are blocked and they have to come back out to the site. This fee would only cover commercial collection, not residential.

Discussion ensued regarding how fee increases comes about and that the CIP does not require Council approval as that is in the contract.

Alex Braicovich, Director of Government Affairs for Waste Management, explained the CPI is the industry standard. As to the hauler call fee, it is only for commercial, not residential, and it can become a problem.

Speakers:

City Clerk Lee advised for the record a letter was received from Martha Bridges in opposition to this fee. A letter was also received from Steve Beutz who will also be speaking.

Steve Beutz, resident, stated he is in opposition to any fee increases as he feels it is a violation of Proposition 218. If this is approved it will set a precedent for other increases such as phones.

City Attorney Biggs advised this is different from a Prop 218 issue as this is a fee for service that is tied to an existing franchise agreement. It is limited, but allowed.

A Motion was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to adopt Resolution No. 09-34 authorizing additional fees related to commercial solid waste collection services and annual rate adjustment.

RESOLUTION NO. 09-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE COLLECTION OF ADDITIONAL FEES RELATED TO COMMERCIAL SOLID WASTE COLLECTION SERVICES AND ANNUAL RATE ADJUSTMENT

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

3 B. Transient Occupancy Tax encouragement program

Assistant Planning Director Hogan presented the staff report stating this is a program allowing a credit or rebate of \$10,000 for an application regarding a hotel project. Staff needs direction regarding this potential program.

Speakers:

Jim Bach stated he is in support of the proposal and feels any type of incentives would be a great help in these economic times.

Mayor Farnam stated the collective idea is to stimulate the construction industry which is the top industry in the County. The TOT is one of the highest returns a community can get back and he feels this will help get things going. He would like to see this sunset in two years and can be looked at then as to whether to continue the program or not.

Discussion ensued regarding: support for the program and having it sunset in two years; where the amount of \$10,000 came from; if the incentive would really make a difference in whether a hotel would look at Wildomar or not; and the credit would be at the time the application for a building permit is submitted to the Building Department.

Direction was given to: have the credit be up to \$10,000; would be at the time the application for a building permit is submitted to the Building Department; and the program will sunset in two years at which time the City Council can re-evaluate whether to continue the program or not.

3 C. Proposed City Logo discussion and direction.

Mayor Farnam advised the proposed logos are posted on the easels. He explained there are two types of logos shown, one is a marketing logo and the other is the 50-100 year City logo. He then went over the various elements of the logos and what they mean.

Discussion ensued regarding the various elements involved.

Council consensus on the following:

- 25 stars and blue band
- Bigger hills with sunset and the blue variations
- Established date and Incorporated date and also just one date variations
- No olive branches
- Less busy
- Elements bigger
- Remove the “beads”
- Take the three stars out
- Make the “W” unique
- Small bell, not so prominent
- Model the hills after the hills in Wildomar (from a photo)

It was the consensus of the City Council to keep the current logo as the marketing logo.

CITY MANAGER REPORT

City Manager Danielson announced at the City Council meeting of the 24th, Doug Johnson will be presenting his findings on the districting maps. Also, the Budget will be on the meeting as well. It will be a balanced budget, but will be amended when the final contracts are done. Also, the City’s First Birthday celebration will be July 1 at Elsinore High School.

CITY ATTORNEY REPORT

City Attorney Biggs stated the districting issues will be brought forward at the next Council meeting. It is a very complex issue to address in terms of which system you pick and how that affects the Council’s terms. Additionally, the franchises are starting to come through and they are in the process of finalizing them to bring forward to Council.

COUNCIL COMMUNICATIONS

Council Member Swanson stated the Economic summit was interesting and we need to look at everything we can do to stimulate the community’s economy.

Mayor Pro Tem Moore stated the Rotary Gala was attended by 110 people at the VFW. Council Member Ade and herself have been conducting the interviews for a permanent City Manager and have been going very well. There will be a flag pole erected at Marna O'Brien Park on Sunday at 2:00 p.m. The districting kits are due back by June 12, 2009. There is an event for children at which the City will have a booth, this June 13 from 8:30 a.m. to 12:30 p.m. This month's Chamber mixer will be at City Hall at 5:30 p.m. on June 18.

Council Member Cashman stated the charter school that is interested in coming to Wildomar had a hearing before the School Board and they have decided to make a decision on this on June 25. He would like to know if there is a plan to address the abandoned houses issue.

Mayor Farnam stated Staff has sent the information to the Board of Realtors to let them know about our Ordinance and fee.

Council Member Cashman stated there are loose items still outstanding, including land, for the transition from County to City on July 1. He feels that even though the City can negotiate after that date, the City's negotiation power is lessened. He would like to get a list from the County on all the outstanding items.

Public Works Director Kashawagi advised the Council did appoint an Ad-Hoc Subcommittee to look at the County owned properties. There are three parks that Staff is working with the County on to transition over to the City. The other properties are the Library, fire station, and Staff has not negotiated for those types of properties.

Council Member Cashman stated he would like to provide a list, including the gravel yard as he feels it is a large property that only has intermittent use by the County.

Mayor Farnam stated it has been looked at and it needs discussion. We may want to really think about that property as it may have some environmental issues that the City wouldn't want to have to clean up. He added he would like this on the next agenda to discuss.

Council Member Ade stated she and Mayor Pro Tem Moore had a Finance Subcommittee meeting which was educational and went very well.

Mayor Farnam stated he attended the Rotary Gala and the Economic Summit. WRCOG is looking at grants for the local jurisdictions. He attended a ULI meeting and spoke with some builders to talk about some of the difficulties they are having with their properties. Also attended the League of California Cities meeting in San Diego with very informative sessions. He attended the RCTC meeting and spoke

regarding the TUMF fees. He has meeting on Friday to talk about AB811, a renewable energy bill. He was also in an EDC golf tournament.

FUTURE AGENDA ITEMS

**Bring back the noise ordinance to look at possible adjustments to it.

**Bring back the light pollution ordinance to see if it needs adjustments

ADJOURNMENT

There being no further business, Mayor Farnam adjourned the meeting at 9:50 p.m.

Respectfully submitted:



Debbie A. Lee, CMC
City Clerk