



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

November 8, 2011

6:00 p.m.

www.cityofhemet.org

**City of Hemet Council Chambers
450 E. Latham Avenue**

Please silence all cell phones

Call to Order

Mayor Franchville called the meeting to order at 6:00 p.m.

Roll Call

PRESENT: Council Members Krupa, Smith and Mayor Franchville

ABSENT: Council Member Foreman and Vice Mayor Youssef

Council Member Krupa moved and Council Member Smith seconded a motion to excuse Council Member Foreman and Vice Mayor Youssef. Motion carried 3-0.

Closed Session

Notice of Opportunity for Public Comment

There were no public comments presented at this time.

Eric Vail, City Attorney, requested that the City Council add two matters of anticipated litigation to Closed Session. These matters arose subsequent to the preparation of the agenda and require action prior to the December 13, 2011 City Council meeting.

Mayor Franchville moved and Council Member Krupa seconded a motion to add the items to Closed Session. Motion carried 3-0.

The City Council recessed to Closed session at 6:03 p.m.

Vice Mayor Youssef arrived at 6:15 p.m.

1. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Nakamura

Employee Organizations:

Communications Workers of America (CWA) Non-Sworn Police Employees

Hemet Fire Fighters Association

1.A Conference with Legal Counsel - Anticipated Litigation

Two (2) matters of significant exposure to litigation pursuant to Government Code section 54956.9(b)

REGULAR SESSION

7:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Franchville called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Council Members Krupa and Smith, Vice Mayor Youssef and Mayor Franchville

ABSENT: Council Member Foreman

Vice Mayor Youssef moved and Council Member Krupa seconded a motion to excuse Council Member Foreman. Motion carried 4-0.

OTHERS PRESENT: City Manager Nakamura, City Attorney Vail and City Clerk McComas

Invocation

Invocation was given by Diana Nockey, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Vice Mayor Youssef

City Attorney Closed Session Report from November 5, 2011

2. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Nakamura
Employee Organizations:
Hemet Fire Fighters Association

The City Council gave direction to staff. There was no additional reportable action.

3. Public Employee Performance Evaluation
Pursuant to Government Code section 54957
Title: City Manager

The City Council did not complete this discussion. This item will be re-agendized.

City Attorney Closed Session Report

4. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Nakamura
Employee Organizations:
 - Communications Workers of America (CWA) Non-Sworn Police Employees
 - Hemet Fire Fighters Association

The City Council gave direction to staff. There was no additional reportable action.

- 4.A Conference with Legal Counsel - Anticipated Litigation
Two (2) matters of significant exposure to litigation pursuant to Government Code section 54956.9(b)

The City Council gave direction to staff. There was no additional reportable action.

City Council Business Consent Calendar

5. **Approval of Minutes** - October 11, 2011
6. **Receive and file** - Warrant Register
 - a. Warrant register dated October 20, 2011. Payroll for the period of October 3, 2011 to October 16, 2011 was \$622,240.28.
7. **Receive and file** - Investment Portfolio as of August 2011
8. **Recommendation by Deputy City Manager** - Resolution for the City of Hemet Confidential Personnel
 - a. Adopt a resolution relating to conditions of employment for the City's Confidential Personnel. **(Resolution No. 4463)**
9. **Recommendation by Public Works** - Notice of Completion - Citywide ADA Access Ramps Project, City Project No. 5550
 - a. Accept this project; and
 - b. Instruct the City Clerk's Office to file a Notice of Completion with the County Recorder's Office. The 10% retention and the Labor and Materials Bond will be released after the Notice of Completion is filed with and received by the County Recorder's Office. The Performance Bond will be maintained for and

released after a period of one year.

10. **Recommendation by Public Works** - Award of Bid for the Purchase of One 2012 CNG Freightliner Patch Truck from Los Angeles Freightliner - Supplemental Appropriation
 - a. Approve award of bid to Los Angeles Freightliner in the amount of \$252,181 for the purchase of a 2012 CNG Freightliner Patch Truck to be funded from existing budgets in the Streets (Gas Tax) Equipment Replacement Fund 380-4200-5400; and
 - b. Authorize the Finance Director to record a supplemental appropriation in Equipment Replacement Fund 380-4200-5400 in the amount of \$22,181; and
 - c. Declare Unit No. 4248 (1991 Chevy Patch Truck) as surplus and authorize its sale at auction.

11. **Recommendation by Public Works** - Park Commission Recommendations of October 31, 2011
 - a. Tree removal request: 760 E. Wright Street, Ash (2)
Approve request to remove two trees and not replace.
 - b. Tree removal request: 624 Palos Drive, Camphor (2)
Recommendation to deny request, schedule tree for trim and grind raised sidewalk.
 - c. Tree removal request: 890 Costo Street, Ash (1)
Recommendation to remove tree, repair sidewalk and fill in well. City staff will assess the feasibility of an alternate location for replacement tree.
 - d. Tree removal request: 1001 Shellie Lane, Magnolia (1)
Recommendation to remove tree, repair raised sidewalk and fill in well with gray rock. City staff will assess the feasibility of an alternate location for replacement tree.
 - e. Tree removal request; 448 S. Palm Avenue, Ash (1)
Recommendation to remove tree and not replace at this site. City staff will assess the feasibility of an alternate location for replacement tree.
 - f. Tree removal request: 1791 W. Acacia, Liquidambar (1)
Recommendation to remove tree and replace at an alternate location.
 - g. Tree removal request: 2500 W. Florida Avenue/Gibbel Park
Recommendation to remove request and replace with a Deodar Cedar.
 - h. Tree removal request: E. Florida Avenue between S. State and S. Buena Vista, Various Palms (11)
Recommendation to remove 11 trees and replace.

Item Nos. 10 and 11 were removed from the Consent Calendar. Mayor Franchville moved and Council Member Smith seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 4-0.

Item No. 10

Council Member Smith, expressed a number of concerns with the purchase of the patch truck, including the cost and the limited use of this specialty vehicle. The City only received one reply to the bid process from Freightliner. Council Member Smith expressed concern that this vehicle is behind in technology and has a 200 day delivery time. Council Member Smith realizes that the Department needs a new vehicle, the current vehicle will not meet new regulations effective January 1, 2012. Council Member Smith also expressed concern with spending \$250,000 on a patch truck in the event the City decides not to continue to provide this service internally. There has to be a way to manage today and plan for the future.

Vice Mayor Youssef, asked about alternatives to this vehicle.

Kristen Jensen, Deputy Public Works Director, staff can use a dump truck to pick up materials daily in Corona. The dump truck is used by three different crews. The materials can also be delivered, the cost to the City is greater and requires delivery of 20 yards minimum. The replacement of this truck has been funded over a period of years in the Gas Tax Equipment Replacement Fund.

Mayor Franchville, the vehicle equipment fund is set up to provide a funding source for replacement of necessary equipment.

Mayor Franchville moved and Vice Mayor Youssef seconded a motion to approve this item as presented. Motion failed 2-2. Council Member Krupa and Smith voted No.

Council Member Smith, staff needs to provide alternatives to this vehicle. Maybe a multi-task vehicle is available.

Brian Nakamura, City Manager, reminded the City Council that CNG engines will increase the cost of all future equipment.

The City Council discussed the vehicle and alternatives to it.

Ms. Jensen, also noted that the City received \$30,000 in grant funding for this vehicle.

Vice Mayor Youssef, suggested that Council Member Smith work with staff to look for alternatives.

Council Member Smith, due to the increasing regulations being placed on municipalities, the City might not be the best source to provide this service in the future.

Item No. 11

C.W. Cecchi, Hemet, the Heritage Committee is concerned that some of these trees have historical meanings.

Mayor Franchville, shared their concerned with the tree removals. These trees are either dead, uprooting sidewalks or a danger. The City of Hemet is a "Tree City USA".

Council Member Smith, some of these older trees run their course and need to be replaced. Council Member Smith suggested that staff consider root barrier systems.

Council Member Krupa, the City's tree list includes trees that will last 100 years, most of these trees are no longer on that list.

Joy Ward, Hemet, the Heritage Foundation concern is over the three Palm Trees on Florida Avenue.

Kristen Jensen, Deputy Public Works Director, these trees are getting too tall for professional tree trimmers to reach. The trees will be replaced with trees that will continue the historic element in that area.

Council Member Krupa moved and Council Member Smith seconded a motion to approve this item as presented. Motion carried 4-0.

Communications From the Public

Dave Brown, Police Chief, referring to the attacks on Hemet Police Department, these incidents became a National story. It was a great day when a jury found Nicolas Smit guilty. Chief Brown thanked the brave officers that persevered through this case.

Wigs Mendoza, Green Coalition, expressed concern with the increased number of abandoned shopping carts and requested a list of the stores that are complying with the ordinance. The Green Coalition would like to encourage the remaining stores to comply and cooperate. The poster contest sponsored by the Green Coalition will end this month. Mr. Mendoza also thanked the City for their donation of tools for the Neighborhood Pride Program in October.

Emily Jones, Hemet, thanked the City Council for donating the tools for the October Clean Up. As Girl Scouts we try to become better people. Together, we can make this a better community.

Juliette Okel, San Jacinto, thanked the City Council for donating the tools. It was great to see the improvement that we made in our neighborhoods. We need more tools and equipment to keep it up.

Joyce Thibodeaux, Hemet, expressed disappointment that the City Council has decided not to seek a competitive bid for Fire services. CalFire provides service for San Jacinto and the unincorporated areas. More than 80% of the City's calls for Fire services are medically related.

Shelly Milne, Hemet Tea Party, expressed concern with statements made by an On-Call Fire Employee at a Home Owners Association meeting. Ms. Milne explained that the presentation was taped and asked that action be taken. Ms. Milne also questioned the City Council decision not to request a competitive bid for Fire services.

Michael Mudd, Hemet Tea Party, expressed disappointment that the Special City Council has decided not to seek a competitive bid for Fire services.

David Miles, Hemet, expressed concern with the location of the November 5, 2011 City Council Meeting.

Connie Hall, Hemet, attended the November 5, 2011 City Council Meeting, the meeting location was public and user friendly. The decision to not request a competitive bid is appropriate given the situation. Ms. Hall spoke in support of the City Council.

Mayor Franchville, the Goal Setting Session was held at Simpson Park, there were 8 or 9 members of the public present. The meeting was posted in accordance with the law. There was some discussion regarding the Public Safety Departments and the City Council decided not to move forward with an RFP at this time.

Eric Vail, City Attorney, the City Council gave direction to staff regarding the labor union that was agendized as a Closed Session item. There was also a spirited public discussion regarding the Public Safety Departments.

Public Hearings

12. **Specific Plan Amendment No. 06-01 (Tres Cerritos East) and Environmental Assessment No. 06-019, Northwest corner of Cawston and Devonshire Avenues** - Community Development Director Elliano
 - a. Conduct a public hearing; and
 - b. Affirm the Planning Commission's recommendation for DENIAL of SPA 06-01 and adopt a resolution (**Resolution Bill No. 11-096**);
OR
 - c. APPROVE IN CONCEPT the applicant's Revised Proposal for SPA-06-01 as presented in their letter dated November 2, 2011, and direct the applicant to revise the specific plan text for formal adoption at a subsequent City Council meeting; and direct the staff and the City Attorney to prepare the required Resolution to certify the Final Environmental Impact Report and adopt the Findings and Statement of Overriding Considerations for the revised project in accordance with CEQA.

Deanna Elliano, Community Development Director, gave the City Council a powerpoint presentation regarding Tres Cerritos Specific Plan Amendment. The proposal is to amend the Hemet Valley Country Club Estates Specific Plan by: changing its name to Tres Cerritos Specific Plan; adding a 16.9 acre parcel to the plan; deleting the golf course and changing the residential layout and unit mix; realigning Menlo Avenue through the project; and adding a recreational center and park sites. The purpose of this meeting is to hold a public hearing and either affirm the Planning Commissions' recommendation for denial of the project; approve in concept the Applicant's revised proposal; or provide direction to the applicant and staff for alternative modifications or revisions to the proposed plan. Ms. Elliano showed the City Council an aerial view and zoning map for the project area. Tres Cerritos SP was adopted 11/12/91 on 336 acres for 641 dwelling units. Amended on 8/10/99, renamed as Hemet Valley Country Club Estates with 710 units and golf course. Peppertree Specific Plan was adopted in 2003, eliminating the golf course option. Tres Cerritos West amendment adopted 1/11/05 for western 190 acres and allowing 177 single family lots. Tres Cerritos East on remaining 146 acres with 533 units. Tres Cerritos East Specific Plan Amendment and Draft EIR were workstudied with the Planning Commission during 2008-2010 with Public Hearings held in June, July, and August 2011. The Planning Commission recommended denial at their meeting of August 16, 2011. A proposed land use plan for Hemet Valley Country Club Estates was displayed. As well as an existing ownership exhibit for Tres Cerritos East. Ms. Elliano explained the proposed product summary and land use density for Tres Cerritos East. The Planning Commission denial was based on: housing product mix, the Quad home (4-packs), alley loaded, small lot and townhome products; incompatibility with surrounding residential areas; overall

density of 750 dwelling units at 4.6 dwelling units per acre for Tres Cerritos East; and preferred single family detached homes only, 543 units at 3.33 dwelling units per acre. The applicant has submitted revisions that modify the unit mix and product types. The revisions include a base level density reduction to 622 dwelling units, all single family lots except 104 unit Townhome project. The overall density is 3.75 dwelling units per acre for Tres Cerritos East. The applicant offered an optional maximum density with Conditional Use Permit for "clustered" product types is 710 units, with an overall density of 4.28 dwelling units per acre for Tres Cerritos East. The remaining project layout and amenities would remain the same. Ms. Elliano displayed a map with the Revised Land Plan and a matrix of the revised density and product description for Tres Cerritos East. Ms. Elliano explained in detail the specifications of the proposed Quad 4-Pack. A Land Plan map of Peppertree was displayed. The project interface with Peppertree would include the development of a mutually agreed upon construction plan; a preservation of existing utilities and landscaping; traffic flow modifications; and drainage. Ms. Elliano explained the proposed solution to the Seattle Basin and the perimeter drainage channel/trail. The project will include the development of a temporary landscaped detention basin. Per the Quimby Act requirements, park dedication requirements would range from approximately 7 -8 acres, depending upon total number of units and population per household. The public parkland requirements can be provided in land or park fees. 2.5 acres has been proposed for dedication, the rest would be provided in fees for park improvements. The 2.5 acre park would be combined with potential future sports park to the west. 6.6 acres are proposed as private pocket parks in neighborhoods. The 7.91 acre MWD easement would be developed as a linear park. Also proposed is a 1 acre private recreation center. The details of the park land dedication/fees would be reviewed again at the time of subdivision, or in conjunction with a Development Agreement. The future actions for this project would include: Tentative Tract Map review and approval process; Site Development Review for development plans; Conditional Use Permits for specific housing types; Infrastructure plans; Building plans; and the formation of Maintenance Districts and Master HOA.

David Leonard, explained that the applicant is working with the City to address the key issues which are: density/design; drainage solution and master plan; circulation, parks and recreation; and a municipal financing plan. The applicant has submitted a revised proposal. Mr. Leonard explained the proposed density and product description and presented the proposed land use plan. Pictures of the following were displayed: samples of 4000, 5000 and 6000 square foot dwellings; sample of homes with reverse frontage alleys; sample of reverse frontage homes along linear parks; concept single homes with zero lot line; twin home concept; and townhome concept. Mr. Leonard explained the density comparison between the Heartland (Four Seasons) development and the maximum units approved for the proposed Tres Cerritos East development. The requirement to complete the CUP process for twin homes has been proposed. Mr. Leonard explained the proposed improvements to the Seattle Basin and Channel. Pictures of the Seattle Channel overflow and Cawston Avenue flooding were displayed. Mr. Leonard explained the proposed street improvements including the extension of Menlo Avenue, improved access to Peppertree and the completion of Devonshire and Cawston Avenues. The proposed area circulation

was displayed. The development includes proposed open space, a 4,000 square foot recreation center on one acre, a linear park, neighborhood parks and a public park. Mr. Leonard presented the proposed Municipal Financing Plan. The improvements to be completed by the developer include: drainage system: completion of Cawston Avenue; completion of Devonshire Avenue; construction of Menlo Avenue extension; construction of water, sewer, and utilities; construction of public parks; and the construction of neighborhood parks, recreation center, regional trail, paseos, linear park, and parkways. The Master Homeowners Association and Neighborhood Associations will own and maintain all private recreational facilities, private drives and common areas. Lighting and Landscaping Maintenance Districts will be formed to maintain the public parkways, public parks, linear park, regional trail, and major drainage facilities. The Community Facilities District will fund police, fire and emergency services in the community. Property taxes will be generated for market rate homes. The required mitigation measures will eliminate the environmental impacts, except for air quality. The proposed Tres Cerritos East Specific Plan is consistent with the City's General Plan and helps the City meet HCD housing element mandates. The project provides comprehensive architecture and landscape architecture guidelines. The project provides certainty over the long-term through project build out. This project will solve a severe area drainage problem. This project also provides a significant increase in parks and open space. The circulation requirements per the Circulation Element will be completed with the development of Tres Cerritos East. The project will provide funding to relieve the financial burden on local governments. The proposed maximum units is the same as the previously adopted plan, however, the density is lower.

Ms. Elliano, the applicant is recommending approval of the revisions in concept, allowing staff to bring back the necessary documentation in January 2012.

Council Member Smith, disagrees with Valley Wide that neighborhood parks are essential. Council Member Smith expressed concern with the limited parking at the proposed recreation center. Council Member Smith asked if the HOA can later restrict public use of the parks.

Ms. Elliano, the intent is to have one public park that would be maintained by an L&LMD or CFD.

The City Council and staff discussed the proposed sports park and its connection to the adjacent Peppertree development's sports park.

The City Council and staff discussed the current drainage issues and the improvements that will be required.

Council Member Smith, noted that the applicant has been responsive to the concerns addressed by the Planning Department and the Planning Commission.

Ms. Elliano, assured the City Council that the Conditions of Approval require that all infrastructure be completed prior to the issuance of any building permits.

Mayor Franchville, the developer and staff have addressed most of the public comments. There is still expressed concern with the increased burden on the schools.

Ms. Elliano, the School District has determined that additional schools will be not necessary, the development will pay the per unit school fees.

Council Member Krupa, expressed concern with the EIR's finding that the air quality impacts are significant.

Ms. Elliano, explained that the "significant" impacts are during construction and not long term.

The potential solution for drainage will be similar to Four Season's with the addition of a trail system.

Vice Mayor Youssef, asked about the decision to develop 6 pocket parks instead of one hub center.

Ms. Elliano, that idea has been discussed, the applicant preferred this model.

The City Council and staff discussed the future procedural requirements.

Mayor Franchville declared the Public Hearing opened at 8:55 p.m.

Diane Norberg, Hemet, spoke in opposition to the project. The property in question is home to many wild birds, ducks and hawks. This project was opposed by many residents at the Planning Commission public hearings. Concerns were expressed with the storm drain and the fact that the homes will block the view of the current residents. There are currently unfinished homes, vacant homes and rentals in Hemet. More housing is clearly not needed. The Planning Commission listened to the residents concerns and recommended denial. Ms. Norberg expressed concern with pocket parks, the air quality impact and the increase traffic. Ms. Norberg recommended denial of the project.

Gene Hikel, Chair of the Four Seasons Community Awareness Committee, spoke in opposition to the project. Mr. Hikel referred to the vision statement for West Hemet in the proposed General Plan, stating that this development does not enhance the West End, it is the same old, same old. Mr. Hikel expressed concern with the proposed density, small homes that will house large families. Mr. Hikel expressed concern with the development of pocket parks. Mr. Hikel disagrees that the air quality impacts are only short term, this development will increase smog in the valley. There are no jobs in this valley for these residents. This housing development will only increase the problem. Mr. Hikel recommended denial of the project.

Brian Rubin, Hemet, spoke in opposition to the project. The Planning Commission recommends denial of this project. All of the surrounding developments are single family detached homes, except for Garrett Ranch. Mr. Rubin recommended denial of the project.

Gary Page, Hemet, spoke in opposition to the project. Mr. Page expressed concern with the decision to not set aside property for additional schools and the high density. This project will increase the stress on City services.

John Torres, Hemet, spoke in opposition to the project. Hemet was known for having premier schools, police and fire, as well as outstanding medical services. At one time Hemet had more money in Florida Avenue banks than Wall Street. Mr. Torres recommended denial of the project.

CW Cecchi, Hemet, expressed concern with the proposed 90 degree bend in the control channel.

Sharon Deuber, Hemet, commended staff for an outstanding job. Ms. Deuber has been watching this project since 2009 and even with the proposed revisions is still opposed to the project. This project does not fit the residents vision of the west end of Hemet. Ms. Deuber expressed concern with the density, the pocket parks and the dwelling units

obstructing views from existing residents. Ms. Deuber also noted that the air quality impacts will not be short term, this statement was challenged during Planning Commission hearings.

Eric Vail, City Attorney, confirmed that Ms. Deuber was not appointed by the Planning Commission as a spokesperson, merely speaking as a resident of Hemet.

Mr. Leonard, offered to work with the zoning code and provide a park that the City would require. Mr. Leonard reminded the City Council that townhomes and any density increase would require a site review. A school site was offered and rejected by Hemet Unified School District, fees will be paid in excess of \$4,000,000.00. The project does meet the MWD Aquaduct and drainage concerns as well as provide the funding for the improvements. The channel will be built to specifications set forth by Riverside County Flood Control. The air quality impacts were determined to be short term by licensed biologists. The burrowing owl will be relocated. Mr. Leonard raised an objection to the Planning Commissioner Vice Chair speaking in opposition to the project as a resident.

Mayor Franchville declared the Public Hearing closed at 9:41 p.m.

The City Council agreed that a CUP should be required for townhomes and/or any density increase.

Mr. Leonard, recommended that the Police Department be included in the Design Review Committee.

Mayor Franchville, expressed concern with the project and noted that the community is clearly opposed to it. Mayor Franchville is opposed to the density and the 4-packs concept, Hemet has not had good luck with townhomes or duplexes that are not age restricted.

Mr. Leonard, reminded the City Council that if not approved, this project would fall back to the previously approved specific plan.

Council Member Smith, noted the number of infrastructure improvements that will be completed with this project.

Council Member Krupa, asked about the stability of the HOA and it's ability to regulate rentals.

Mr. Leonard, the laws have changed radically during the last number of years. The developers are required to create an endowment so that the HOA will stay viable. The homeowner must follow the rules, punishable by fines and/or levies against the homeowner. CC&R's are required as a Condition of Approval.

Eric Vail, City Attorney, explained the Conditional Use Permit process. On the agenda for consideration is a specific plan. The City Council can either deny it or approve it. The City Council can also approve in concept an alternative specific plan, this will require that the developer submit a revised plan which will come back at a later date for consideration. If the revised plan is significantly different an additional public hearing might be required.

Council Member Smith moved and Vice Mayor Youssef seconded a motion to approve in concept the applicant's Revised Proposal for SPA-06-01, consider comments made by the City Council and direct the applicant, staff and the City Attorney to prepare the necessary revisions for consideration by the City Council at a later date. Motion carried 3-1. Mayor Franchville voted No.

The City Council recessed briefly at 10:07 p.m.

Reconvened at 10:24 p.m.

Discussion/Action Items

Brian Nakamura, City Manager, requested that the City Council add an item to the agenda that arose subsequent to the preparation of the agenda and requires action prior to the December 13, 2011 meeting.

Mayor Franchville moved and Council Member Krupa seconded a motion to add Item No. 17.A to the agenda. Motion carried 4-0.

13. **Memorandum of Understanding with to the Communication Workers of America** - Deputy City Manager Orme

- a. Authorize Staff to execute the attached Memorandum of Understanding (MOU) between the City of Hemet and Communication Workers of America AFL-CIO District 9 for the period of November 1, 2011 through October 31, 2013.

Mark Orme, Deputy City Manager, CWA consists of approximately 20 employees including Public Safety Dispatchers, Police Records personnel, Community Service Officers (CSO's), Crime Scene Technician and Property and Evidence Technician. Mr. Orme explained the concessions that were agree upon in this MOU. Mr. Orme noted that CWA has requested that language from the prior MOU regarding past salary adjustment be included in the MOU.

Council Member Krupa moved and Council Member Smith seconded a motion to approve this item as amended. Motion carried 4-0.

14. **Urgency Ordinance Repealing Requirement that Employers Within City Use the E-Verify Program** - City Attorney Vail

- a. Adopt an urgency ordinance repealing portions of Ordinance No. 1836 requiring employers within the City to verify the work authorization status of new hires using the E-Verify Program. **(Ordinance No. 1843)**

The City Council heard the report for Item Nos. 14 and 15 concurrently.

15. **Resolution Directing Staff to Cease Enforcement of Contractual E-Verify Requirements** - City Attorney Vail

- b. Adopt a resolution directing staff to cease enforcement of contractual provisions requiring that contractor to use E-Verify and to discontinue including such requirements in future contracts.

(Resolution No. 4464)

Eric Vail, City Attorney, the City Council previously adopted an ordinance and a resolution that required all employers to use E-Verify and include language in our contracts requiring City vendors to also use E-Verify. Governor Brown's approval of AB1236 invalidates the City's ordinance and resolution. Since E-Verify is a Federal program the City can still require it on Federal projects. In order to comply by the deadline the City Council will have to adopt an Urgency Ordinance repealing Ordinance No. 1836.

Mayor Franchville, asked if the City can send out letters to businesses encouraging them to still use E-Verify.

Mr. Vail, as long as it is voluntary.

Council Member Smith, asked what would happen if the City Council did not comply. **Mr. Vail**, it would set the City up for potential liability.

Mayor Franchville moved and Vice Mayor Youssef seconded a motion to approve Item Nos. 14 and 15 as presented. Motion carried 3-1. Council Member Smith voted No.

The City Council gave direction to staff to prepare a letter strongly encouraging businesses and vendors to use E-Verify.

The ordinance was read by title only.

16. **Ordinance Restricting Location Where Sex Offenders May Be Present** - City Attorney Vail

- a. Introduce, read by title only and waive further reading of an ordinance adding Section 46-10 to the Hemet Municipal Code relating to location restrictions for registered sex offenders. **(Ordinance Bill No. 11-102)**

Eric Vail, City Attorney, the City Council directed staff to bring back an ordinance that included residency standards, that will require extensive research to determine residency information and will still be forthcoming. This ordinance prohibits the sex offender from being at parks and schools. Staff is recommending introduction.

Vice Mayor Youssef moved and Council Member Smith seconded a motion to approve this item as presented. Motion carried 4-0.

The ordinance was read by title only.

17. **2010 SAFER Grant** - Public Safety Director Hall

- a. Accept the "2010 Staffing for Adequate Fire & Emergency Response (SAFER II)" grant funding for three additional firefighter positions and authorize the City Manager to execute contract documents.

Brian Nakamura, City Manager, previously the Fire Department obtained a SAFER I grant that allowed the Department to retain nine Firefighter positions and add three additional firefighters. We were able to meet the requirements of the grant and retain the personnel. Staff applied for SAFER II and obtained the award that will allow the City to hire 9 additional Firefighters from 2012 to 2014. Given the City's financial situation, staff is recommending to hire only 3 Firefighters. These positions will reduce the Department's overtime issue. Staff has contacted the SAFER Grantors to confirm the ability to accept a portion of the grant. Staff is recommending approval.

Vice Mayor Youssef, requested confirmation on the fiscal impact of this grant. Vice Mayor Youssef noted that the acceptance of SAFER I was to reduce and mitigate the departments overtime. Even after the award and acceptance of SAFER I the department is still overbudget by \$300,000 in overtime. Vice Mayor Youssef asked if the overtime budget be solved by the acceptance of the SAFER II Grant.

Brian Nakamura, City Manager, the loss of a Fire Chief and Deputy Fire Chief required the promotion of three Fire Captains to fill those two positions. Staff is hoping that the three new positions will help mitigate the overtime for the duty Chiefs. The structural changes and the efficiency recommendations will also minimize the overtime impacts. Overtime will still occur due to the staff requirements and the City's policies.

Mayor Franchville, asked when the City Council can expect an update on the efficiency study being conducted on the Fire Department as well as an update on the Fire Department's budget.

Dave Miles, Hemet, spoke in favor of accepting the grant. Mr. Miles expressed concern with response times in East Hemet. Mr. Miles suggested that paramedics and/or paramedic assessment units be considered as well as staffing Fire Station 5 again. Mr. Miles also suggested that the Fire Department consider a volunteer program similar to the Police Volunteer Program.

Mayor Franchville moved and Council Member Krupa seconded the motion to approve this item as presented. Motion carried 4-0.

17.A **CAL-HOME Grant Application** - Community Investment Director

- a. Adopt a resolution authorizing the submittal of an application to the California State Department of Housing and Community Investment for funding under the Cal-Home Program. **(Resolution No. 4465)**

Brian Nakamura, City Manager, recommended adoption of the Resolution allowing staff to apply for the grant. If the grant is awarded, the City Council will have to approve acceptance of the CalHome Grant.

Mayor Franchville moved and Vice Mayor Youssef seconded a motion to approve this item as presented. Motion carried 4-0.

City Council Reports

18. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Foreman

1. Park Commission
2. Indian Gaming Distribution Fund

B. Council Member Krupa

1. Library Board
2. Traffic and Parking Commission
3. Airport Land Use Commission (ALUC)
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Riverside Conservation Authority (RCA)
6. Ramona Bowl Association
7. Indian Gaming Distribution Fund

C. Council Member Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)

3. Planning Commission

Council Member Smith, expressed concern with the testimony given by Planning Commission Vice Chair Sharon Deuber during the public hearing for Item No. 12.

Mayor Franchville, concurred that the actions of Ms. Deuber were out of order and asked what actions can be taken in light of this conduct.

Eric Vail, City Attorney, explained that the City Council can direct staff to prepare a written reprimand, direct staff to reprimand Ms. Deuber verbally or remove Ms. Deuber from her appointed position.

Vice Mayor Youssef, recommended that the City Council consider removing Ms. Deuber from the Planning Commission.

Council Member Smith moved and Council Member Krupa seconded a motion to place the consideration of removal of Sharon Deuber from the Planning Commission on a future agenda. Motion carried 4-0.

The City Council unanimously appointment Council Member Smith as the voting delegate at the National League of Cities Conference.

D. Vice Mayor Youssef

1. Western Riverside Council of Governments (WRCOG)

WRCOG presented a study covering health care, economics, education and crime in Riverside County. Crime in the area has decreased, so have the economics. WRCOG presented a good report that was not sugar coated. A copy of the report is available at City Hall.

2. Riverside County Transportation Commission (RCTC)

E. Mayor Franchville

1. Riverside Transit Agency (RTA)
2. Airport Land Use Commission (ALUC)
3. League of California Cities
4. Autism Task Force

F. Ad-Hoc Committee Reports

1. Christmas Parade

The City Council recommended that the Council Members from Hemet and San Jacinto ride together on one float instead of separate vehicles.

Mayor Franchville, reminded the City Council that the Veteran's Day Event is Friday, November 11th.

_____ G. Town Hall Meetings

1. Mountain Shadows, October 27, 2011

Vice Mayor Youssef, attended the October 27th meeting along with Mayor Franchville. Very good meeting, a number of topics were discussed.

Mayor Franchville, added that there were a number of questions regarding the release of the taped Fire Department Duty Chief's presentation.

2. Villa Del Sol, November 3, 2011

Council Member Smith, attended the November 3rd meeting along with Council Member Krupa. Resident's had very direct questions which were handled very well by staff. The quality of the water was the biggest concern.

Council Member Krupa, noted the interaction with staff and the residents has been great.

H. City Manager Nakamura

1. Manager's Reports
2. City Council schedule for November and December 2011

The City Council unanimously agreed to cancel the Regular City Council Meetings of November 22, 2011 and December 27, 2011.

3. Vice Mayor/ Mayor Pro Tem Analysis and Recommendation

Brian Nakamura, City Manager, the title "Vice Mayor" was used during the absence of the Mayor but not officially assigned until the 80's. Staff is recommending that the City Council direct staff to bring back a Resolution to formally change the title from Vice Mayor to Mayor Pro Tem.

The City Council directed staff to prepare a resolution for City Council consideration.

Future Agenda Items

Commission Appointments

AB 109 on the November 15th Joint Meeting Agenda

Adjournment

Adjourned at 11:39 p.m. to Tuesday, December 13, 2011 at 7:00 p.m.