



# MINUTES

## REGULAR MEETING OF THE HEMET CITY COUNCIL

December 13, 2011

**3:00 p.m.**

[www.cityofhemet.org](http://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 3:03 p.m.

### Roll Call

PRESENT: Council Members Foreman, Krupa and Smith, Mayor Franchville

ABSENT: Vice Mayor Youssef

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

### Council Reorganization

1. City Clerk to Call for Nominations for the Office of Mayor
  2. Mayor to Call for Nominations for the Office of Vice Mayor
- Continued to the 7:00 p.m. Regular Session**

### Closed Session

#### Notice of Opportunity for Public Comment

There were no public comments presented at this time.

The City Council recessed to Closed Session at 3:03 p.m.

3. Conference with Labor Negotiators  
Pursuant to Government Code section 54957.6  
Agency designated representatives: Special Counsel Daphne Anneet, Deputy City Manager Orme, Finance Director Conrad  
Employee Organizations: Hemet Fire Fighters Association
4. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code section 54956.9(a)  
Names of case: Peters v. City of Hemet et al., RIC535763  
Jane Doe v. City of Hemet et al., CV-10-01339 VAP  
Rodriguez v. City of Hemet, CV-03518 RGK  
Toungt v. City of Hemet, RIC1111811  
Toungt v. City of Hemet, 9<sup>th</sup> Circuit Court of Appeal #11-55429  
Joul v. City of Hemet, RIC1000086

5. Conference with Real Property Negotiators  
Pursuant to Government Code section 54956.8  
Property: APN's: 456-050-013 and 022  
Agency negotiator: City Attorney Vail & Community Investment Director Jansons  
Negotiating parties: City of Hemet & Stetson Crossing Partners, LLC  
Under negotiation: Amended items for the sale of the property to Stetson Crossing Partners, LLC.
  6. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: APNs , 443-131-008, 443-140-001, 443-140-003 and 443-140-024  
Agency Negotiator: City Manager Nakamura  
Negotiating Parties: State of CA, A.O.C.  
Under Negotiation: Disposition, Price and Terms
  7. Conference with Legal Counsel - Anticipated Litigation  
One (1) matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)
  8. Public Employee Performance Evaluation  
Pursuant to Government Code section 54957  
Title: City Manager
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## **REGULAR SESSION**

**7:00 p.m.**

**City of Hemet Council Chambers**

**450 E. Latham Avenue**

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### **Call to Order**

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

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### **Roll Call**

PRESENT: Council Members Foreman, Franchville, Krupa, Smith and Youssef

ABSENT: None

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

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### **Council Reorganization**

Continued from 3:00 p.m. Meeting

1. City Clerk to Call for Nominations for the Office of Mayor

**City Clerk McComas**, called for nominations for the Office of Mayor.  
**Council Member Foreman nominated Council Member Youssef and Council Member Krupa seconded the nomination. Motion carried 3-1. Council Member Franchville voted No. Council Member Youssef abstained.**

2. Mayor to Call for Nominations for the Office of Vice Mayor  
**Mayor Youssef**, called for nominations for the Office of Vice Mayor.  
**Council Member Smith nominated Council Member Foreman and Council Member Krupa seconded the nomination. Motion carried 4-0. Council Member Foreman abstained.**

**Brian Nakamura, City Manager**, presented a crystal gavel to Council Member Franchville for this service as Mayor.

**Council Member Franchville**, noted his pride in the accomplishments that were completed in the past year. This speaks volumes of the City's Department Directors and City Manager, they made me look good.

The City Council recessed briefly at 7:04 p.m.  
Reconvened at 7:08 p.m.

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## **Invocation**

Invocation was given by Dr. Arceneaux

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## **Pledge of Allegiance**

Pledge of Allegiance was led by Vice Mayor Foreman

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## **City Attorney Closed Session Report**

9. Conference with Labor Negotiators  
Pursuant to Government Code section 54957.6  
Agency designated representatives: Special Counsel Daphne Anneet, Deputy City Manager Orme, Finance Director Conrad  
Employee Organizations: Hemet Fire Fighters Association  
**The City Council did not discuss this item.**

10. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code section 54956.9(a)  
Names of case: Peters v. City of Hemet et al., RIC535763  
Jane Doe v. City of Hemet et al., CV-10-01339 VAP  
Rodriquez v. City of Hemet, CV-03518 RGK  
Toungt v. City of Hemet, RIC1111811  
Toungt v. City of Hemet, 9<sup>th</sup> Circuit Court of Appeal #11-55429  
Joul v. City of Hemet, RIC1000086

**The City Council gave direction to the City Attorney. There was no additional reportable action.**

11. Conference with Real Property Negotiators  
Pursuant to Government Code section 54956.8  
Property: APN's: 456-050-013 and 022  
Agency negotiator: City Attorney Vail & Community Investment Director Jansons  
Negotiating parties: City of Hemet & Stetson Crossing Partners, LLC  
Under negotiation: Amended items for the sale of the property to Stetson Crossing Partners, LLC.

**The City Council gave direction regarding price and terms to the City's negotiator. There was no additional reportable action.**

12. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: APNs , 443-131-008, 443-140-001, 443-140-003 and 443-140-024  
Agency Negotiator: City Manager Nakamura  
Negotiating Parties: State of CA, A.O.C.  
Under Negotiation: Disposition, Price and Terms

**This item was continued to the end of the Regular Session.**

13. Conference with Legal Counsel - Anticipated Litigation  
One (1) matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

**The City Council received a briefing from the City Attorney. There was no additional reportable action.**

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

**The City Council gave the City Attorney direction regarding the process for the evaluation. There was no additional reportable action.**

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## **Presentation**

15. Proclamation for Ramona Animal Shelter's 2<sup>nd</sup> Place in ASPCA 100K Challenge  
**Mayor Youssef**, read and presented a proclamation to Jeff Sheppard, President and CEO of Ramona Animal Shelter.  
**Jeff Sheppard**, introduced Board Members Bob Duistermars, Connie Hall and Wayne Disher. This was a great community effort and partnership with PETSMAART and PETCO.

16. Introduction of New City of Hemet Employees  
**Chief Brown**, introduced the departments newest Police Officers:  
Art Piaz  
Matt Gomez

Dean Benjamin  
Matthew Hyatt  
Derek Holstra

**Acting Duty Chief Darkens**, introduced the Fire Departments new employees:  
Branden Humphries  
Christopher Baker

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The City Council heard "Communications from the Public" at this time.

## Public Hearings

17. **General Plan Amendment (GPA) No. 11-002 (City of Hemet General Plan 2030** - Community Development Director Elliano
  - a. Conduct the public hearing and receive comments on GPA 11-002 which establishes citywide land uses, policies, and programs within ten general plan elements and replaced the city's existing general plan adopted in 1992 and includes consideration of the Program Environmental Impact Report prepared for the General Plan Update in compliance with the California Environmental Quality Act (SCH No. 2010061088); and
  - b. Direct staff to prepare any final changes to the Draft General Plan and Final EIR; and
  - c. Continue the public hearing to the City Council meeting of January 24, 2012 for the Certification of the Final Environmental Impact Report, adoption of the Mitigation Monitoring and Reporting Program, adoption of the Findings and Statement of Overriding Consideration, and adoption of the City of Hemet General Plan 2030.

**Deanna Elliano, Community Development Director**, the General Plan and Draft EIR are a culmination of much effort. Ms. Elliano acknowledged the City Council, the Planning Commission, the Park Commission, the Traffic and Parking Commission, the General Plan Advisory Committee, Community Organizations, AECOM Consultant Team, the Planning Department and City Staff members for their collective efforts. Ms. Elliano thanked the City Council for their patience, this gave us the opportunity to do it right. Ms. Elliano discussed the public comments received regarding the General Plan update and EIR. The draft General Plan provides a fundamental policy framework to guide land use development and public services in the City, future decisions must be consistent with the General Plan. The General Plan is for a period of 20 years: 2010 to 2030. The General Plan is required by the State of California and sets forth the Community's Vision for the future. The General Plan is not just lofty goals, it is principles, policies, strategies, data and programs that make up a detailed roadmap to achieve the goals and vision. The General Plan includes 10 Elements or topic areas including Introduction, Implementation, Programs and Appendices. The General Plan will be reviewed annually and may be amended up to four times per year. State law mandates that the General Plan address seven topics or elements: land use, circulation, housing, noise, conservation, open space, and safety. Based on community feedback five additional elements were included: Community Design;

Community Services and Infrastructure; Recreation and Trails; Historic Resources; and Art & Culture. The General Plan is a Comprehensive Resource Document of policies & technical data to guide decision-making through project review. The General Plan provides a balanced mix of land uses to achieve an improved job-housing ratio to meet the needs of the community. The General Plan focuses on economic development, job creation, and long-term fiscal viability. It promotes sustainable land use patterns and infrastructure design. The plan is designed to preserve, enhance, and promote Hemet's natural resources, scenic setting, and recreational opportunities. It is also designed to promote connections to regional transportation networks and integrate land uses with multi-modal transportation systems. Additional themes in the General Plan include: fostering a safe and healthy community for all citizens; recognizing and promoting the community's cultural, historic and social fabric; pursuing opportunities to strengthen the quality and number of educational institutions, facilities, and programs; enlisting smart growth principles and better coordinate development with the provision of infrastructure and public services; restoring and revitalizing older neighborhoods and the historic downtown; strengthen a positive image and create a sense of place for the community; promote coordination and participation with regional agencies and jurisdictions; emphasize the practical application of goals, policies, programs, and procedures to implement the General Plan over time; and engage the community in being a vital part of enhancing the City's present quality of life and in charting its future. The area within the City limits is 28.3 square miles. The land within the City's Sphere of Influence is 37 square miles. The remaining planning area is 32.1 square miles for a total of 97.4 square miles within the Planning Area. The General Plan goals, policies, implementation measures and land use authority apply only to areas within or annexed to the City. Chapter 2 Land Use establishes the framework for community growth and development. It includes the land use plan/map and development capacity. There are 21 land use categories. The chapter discusses the issues, opportunities, and future land use concepts of the land use districts, mixed-use areas, specific plan areas, and focused districts. There are 17 Districts with a special focus on Downtown, West Florida, West Hemet and Diamond Valley Lake districts. Ms. Elliano explained the development capacity through 2030. Chapter 3 Community Design is an optional element. Its primary objective is to achieve well-designed, well-built, attractive, safe, compatible, and connected neighborhoods and business districts. It provides community-wide guidelines for gateways into the City, streetscapes and scenic corridors, community signage, and public open space. It also provides site-specific guidelines for signage, walls and fences, landscaping, mixed-use design, defensible space, and the Downtown Hemet District. Chapter 4 Circulation is a State required element that establishes standards for the movement of people, goods, and services at the level necessary to support development of the land uses described in the Land Use Element. This chapter classifies the major roadways and provides cross-sections for design purposes. It addresses alternative modes of mobility to reduce vehicle trips such as bicycle and pedestrian paths, transit, rails, and neighborhood electric vehicles. It also integrates transportation networks with land uses. Chapter 5 Community Services and Infrastructure is an optional element that addresses schools, libraries, health care, water and sewer services, storm drainage systems, electric, gas and telecommunication utilities. It describes existing facilities and infrastructure, and outlines mechanisms for the continued provision of services to accommodate future growth. It also addresses evolving technological,

financial, and environmental issues that have the potential to affect service delivery and the community's health and welfare. Chapter 6 Public Safety meets State requirements for Safety and Noise. It describes potential hazards, and outlines measures to reduce risk. The potential hazards include earthquakes, landslides, floods, transportation-related accidents, hazardous waste, fire, crime, disasters, and the adverse health effects associated with noise. It addresses Police and Fire resources and programs. It includes goals, policies, and programs to establish proactive measures to ensure the community's safety. Chapter 7 Open Space and Conservation meets a State mandate. It identifies natural, open space, biological, and environmental resources and constraints. This chapter establishes goals and policies that enable a balance between resource conservation and long-term residential and economic growth. It promotes water, energy and open space conservation. It responds to recent legislation concerning climate change and the reduction of greenhouse gases, and promotes the City's core value of becoming a sustainable community. Chapter 8 Recreation and Trails is an optional element that recognizes the benefits of recreation and outdoor activities. It inventories and classifies the City's parks with special attention focused on Simpson Park and Diamond Valley Lake Recreation/Education area. It provides a master plan for off-road trails by identifying and classifying existing and planned trails into 3 categories: Open Space (unpaved), Equestrian, and Multi-Use (paved). It also connects the County trail system and WRCOG's Non-Motorized Transportation Plan. Chapter 9 Historic Resources is an optional element that acknowledges Hemet's unique heritage. It identifies paleontological, archeological, and historic resources. It draws particular attention to the significance of Downtown. It also provides policies and implementation measures to preserve these resources including demolition alternatives and the establishment of a historic resources ordinance. Chapter 10 Art and Culture is an optional element establishing the framework to integrate art and culture into all aspects of City life. It identifies local arts organizations, art and culture facilities and venues, performing and fine arts facilities, art and culture in the schools, and art in public places. It outlines the City's approach in using art and culture in its economic development efforts, particularly in Downtown Hemet. Chapter 11 Housing is a required element that identifies State mandated strategies for the provision of affordable housing. It is the only Element that must also be certified by the State and is required to be updated every 8 years. The element focuses on improving the housing stock and balancing residential and job growth while accommodating the City's share of regional housing needs mandated by the State (RHNA). Chapter 12 Implementation contains the implementation programs for all of the General Plan elements. All City departments and divisions will play key roles in ensuring completion of the programs in a timely and comprehensive manner. Programs will be evaluated annually, and implemented in accordance with funding available, community need, or state-mandate. There are 8 main categories: agency coordination; capital improvement; funding program; new plan or ordinance; updated plan or ordinance; project review requirement; and public outreach. Ms. Elliano gave a brief overview of a couple of notable appendices: Appendix A, General Plan policies on sustainability; Appendix B, A list of known Historic Resources; Appendix F, General Plan policies on Achieving a Healthy Community; and Appendix G, General Plan conformance with Measure C. Ms. Elliano explained a couple of recent property owner requests and the staff and Planning Commission recommendations. Ms. Elliano explained the next steps. The priority implementation actions following the adoption of the General Plan are:

Consistency Zoning for City & Planning Area; Zoning and Municipal Code Updates; Hemet ROCS Ordinances & Program Tasks; Climate Action Plan; Capital Improvement Plan; Master Drainage Plan Update; Economic Development Programs; and Housing Element Update (2014-2021).

**John Bridges, AECOM**, gave the City Council a presentation on the Program Environmental Impact Report. The EIR addresses the environmental impacts associated with the implementation of the General Plan, a series of public and private development projects. The first tier of environmental analysis is creating a foundation for future project-specific CEQA documents. The EIR covers the Hemet planning area. The EIR evaluates all CEQA required sections. The City has received 13 comment letters on EIR scope and content following the Notice of Preparation issuance. The comments were considered in preparing the Draft EIR. A Public scoping meeting was held on July 14, 2010 to receive suggestions for environmental issues to be addressed, mitigation measures and alternatives. The Draft EIR was released on September 30, 2011 for a 45-day public review period ending November 14, 2011. The significant environmental impacts are: agricultural resources - conversion of farmland to non-agricultural uses (significant unavoidable); air quality - air quality management plan compliance, exceeding air quality standards, sensitive receptor impact (significant unavoidable); greenhouse gas emissions - construction emissions, new development emissions (significant unavoidable); noise - transportation noise (significant unavoidable) and construction vibration levels (significant mitigatable); traffic & transportation - peak hour intersection level of service (significant unavoidable); and public services & energy efficiency - water supply (significant unavoidable). The City received 15 comments on the Draft EIR during the public review period. The Final EIR, including written responses to comments on the Draft EIR will be completed. The City Council will adopt Findings of Fact, Statement of Overriding Considerations (for significant unavoidable environmental impacts) and certify the Final EIR along with approval of the General Plan in January 2012.

**Council Member Smith**, commended Ms. Elliano for a job well done. Council Member Smith asked if the amount of public participation and comment in this process was average. Council Member Smith asked about the comments from RCTC and the alignment of Highway 79 that was used in the General Plan. Council Member Smith also asked about location of the light rail station.

**Ms. Elliano**, the public participation was above average, but the public comments presented were below average. Most of the public comments received were in support of the plan. RCTC's comments were addressed. The General Plan assumes that RCTC will approve the City's preferred alignment for Highway 79. If they approve an alternative, some changes will have to be made. The Land Use Plan and the Circulation Element includes a metrolink station downtown and one at the west end business complex. The EIR for the Metrolink Stations would be addressed in a project level EIR at the time of consideration.

**Mayor Youssef**, asked how the City's proposed Sphere of Influence will interact with LAFCO.

**Ms. Elliano**, LAFCO requires that the property included in the City's Sphere of Influence have a zoning and pre-zoning designation. The City will meet LAFCO's requirements when the consistency zoning is complete. It is recommended to move toward approval from LAFCO as soon as possible because we have a current EIR. Sphere amendments, if necessary, can run concurrently with annexation requests.

**Mayor Youssef declared the Public Hearing opened at 9:23 p.m.**

**John Baranek, GPAC Member,** complimented the City Council and staff for the great effort that went into the process. The GPAC was well represented with businessmen, developers and city staff. Mr. Baranek recommendation approval.

**Gene Hikel, Four Season Awareness Community Committee,** spoke in favor of the General Plan. Mr. Hikel commended the GPAC and the City Staff for their work and recommended approval.

**Diane Norberg, Hemet,** spoke in favor of the General Plan.

**Don Digby, Hemet,** recommended that the City Council follow the General Plan for solid growth in the valley. Mr. Digby thanked the GPAC members and City staff that worked on the plan and recommended approval.

**Kathy Smigun, Hemet,** thanked the City Council, City Staff and GPAC for their efforts. Ms. Smigun recommended approval.

**CW Cecchi, Hemet,** expressed concern with the location of the proposed downtown metrolink station, suggested that it be located south of Florida Ave. and west of State St.

**Cash Hovivian, Hemet,** spoke in favor of the General Plan and recommended approval.

**Jerry Jaekels, Hemet,** expressed concern with the realignment of Highway 79 and recommended that it be a thoroughfare instead of a freeway. Mr. Jaekels also recommended that the Tres Cerritos offramp be eliminated.

**Andy Domenigoni, Winchester MAC,** expressed opposition to the City's Sphere of Influence including the Winchester MAC Area.

**John Sherrit, Emerald Acres,** expressed opposition to the proposed land use designation for Emerald Acres.

**Macy Lin, Copperfield Investments,** expressed concern with the land use designation on their 43 acres located west of Sanderson Square. Ms. Lin recommended that the property be zoned commercial manufacturing.

**Mayor Youssef declared the Public Hearing closed at 9:48 p.m.**

**Council Member Franchville,** recommended approval of the General Plan as presented by staff. If changes need to be made in the future, the General Plan can be amended 4 times per year.

**Council Member Krupa,** thanked Deanna Elliano for a job well done. Council Member Krupa also expressed appreciation to the public who participated in the process.

**Mayor Youssef,** expressed appreciation to City staff, members of the GPAC and the members of the public who participated in the process. This is a milestone for the City.

**Mayor Pro Tem Foreman moved and Council Member Franchville seconded a motion to approve this item as presented. Motion carried 5-0.**

The City Council recessed briefly at 10:03 p.m.

Reconvened at 10:07 p.m.

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## **City Council Business Consent Calendar**

18. **Recommendation by Mayor Franchville** - Resignation from Planning Commission
  - a. Accept the resignation of Chauncey Thompson from the Planning Commission effective December 6, 2011.
  
19. **Receive and file** - Warrant Registers
  - a. Warrant registers dated November 3, 2011, November 8, 2011 and November 17, 2011. Payroll for the period of October 17, 2011 to October 30, 2011 was \$722,441.90 and October 31, 2011 to November 13, 2011 was \$681,801.25.
  
20. **Approval of minutes** - October 25, 2011
  
21. **Approval of minutes** - November 5, 2011
  
22. **Recommendation by City Manager** - Mayor Pro Tempore
  - a. Adopt a resolution formally recognizing and referring to the Vice Mayor as Mayor Pro Tempore. **(Resolution No. 4466)**
  
23. **Recommendation by Deputy City Manager** - Paying and Reporting the Value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CalPERS)
  - a. Adopt resolutions to ensure compliance with PERS regulations. **(Resolution Bill Nos. 4467 and 4468)**
  
24. **Recommendation by City Manager** - Memorandum of Understanding with the Hemet Fire Fighters Association
  - a. Authorize the City's negotiating team to execute the Memorandum of Understanding (MOU) between the City and the Hemet City Fire Fighters Local No. 2342 (HFA) for the period of November 1, 2011 through October 31, 2013.
  
25. **Recommended by City Attorney** - Ordinance Restricting Location Where Sex Offenders May Be Present
  - a. Adopt an ordinance adding Section 46-10 to the Hemet Municipal Code relating to location restrictions for registered sex offenders. **(Ordinance No. 1844)**

26. **Recommendation by Engineering** - Acceptance of Public Improvements - Myers Street Parcel Map 35350 - Florida Promenade (Hemet 55, LLC) NE corner of Florida Avenue and Myers Street
  - a. Accept the public improvements, built by the developer of the project in compliance with the corresponding Condition of Approval No. 97, for the subject Parcel Map.
  
27. **Recommendation by Engineering** - Traffic and Parking Commission Recommendations
  - a. Approve removal of "2 Hour Parking" signage on the east side of Laursen St., from Florida Avenue to Latham Avenue.
  - b. Approval to continue monitoring the intersection and to temporarily place a speed trailer near the intersection of Johnston and San Francisco based on a request for a all-way stop sign.
  - c. Approval to continue monitoring the intersection and to temporarily place a speed trailer near the intersection of Lincoln and Steiner based on a request for a all-way stop sign.
  - d. Approval to paint two section of red curb on each side of the driveway at 490 S. Simpson Avenue.
  
28. **Recommendation by Public Works** - Award of Bid to L.O. Lynch Quality Wells & Pumps, Inc. for the Rehabilitation of Well 15 at Mary Henley Park - CIP No. 5565
  - a. Approve award of contract to L.O. Lynch Quality Wells & Pumps, of San Jacinto, in the amount of \$62,329.00 for the rehabilitation of Well No. 15.
  
29. **Recommendation by Public Works** - Installation of Banners Across Florida Avenue
  - a. Hemet/San Jacinto Valley Chamber of Commerce - State of the Valley Address - January 9, 2012.
  - b. Hemet Youth Baseball Sign-Ups - Baseball Registration.
  
30. **Recommendation by Public Works** - Award of Bid for the Purchase of One 2012 CNG Freightliner Patch Truck from Los Angeles Freightliner - Supplemental Appropriation
  - a. 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.

31. **Recommendation by City Attorney** - Second Amendment to Stetson Crossing Purchase and Sale Agreement
  - a. Approve the Second Amendment to the Stetson Crossing Purchase and Sale Agreement; and
  - b. Authorize the City Manager to execute the Second Amendment.
  
32. **Recommendation by Community Investment Director** - Mortgage Credit Certification Program
  - a. Adopt a resolution to participate in the Mortgage Credit Certification Program sponsored by Riverside County Economic Development Agency.  
**(Resolution No. 4469)**
  
33. **Recommendation by Police Chief** - State COPS Grant Expenditure Plan and Supplemental Appropriation
  - a. Accept the 2011 State COPS grant award of \$158,569; and
  - b. Approve the proposed expenditure plan for the \$158,569 in State COPS Grant funding for 2010-2011; and
  - c. Upon award of the grant, authorize increase in revenues of \$158,569, increase in appropriation in the amount of \$158,569 to accounts to be assigned by Finance based on the approved expenditure plan.
  
34. **Recommendation by Public Works** - Master Agreement for State-Aid Transportation Projects
  - a. Adopt a resolution authorizing the City Manger to execute a Master Agreement between the State of California and the City of Hemet for State Funded Transportation Projects (Agreement No. 00360S) and all future project specific Program Supplement that may occur.  
**(Resolution No. 4470)**
  
35. **Recommendation by Community Investment Director** - Professional Services Agreement for Neighborhood Stabilization Program 3 Administration with Civic Stone, Inc.
  - a. Approve a Professional Services Agreement for Neighborhood Stabilization 3 Program Administration with Civic Stone Inc. for the period of December 13, 2011 through April 7, 2014 in an amount not to exceed \$136,000.00; and
  - b. Authorize the City Manager to execute the Professional Services Agreement and any amendment deemed necessary for efficient and timely administration of the NSP 3 project.
  
36. **Recommendation by Public Works** - Park Commission Recommendations
  - a. Tree Removal Request: 3064 La Habra - Camphor (1)  
Approve request and replace with a Crape Myrtle
  - b. Tree Removal Request: 3954 Paul Drive - Crape Myrtle (1)  
Deny request; approve to schedule tree for trim

- c. Tree Removal Request: 2243 Carnation Avenue - Ash (1)  
Approve root prune and trenching to determine impact; if impact is lifting driveway approval removal and replace with City approve three; replace concrete/grass as needed.

Item Nos. 18, 24, 30 and 31 were removed from the Consent Calendar. **Council Member Franchville moved and Council Member Smith seconded a motion to approve the remaining Consent Calendar items. Motion carried 5-0.**

Item No. 18

**Mayor Youssef**, thanked Chauncey Thompson from his time as Planning Commissioner. **Mayor Youssef moved and Council Member Krupa seconded a motion to approve this item as presented. Motion carried 5-0.**

Item No. 24

**Council Member Krupa**, thanked the Hemet Fire Fighters Association for working with staff to complete the negotiations.

**Council Member Krupa moved and Mayor Pro Tem Foreman seconded a motion to approve this item as presented. Motion carried 5-0.**

Item No. 30

**Council Member Smith**, commended staff for the follow up to confirm that this is the most efficient vehicle for this use.

**Council Member Smith moved and Council Member Krupa seconded a motion to approve this item as presented. Motion carried 5-0.**

Item No. 31

**Mayor Youssef**, recused himself from the discussion to the close proximity to his residence.

**Council Member Franchville**, to date the developer has not given the City a clear vision for this property.

**Council Member Franchville moved and Council Member Smith seconded a motion to deny this item. Motion carried 4-0.**

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## **Communications From the Public**

**Don Digby, Hemet**, spoke in support of Sharon Deuber. Mr. Digby spoke in support of Ms. Deuber's position regarding Tres Cerritos. The current City Council did not create the blight, you do have the chance to correct it. The City Council should talk to the residents. This is not the community that I grew up in.

**Mayor Youssef**, noted that the City Council does multiple town hall meetings giving the City Council a chance to hear from the residents.

**Steve Sandefer, Hemet**, spoke in support of the City of Hemet Fire Department. The employees would like to hear from the City Council that they will continue Fire Services with the Hemet Fire Department. The Fire Fighters Associations agreed to an MOU that will save the City \$300,000 this year and over \$500,000 next year. Mr. Sanderfer asked the City Council to not consider Item No. 39.A. This will not help the City's Emergency Response Services, we need a strong leader with a vision. The Members would like a Fire Chief that they can follow, we are open minded and willing to try anything.

**Gene Hikel, Chair of Four Season's Awareness Committee**, on November 8, 2011 the residents expressed our concern and opposition to the Tres Cerritos project at the Planning Commission hearing. The City Council did not listen to the residents. Mr. Hikel spoke in support of Sharon Deuber.

**Kathleen Marquez, Hemet**, expressed concern with the prostitutes on Florida Avenue. Ms. Marquez offer to assist in any way to help clean up Hemet.

**Council Member Franchville**, asked Deanna Elliano, Community Development Director to contact Ms. Marquez to work with the City on Hemet ROCS.

**Diane Norberg, Hemet**, spoke in support of Sharon Deuber. Ms. Deuber spoke as a resident. Ms. Norberg noted that Council Member Smith has offered his opinion at Planning Commission hearings.

**Jerry Jaekels, Hemet**, spoke in support of Sharon Deuber.

**Kathy Smigun, Hemet**, spoke in support of Sharon Deuber. Ms. Smigun recommended that the City Council publically apologize or request a public retraction.

**Eric Vail, City Attorney**, explained that the discussion regarding Ms. Deuber was under "Future Agenda Items", there was no action taken by the City Council just direction to staff. The meeting was still open to the public and they were welcome to stay. Mr. Vail explained the difference between the role and responsibilities of an elected official versus an appointed official. Members of the Planning Commissions are expected to have an unbiased opinion of the projects, elected officials are the elected voice of the residents. The details regarding the development can not be discussed at this time and will come back at a subsequent meeting.

**Joy Dickinson, Hemet**, asked the City Council for assistance. Ms. Dickinson was instrumental in helping the Hemet Police capture Nicolas Smit. Ms. Dickinson has not received her share of the reward money that was offered.

**Mayor Youssef**, the City Manager and the Police Chief will be making contact with you.

**Richard Shirek, Hemet**, expressed opposition to the proposed Tres Cerritos project. Mr. Shirek spoke in support of Sharon Deuber.

**Richard Brusig, Hemet**, spoke in support of the Hemet Fire Department.

**Cash Hovivian, Hemet**, spoke in support of Sharon Deuber. Mr. Hovivian also spoke in opposition to the proposed Tres Cerritos project.

**George Raisty, Hemet**, spoke in support of the Fire Department.

**George Paris, Hemet**, spoke in opposition to the proposed Tres Cerritos project. Mr. Paris spoke in favor of Sharon Deuber.

**Ryan Meeker, Hemet**, spoke in support of Sharon Deuber.

**Shawn Weidman, Hemet**, spoke in support of the Fire Department.

**Charlie Toomey, H&R Block**, introduced herself and her staff. Ms. Toomey is a new owner of H&R Block in Hemet and San Jacinto and wants to be part of the community.

**Patricia Yepremian, Hemet**, thanked all involved in the Hometown Christmas event on Harvard Street. The past two weeks have been well attended. Ms. Yepremian invited the City Council to attend the event.

**Stephany Borders, Party Planners**, expressed her appreciation and gratitude for the efforts in the parade. There were over 2,000 participants, with over 10,000 viewers. There were over 100 vendors and 4,000 people in Gibble Park for the "Christmas in the Park".

**Jackie Fielder, YMCA**, gave the City Council an update on their progress. The YMCA has 64 exercise classes per week, 20 groups meet at the facility per week and there are 3-5 room rentals per month. To date we have 623 members which puts the organization way ahead of their goal for this facility. Ms. Fielder thanked the City Council and the Community for their support.

The City Council heard Item No. 17 at this time.

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## Discussion/Action Items

37. **Paying and Reporting the Value of Employer Paid Member Contributions to California Public Employees' Retirement System (CalPERS)** - Deputy City Manager Orme

- a. Adopt a resolution to ensure compliance with CalPERS regulations.  
**(Resolution No. 4471)**

**Mark Orme, Deputy City Manager**, this Resolution will confirm to CalPERS the employees share of retirement cost that was approved with the adoption of the Fire MOU. **Council Member Krupa moved and Council Member Franchville seconded a motion to approve this item as presented. Motion carried 5-0.**

38. **CalPERS Resolution of Intention to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Hemet**

- a. Adopt a resolution authorize the Mayor to sign the California Public Employees' Retirement System (CalPERS) Resolution of Intention initiating the amendment process through the CalPERS system to create a lower tier benefit for all City of Hemet newly hired employees.  
**(Resolution No. 4472)**

**Mark Orme, Deputy City Manager**, this resolution lets CalPERS know that the City of Hemet intends to amend its contract lowering the retirement benefit for future employees. Negotiations have been completed with all bargaining units. Staff will prepare for City Council consideration an Ordinance approving the amendment. This amendment will be effective in February 2012. Staff can not give cost savings at this time, that will depend on future hiring.

**Council Member Smith**, asked if there has been any push back from CalPERS since a number of agencies are lowering benefits for future employees.

**Mr. Orme**, CalPERS did not anticipate this, therefore their rules and regulations do not directly address this. However, this trend does show the prudence of the cities that are moving in this direction in order to sustain operations into the future.

**Council Member Smith moved and Mayor Pro Tem Foreman seconded a motion to approve this item as presented. Motion carried 5-0.**

39. **Recommendation by Police Chief** - AB-109 Law Enforcement Task Force - Addition of Police Sergeant

- a. Approve the addition of one (1) Police Sergeant to the Police Department's Table of Organization; and
- b. Authorize the Director of Finance to increase revenues and expenditures each by \$115,354 to reflect the full costs and reimbursements associated with this program for FY 2011-2012.

**Dave Brown, Police Chief**, acknowledged that this is a significant request to add staff to any department during this economic time. This position is funded by the District Attorney's Office through AB109. This position will head the task force that was part of the Law Enforcement component of AB109. The Task Force members will be housed in Riverside and Beaumont. We have a verbal commitment from the District Attorney, the Sheriff and Department of Corrections to add personnel. This action will approve the addition of one Police Sergeant, funded by the County Probation allocation of AB109 through July 2012. **Council Member Franchville**, expressed concern that funding will not continue for this position. Council Member Franchville, expressed frustration that the State did not properly fund this program.

**Chief Brown**, all of the agencies share that concern. There is a verbal commitment that funding will continue, even increase. Continued lobbying of State Officials is necessary for adequate future funding.

**Mayor Youssef**, requested that the employee hired has adequate notice that this position is provisional and based on continued funding.

**Mayor Pro Tem Foreman moved and Council Member Krupa seconded a motion to approve this item, to include notification that this a provisional position based on funding. Motion carried 5-0.**

39.A **Professional Services Agreement with Mr. Joseph Brann** - City Manager Nakamura

- a. Authorize the City Manager to enter into a fixed term professional services agreement with Mr. Brann to provide analysis and recommendations for implementation of City-wide operational efficiencies. The agreement will provide for compensation and resources to perform the duties associated with the scope of services.

**Brian Nakamura, City Manager**, In March of 2011, Mr. Brann made a presentation to the City Council recommending that efficiencies in the Public Safety Departments be considered. The City Council approved an agreement with Andrew Hall to manage the day

to day operations of the Fire Department after Mr. Brann reported inefficiencies. Mr. Brann will offer his software that will help track calls to allow for additional analysis of the departments services. There are no benefits or long term labor costs with these contracts. There is a detailed scope of services that Mr. Brann will provide as well. Mr. Brann will identify what services are meaningful and purposeful. New operational procedures have already implemented that have reduced the fire services calls by 100. The reduction in the code 3 calls makes the community safer for our residents. These type of efficiencies make us more effective. The data that we are collecting makes us more efficient in the long run. This is a fixed term contract. The data that we receive is our data. The two permanent positions were not filled in order to allow for this analysis. Mr. Nakamura recommended approval.

**Michael Bruhn, Hemet**, spoke in opposition to this item.

**Paul Raver, Hemet**, expressed concern with the contract language. Mr. Raver distributed his opposition to the contract to the City Council. Mr. Raver recommended that the contract be referred back to the City Manager's Office for more detail.

**Dustin Murray, HPOA**, spoke in opposition to this item. Officer Murray suggested that these services can be provided for less money, by a current, retired or laid off Officer.

**Sean Murphy, Hemet Fire Department**, recommended that the City Council hire a Fire Chief instead of approving this contract.

**Mayor Pro Tem Foreman**, expressed concern that other departments will get the benefit, but the Police Department will pay the bill. The City could hire a full time Sergeant for this amount of money. Mayor Pro Tem Foreman agrees that the City does not need two consultants looking at the Police Department, but does need a Fire Chief.

**Council Member Franchville**, during a recent conversation with Mr. Brann, he reminded me of a number of City Council goals and objectives which Mr. Brann's contract will meet. The contract is intentionally vague so Mr. Brann can explore the goals of the City Council. I agree that this contract with Mr. Brann will eventually save the City money. Keep in mind that we all had concerns with the cost of hiring Richard Tagore Erwin to help with the Refuse Contract and the benefit to the City was great. Chief Brown is open to suggestions from Mr. Brann and Mr. Hall. The culture in the Fire Department needs to change and Mr. Brann can help with that.

**Mayor Pro Tem Foreman**, Andy Hall is already working with the Fire Department and Dave Brown with Police.

**Mr. Nakamura**, it is a learning process, a tool and way to make the organization better and more efficient. The City Council has tasked this staff to come up with and implement radical changes to balance this budget, this is part of the implementation stage. It is in the recommendation that we will all benefit from the efficiencies of the department. IT will benefit from the software. These tools will be available for the other departments and the citizens. This is for a fixed term and not indefinite. The City Council will see results and will get a monthly update. This will make a significant difference in the way that the City conducts its business. This will make significant changes in the services and the operation.

**Mayor Youssef**, the City Council has faith in Chief Brown and his ability to be humble and learn and grow. Mayor Youssef asked for Chief Brown's opinion.

**Chief Brown**, the Police Department is always open to independent review, scrutiny and more importantly improvement.

The City Council discussed the contract, its language, scope of work and options.

**Mr. Nakamura**, the scope of work is designed to allow for some flexibility based on findings.

The City Council agreed that the scope of work is vague and expressed understanding.

The monthly reporting and the ability to end the contract at any time is key.

**Council Member Franchville moved and Council Member Smith seconded a motion to approve this item as presented. Motion carried 3-2. Mayor Pro Tem Foreman and Mayor Youssef voted No.**

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## City Council Reports

### 40. 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**, requested that "National League of Cities" be added to his reports.

#### D. Council Member Youssef

1. Western Riverside Council of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)

#### E. Council Member 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
- 

G. Town Hall Meetings

1. Hemet West, December 1<sup>st</sup>

**Council Member Franchville**, the meeting went well, great reviews and comments.

H. City Manager Nakamura

1. Manager's Reports
- 

The City Council recessed at 11:34 p.m. to the Redevelopment Agency Meeting.

Reconvened at 11:38 p.m.

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The City Council recessed to Closed Session at 11:38 p.m.

### **Continued Closed Session**

6. Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

Property: APNs , 443-131-008, 443-140-001, 443-140-003 and 443-140-0241)

Agency Negotiator: City Manager Nakamura

Negotiating Parties: State of CA, A.O.C.

Under Negotiation: Disposition, Price and Terms

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Reconvened at 11:58 p.m.

### **City Attorney Continued Closed Session Report**

12 Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

Property: APNs , 443-131-008, 443-140-001, 443-140-003 and 443-140-0241)

Agency Negotiator: City Manager Nakamura

Negotiating Parties: State of CA, A.O.C.

Under Negotiation: Disposition, Price and Terms

**The City Attorney reported that there was no reportable action.**

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### **Future Agenda Items**

There were no future agenda items requested at this time.

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### **Adjournment**

Adjourned at 11:59 p.m. to Tuesday, January 10, 2012 at 7:00 p.m.