



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

January 10, 2012

5:00 p.m.

www.cityofhemet.org

City of Hemet Council Chambers
450 E. Latham Avenue

Please silence all cell phones.

Call to Order

Mayor Youssef called the meeting to order at 5:00 p.m.

Roll Call

PRESENT: Council Members Franchville and Krupa, Mayor Pro Tem Foreman and Mayor Youssef

ABSENT: Council Member Smith

Mayor Pro Tem Foreman moved and Council Member Krupa seconded a motion to excuse Council Member Smith. Motion carried 4-0.

Work Study Session

Discussion regarding these items, with possible direction to staff

1. Recognition of the Hemet Christmas Parade Committee Members

Laurie Knotek, Special Projects Manager, announced that there were 100 entries with over 4,100 participants in the parade. Ms. Knotek acknowledged and thanked staff and volunteers that worked on the parade year after year. The City of Hemet took this parade over 10 years ago from the Hemet JC's. Still volunteering are some of the original committee members: Janine Reitenbach, Tracie Rodgers, Rick Hoffman and Lynda Goldberg.

Lynda Goldberg, Hemet, it has been a pleasure working with a dedicated group of employees and volunteers from the City of Hemet for 10+ years. There is a lot that goes on behind the scenes and a lot of work to prepare for what turned out to be a spectacular event. The City Council should be extremely proud of the employees that get there early in the morning to make sure that things are set up. Ms. Goldberg thanked the many groups that have assisted year after year and a special thank you this year to West Valley's Softball Team.

Rick Hoffman, Hemet, as a volunteer for over 20 years, the support of the City is more important that you know. The judges and MC's have a place to sit and power, thanks to Steve Wolny and your terrific facilities maintenance crew.

Janine Reitenbach, Hemet, the City Council should be proud that wonderful parades are done in many cities, including Hemet. The paid employees and the volunteers give both the same time and effort, that is impressive. Ms. Reitenbach has been doing this parade for 15+ years. Ms. Reitenbach wanted to recognize two employees, Steve Wolny and Santa Claus. This parade doesn't happen by accident. Laurie Knotek's willingness, enthusiasm and encouragement is appreciated. Ms. Reitenbach thanked the City Council and the Administration that allows the employees to continue to work on this parade.

Mayor Youssef, the parade was fantastic. Mayor Youssef thanked the committee members and the volunteers for their time and Laurie Knotek for her leadership.

Linda Krupa, acknowledged the great job done by staff and thanked the community that participates year after year.

Laurie Knotek, recognized the West Valley High School Softball Team, Edna Lebron, Kathleen Aguilar, John Jansons and Sarah McComas for their participation.

2. Municipal Storm Drain System Permit Programs - Environmental Services Manager Nixon

Linda Nixon, Environmental Services Manager, gave the City Council a powerpoint presentation regarding the Municipal Storm Drain System Permit Programs. The City of Hemet owns and operates its own Storm Drain Facilities, consisting of channels, box culverts and road side ditches. Urban Runoff (storm water and non-storm water from drainage areas within the city boundaries) enters the City's Storm Drain System. The discharge of urban runoff is regulated by the 1972 Federal Water Pollution Control Act (Clean Water Act) or (CWA) and the California Porter-Cologne Water Quality Control Act of 1970. The Santa Ana Regional Water Quality Control Board implements CWA requirements in the Santa Ana River Watershed. The first term permit was issued in 1990, the second term permit in 1998, the third term permit in 2002 and the fourth term permit in 2010. Ms. Nixon explained the 7 major program elements and their changes.

Public Education & Outreach

- Current Activities: urban runoff information table/booth at local community events (Principal Permittee provides brochures and promotional items)
- New Requirements: assessment program to measure increases in public knowledge of impacts of urban runoff; and new best management practices guidance for additional activities.

Illicit Connections/Illegal Discharge Control

- Current Activities: State General Permit - Sewer System Management Plan; and coordinate with other agencies in responding to and containing sewage spills.
- New requirements: develop "proactive" illegal discharge detection and elimination system (improve routine inspection, monitoring, and reporting program); and maintain a database summarizing incidents and responses.

Construction Site Inspection Program

- Current Activities: Conduct inspections (sites of 1+ acre); verify coverage under State General Construction Permit; maintain construction site inspection database; and annually report on effectiveness of inspections & enforcement.
- New Requirements: inspect all construction sites that "perform soil movement, have uncovered storage of materials or wastes (dirt, sand, fertilizer) or exterior mixing of concrete, mortar, stucco, etc."; and update inspection procedures and database to include broader category of sites.

Industrial & Commercial Facilities Inspection Program

- Current Activities: maintain facilities database, conduct inspections or arrange for inspections through Compliance Assistance Programs; and annually report on effectiveness of inspections & enforcement.
- New Requirements: Add new facilities inspection categories (mobile businesses and managed turf facilities); create residential program (identify residential activities that are sources of pollution; develop and distribute Fact Sheets/best management practices; and coordinate with other agencies to encourage efficient irrigation to reduce runoff).

New Development/Redevelopment

- Current Activities: water quality management plan (to ensure land use approval process will result in minimizing pollutant load in urban runoff; combination of site design, source control and treatment control best management practices; defined development categories; and reviewed and approved by City of Hemet Engineering Department)
- New Requirements: update WQMP to promote Low Impact Development techniques. (Low Impact Development is an approach to stormwater management that seeks to manage rainfall where it falls using decentralized, small-scale controls integrated into landscape features with the goal of mimicking a site's pre-development hydrology by infiltrating, filtering, storing, evaporating, and detaining runoff close to its source); development inspection program for all public and private structural post-construction best management practices; maintain a database to track inspections, operation and maintenance of these structural best management practices; and new expanded project categories.

Municipal Facilities & Activities

- Current Activities: Facility Pollution Prevention Plans; clean and maintain channels, catch basins, retention basins (80% annually); street sweeping; implement best management practices; and staff training.
- New Requirements: road project guidance (develop standards & best management practice requirements for the construction of new streets; and reduce the discharge of pollutants associated with stormwater runoff from roadways).

Overall Program Management

- Current Activities: oversee program implementation; meeting attendance; annual reporting & effectiveness evaluation; and coordinate staff training.
- New Requirements: review current ordinances and amend to meet new permit requirements; develop local implementation plan; and promote low impact development in general plan, ordinances, development standards, zoning codes and conditions of approval.

The Total Maximum Daily Load establishes a maximum amount of a pollutant that an "impaired" water body can receive and still meet water quality objectives. (Impaired water bodies are determined and listed by the Regional Water Quality Control Board) Lake Elisnore and Canyon Lake are impaired due to excessive nitrogen and phosphorus according to the TMDL adopted in 2004. As a "stakeholder" in the San Jacinto River

Watershed, the City of Hemet is subject to the requirements of the TMDL. The TMDL Task Force was established to implement 14 tasks. The 2010 Stormwater Permit incorporates TMDL requirements. The Comprehensive Nutrient Reduction Plan is a long term plan describing specific actions that have been or will be taken to achieve compliance with the Lake Elsinore/Canyon Lake TMDL by December 31, 2020. Compliance activities include both watershed-based best management practices and in-lake activities. The preliminary costs are estimated at \$52,000 annually for the City of Hemet. Ms. Nixon explained the Jurisdictional Drainage & Retention Basin Maintenance Permits. There are 43 drainage courses & 5 retention basins. Streams, wetlands, and riparian areas are protected by Army Corps of Engineers, California Department of Fish and Game and the Regional Water Quality Control Board. The general program elements are: regulate maintenance activities; specify best management practices; mitigation requirements; training of maintenance staff; and reporting. The 2011-12 estimated program costs are \$1,447,175.

Council Member Smith arrived at 5:37 p.m

Mayor Youssef, asked if other cities are using a process to control illegal runoff that the City can adopt.

Ms. Nixon, there are some outstanding programs, many are costly and staff intensive. The cities will try to develop a program that is less intense and less costly.

Mayor Youssef, asked how the runoff has impaired Canyon Lake and Lake Elsinore.

Ms. Nixon, the upper watershed drains to the lower watershed including all the nitrates and other materials from agricultural runoff. There are a number of assumptions, that is what led to the formation of the TMDL. This will allow the agencies to share the cost and the responsibility. The calculations are based on types of land uses.

Council Member Smith, the consultant said that the cost to clean up the lakes could be in the billions. Anticipate future battles over how clean is clean.

Brian Nakamura, City Manager, there will be more coming forward on portable water as well. These water issues are very significant for future development and conservation. These are important issues Statewide as well as Regionally.

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 5:55 p.m.

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

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
Joul v. City of Hemet, RIC1000086
 5. Conference with Legal Counsel - Anticipated Litigation
One (1) matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)
 6. Conference with Real Property Negotiators
Pursuant to Government Code section 54956.8
Property: APN's: 456-050-013 and 022
Agency negotiator: City Manager Nakamura
Negotiating parties: Stetson Crossing Partners, LLC
Under negotiation: Disposition, Price and Terms
-

REGULAR SESSION

7:00 p.m.

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

Call to Order

Mayor Youssef called the meeting to order at 7:02 p.m.

Roll Call

PRESENT: Council Members Franchville, Krupa and Smith, Mayor Pro Tem Foreman and Mayor Youssef

ABSENT: None

Invocation

Invocation was given by Gary Fowler, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Mayor Pro Tem Foreman

City Attorney Closed Session Report

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

The City Council met with the City Attorney regarding the process. This item will be continued on January 24, 2012.

8. 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
Joul v. City of Hemet, RIC1000086

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

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

The City Attorney briefed the City Council. There was no additional reportable action.

10. Conference with Real Property Negotiators
Pursuant to Government Code section 54956.8
Property: APN's: 456-050-013 and 022
Agency negotiator: City Manager Nakamura
Negotiating parties: Stetson Crossing Partners, LLC
Under negotiation: Disposition, Price and Terms

The City Council discussed the disposition, price and terms. There was no additional reportable action.

Presentation

11. Presentation by Time Warner Cable
This item was not presented at this time.

12. Presentation to the winners of the "Hemet San Jacinto Green Coalition Shopping Cart Awareness Poster Contest"

Wigs Mendoza, Hemet San Jacinto Green Coalition, presented the award winners for the Coalition's "Shopping Cart Awareness Poster Contest".

Mr. Mendoza, introduced the other Coalition Members in attendance. Mark Wayant, Chuck Wright, Jenny Gagnian and Ginger Stack. Mr. Mendoza thanked the City Council for the opportunity to recognize these talented kids.

13. Recognition of Library Director Disher's appointment as the President of the California Library Association

Mayor Youssef, announced that Wayne Disher, Library Director, has been named the President of the California Library Association Board of Directors. This is an honor for Mr. Disher and something the City should be proud of.

Wayne Disher, Library Director, it is an honor to be elected by your peers to represent them. Representing the Hemet Public Library is a great honor. The efficiency measures that have been implemented here have set the standard for other Libraries and other Departments.

14. Recognition of the Hemet High School Volleyball Teams CIF Championship

Mayor Youssef, presented Certificates of Appreciation to the team members of the Hemet High Volleyball Team for their 2nd straight CIF Championship.

City Council Business Consent Calendar

15. **Approval of minutes** - November 8, 2011
16. **Receive and file** - Council Committees and Liaisons to Outside Organizations
17. **Receive and file** - Investment Portfolio as of September 2011
18. **Receive and file** - Warrant Registers
- a. Warrant registers dated December 1, 2011, December 7, 2011 and December 15, 2011. Payroll for the period of November 14, 2011 to November 27, 2011 was \$863,671.94 and November 28, 2011 to December 11, 2011 was \$666,028.33
19. **Recommendation by City Manager** - At-Will Employment Agreement for Mr. Tim Steenson to extend his service as the Interim Building Official
- a. Authorize the City Manager to enter into an at-will employment agreement with Mr. Tim Steenson to continue as the Interim Building Official for the balance of fiscal year 2011-12. The agreement will provide for compensation and resources to perform the duties of Building Official and manage the day-to-day operations of the Building Department.
20. **Recommendation by Public Safety Director** - FY 2011/2012 Homeland Security Grant Program for Community Emergency Response Team (CERT) Grant Program Expenditure
- a. Accept the grant approved by the California Emergency Management Agency (CalEMA) for the Riverside County Homeland Security Grant Program (HSGP) awarded to the City of Hemet for the CERT Program in the amount of \$11,935.00; and

- b. Staff recommends that the Hemet City Council approve expenditure of funds to purchase a Contract Trainer, supplies and equipment to support the City of Hemet, Fire Department 2012 CERT Program.
21. **Recommendation by Public Works** - Accept Local Government Match Funding and Authorization to Execute a Contract with South Coast Air Quality Management District.
- a. Accept \$60,000 in funding from the Local Government Match Program toward the purchase of two CNG heavy duty vehicles; and
 - b. Adopt a resolution authorizing the City Manager to execute Contract No. ML11043 with the South Coast Air Quality Management District (AQMD) Mobile Source Air Pollution Reduction Committee (MSRC); and
(Resolution No. 4473)
 - c. Authorize the Finance Director to record \$60,000 in anticipated revenue to Fund 380-0790; and
 - d. Authorize Finance Director to record a supplemental appropriation in the amount of \$50,000 in AQMD 2766 Subvention Fund No. 224-8240-5400 and a subsequent reduction of \$50,000 in expenditures in the Equipment Replacement Fund (380).

Item Nos. 16, 19 and 21 removed from the Consent Calendar. **Mayor Pro Tem Foreman moved and Council Member Smith seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.**

Item No. 16

Council Member Krupa, requested that the liaison to the Airport Land Use Commission be removed, there is no representative from Hemet at this time.

Council Member Franchville moved and Council Member Krupa seconded a motion to approve as amended. Motion carried 5-0.

Item No. 19

Howard Tounget, Hemet, noted that Mr. Steenson is already under contract with the City until June 2012. This agreement is through June 2012 at an increased rate of \$10,000. Mr. Tounget noted that Mr. Steenson worked in Banning and asked why Mr. Steenson left his previous employment in Calabasas. Mr. Tounget also expressed concern with the City paying for training for a part time temporary employee.

Brian Nakamura, City Manager, this agreement is an extension to his employment agreement. Mr. Nakamura did work with Mr. Steenson in Banning, Ms. Elliano also worked with Mr. Steenson in Corona. Even with that personal and professional knowledge of his qualifications, an appropriate background check was conducted. The City of Hemet might want to provide Mr. Steenson training necessary to serve in his capacity.

Mayor Pro Tem Foreman, expressed concern with a \$60,000 increase to the agreement and asked if a vehicle is provided for Mr. Steenson.

Mr. Nakamura, this position does not receive any benefits. It is recommended that no new employees begin until after the implementation of the reduced PERS rates. This will give the flexibility needed to reorganize that division of Community Development. Mr. Steenson drives a City vehicle while performing tasks for the City.

Council Member Franchville, agreed that any type of training should be paid for by the contract employee. It should be Mr. Steenson's requirement to be certified.

Mr. Nakamura, any training that is approved will be for the benefit of the City.

Eric Vail, City Attorney, only training required by law or directed by the City Manager will be approved.

Deanna Elliano, Community Development Director, noted that some of the training is to keep the City up to date with building trends and codes.

Unidentified Speaker, as a semi-retired general contractor, the Building Official only needs to go to conferences when new codes are adopted. A full time inspector can be hired for \$35,000 per year with benefits.

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

Item No. 21

Council Member Smith, thanked staff for seeking grant funding to improve the City's fleet. Council Member Smith is just confirming that the current equipment is in bad shape and that staff completed a 3 bid process.

Kris Jensen, Deputy Public Works Director, confirmed the need for this equipment and assured the City Council that the appropriate bid process was conducted.

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

Communications From the Public

Howard Tounget, Hemet, expressed concern that citations issued to Dr. Chaudhuri and John Petty have not been paid.

Ernest Bowen, Hemet, explained a situation regarding theft from a newspaper stand that occurred outside of the Farmer Boys restaurant near Sanderson and Stetson. Mr. Bowen expressed dissatisfaction with the response from the Police Department.

Mark Kreedman, Hemet, told the City Council about a violent situation outside of Polly's Pies and expressed concern that there was no police response. Mr. Kreedman also expressed concern with the lighting in the parking lot.

Curtis Scott, Hemet, told the City Council about an incident outside of Starbuck's in front of the mall where his life was threatened. Mr. Scott also noted that the police were called and expressed concern with the response time.

Ramona Goff, Hemet, Fire Department representatives came to Sierra Dawn requesting support. Ms. Goff said that the community was told that they took a cut and later found out that they will be getting their money back next year.

Discussion/Action Items

22. **Amendment of Contract with the Board of Administration California Public Employees' Retirement System to Lower Benefit Levels for all New Employees** - Deputy City Manager Orme
- a. Introduce, read by title only and waive further reading of an ordinance creating a lower tier benefit for all newly hired City of Hemet employees.
(Ordinance Bill No. 12-001)

Mark Orme, Deputy City Manager, City staff has completed the meet and confer process with all of the labor units. This ordinance will decrease the PERS benefit for newly hired employees. It is recommended that the City Council introduce this ordinance, which will come back for consideration on January 24, 2012. The ordinance will be in effect 30 days after its adoption.

Council Member Smith moved and Council Member Krupa seconded a motion to introduce, read by title only and waive further reading of the ordinance. Motion carried 5-0.

The Ordinance was read by title only.

23. **Electing a Successor Agency to the Hemet Redevelopment Agency** - Community Investment Director Jansons
- a. Adopt a resolution electing to have the City of Hemet serve as the Successor Agency to the Hemet Redevelopment Agency pursuant to Health & Safety Code Section 34173(d)(1). **(Resolution No. 4474)**

John Jansons, Community Investment Director, on December 29, 2011 the California Supreme Court upheld AB 26x1, which dissolves all of the Redevelopment Agencies in California and struck down 27x1, which allowed redevelopment agencies to remain in existence if they opted in to the "Voluntary Alternative Redevelopment Program" (VARP). The City had considered "opting in" to the VARP, but was prevented from doing so when the Supreme Court stayed portions of AB1X 26 and stayed AB 1X27 in its entirety during the dependency period of the matter with halted any actions by the Redevelopment Agency prior to a decision of this case by January 15, 2012. The City now has the option of deciding whether or not it wishes to serve as the Successor Agency to the Redevelopment Agency. In general, all of the assets, properties, contracts, leases, and records of the Agency are to be transferred to the Successor Agency. The Successor Agency is responsible for winding up of the Agency's obligations and affairs. City staff and the City Attorney recommend this action. Following this decision, by January 30, 2012, the agency must submit recognized expenses and obligations to the Successor Agency. On February 1, 2012, the Hemet Redevelopment Agency will cease to exist. By May 1, 2012, the Chair and 6 other members are to be named for the Oversight Board, of which two seats will be assigned by the cities. The oversight power is with the County and the various other taxing agencies. In order to execute the action to serve, the City Council must adopt the resolution. It is important that the City maintains some control over the wind down process. Most cities are considering this same action. As the successor agency there are financial implications. The City can receive and spend some portion of the tax increment during the wind down period, 5 or 3%, but not less than \$250,000 per year. If the City

Council chooses not to serve as the Successor Agency, an amended resolution will be prepared.

Howard Tounget, Hemet, spoke in favor of the State's decision to dissolve Redevelopment Agencies.

Council Member Krupa, asked about the duties of the Oversight Board.

Eric Vail, City Attorney, the duties and obligations of the Board are not determined at this time. The Oversight Board will oversee the sale of all Redevelopment Agency owned properties and redistribution of the Redevelopment Agency funds and bonds. The Successor Agency can not do any of these things, until the Oversight Board is formed and approves the transactions. The Successor Agency will get the Redevelopment Agency's finances and affairs in order until that time. The City will not receive any of the previous assets of the Redevelopment Agency, except for a small amount for administrative purposes only. The Agency has a few projects that will be reviewed by the Oversight Board. The Redevelopment staff feels confident that the public improvement project will be safe and will continue to work diligently to make sure that dirt is turned prior to the formation of the Board.

Mayor Pro Tem Foreman, asked if the Successor Agency will assume additional liability.

Mr. Vail, the Successor Agency will assume the liability, but if the City Council does not choose to serve as the Successor Agency all assets to be turned over immediately to the Successor Agency, leaving the City Council with no say in how to pay off the Agencies existing bond and indebtedness.

Mayor Youssef, confirmed that the projects that the Agency has in place will be placed in the hands of another Board if the City Council does not become the Successor Agency. There is still some liability even if the City Council is not the Successor Agency.

Mr. Vail, the City Council is not liable for the Redevelopment Agency projects. It is not my understanding that the City's General Fund will be open for liability. The Hemet Redevelopment Agency has done a number of good things for this Community, such as Salt Creek Channel, Fire Stations, constructed the world class library, the Agency completed a number facade improvements, signs, benches, banners, purchased parking lots for public parking and put in grease traps to encourage restaurants in the downtown area.

Council Member Smith, Redevelopment money was abused in a number of cities and all will suffer from that. Governor Gerry Brown lives in an apartment building built with Redevelopment Agency funding. In the City of Oakland, Governor Brown used it like Monopoly money. Now the City will no longer have Redevelopment Agency funding to encourage businesses, General Funds will have to be used.

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

City Council Reports

24. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Franchville

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

B. Council Member Krupa

1. Library Board

The Friends of the Library and the Library Foundation are looking for ways to continue funding the Literacy Program.

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

The Presidents Gala will be held on Friday, January 20, 2012.

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 "Public Safety Update" be added to his report.

D. Mayor Pro Tem Foreman

1. Park Commission
2. Indian Gaming Distribution Fund

E. Mayor Youssef

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

F. Ad-Hoc Committee Reports

G. Town Hall Meetings

H. City Manager Nakamura

1. Manager's Reports
-

Recess to Housing Authority Meeting

The City Council recessed to the Housing Authority Meeting at 8:46 p.m.
Reconvened at 8:57 p.m.

Future Agenda Items

Update on Section 8 Housing
Update on the Banner Program

Adjournment

Adjourned at 8:57 p.m. to Tuesday, January 24, 2012 at 7:00 p.m.