



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

May 8, 2012

5:30 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 5:30 p.m.

Roll Call

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

ABSENT: None

Work Study

Discussion regarding these items, with possible direction to staff

1. EMWD Reclaimed Water Project at Diamond Valley Lake - Behrooz Mortazavi, Eastern Municipal Water District

Eric Vail, City Attorney, distributed a copy of the proposed MOU between Eastern Municipal Water District and the City of Hemet for the Recycled Water Storage Project east of Diamond Valley Lake.

Behrooz Mortazavi, Assistant General Manager, Planning and Resources, gave the City Council a powerpoint presentation. The proposed project is to construct and operate an 80 - 90 acre recycled water storage facility that would hold 800 - 1,000 AFY operational yield. The Demonstration Phase will include: agreements; environmental approvals and permits; monitoring; grading of the existing pond area; facilities construction; as well as reporting and annual assessments. Mr. Mortazavi presented the City Council with proposed workflow and timelines for the project. Next steps: develop and execute the Lease Agreement with MWD; sign the MOU with the City of Hemet; complete CEQA documentation; complete Preliminary Engineering Analyses; operate Demonstration Project for up to 4 years; share the Demonstration Project Findings with the City of Hemet and MWD; and evaluate long term viability of the project. The goal is to increase the use of recycled water in the valley for schools, golf courses and lawns. This will minimize the production of potable water and save the Valley's basins. EMWD will provide facilities and pipelines to bring the recycled water to the City of Hemet if the project is successful, reducing the City's demand on clean water. The project will be funded by EMWD at an estimated cost of \$10,000,000.

Eric Vail, City Attorney, having recycled water delivered to the City is advantageous to the City's water utility company. Placing recycled water in this pond is inconsistent with the City's desired use. However, there are currently no plans in review for a use of this pond area. The MOU does state that any future inconsistent plans for this area would terminate this project. Mr. Vail pointed out the language in the proposed MOU that addresses any future inconsistent development.

Sam Geopp, Hemet, has been involved in the development of the Diamond Valley Lake site since 1991. Mr. Geopp asked if EMWD will be using current wells or digging new ones. Mr. Geopp noted that there is a pile of rocks around the pond, 20 to 30 feet high, and asked who will remove them. Mr. Geopp also asked the City Council to hold MWD to their promises.

Mr. Mortazavi, EMWD will provide minor clean up to prepare for the facility. If there are rocks stored in that area, MWD will be responsible for the removal of them.

Eric Gosch, Hemet, asked about potential future plans and how the City of Hemet can condition the project to make sure that this does not interfere with any recreational opportunities. MWD has made it very clear that they will not spend any more money in this community.

Mayor Pro Tem Foreman, expressed concern that if the project is not successful, all that will be left is a giant swamp. MWD has never been honest with the City, that is why the City Council is gun shy.

Mayor Yousef, expressed concern that the proposed project will create environmental conditions that might attract endangered species.

Mr. Vail, this area will be kept clean during the 4 year proposed project.

Mr. Mortazavi, the environmental assessment will be completed prior to beginning the project.

Mayor Yousef, expressed concern that the MOU only allows MWD the ability to end this project at any time. It does not give the City or EMWD that same authority.

Mr. Vail, the property is owned by MWD. The City of Hemet has land use authority for permanent land uses. The proposed project is only temporary and does not require our approval.

The City Council and staff discussed the language in the proposed MOU. The City Council would like more authority to end the project in the event that inconsistent development is proposed.

Mr. Vail, reminded the City Council that any proposed project would take a lengthy period of time to get through the approval process and at this time there are no plans in review.

Deanna Elliano, Community Development Director, there is no application in for review at this time. The proposed temporary project is allowed, a permanent project would require a SPA.

The City Council and staff discussed the MOU and the ramifications if the City does not approve it. The City Council asked if there is an alternative location for this pilot project.

Mr. Mortazavi, if the City Council does not approve the MOU that information would be presented to the Board for their consideration. However, not having recycled water in this area is a disadvantage to all water agencies. The City of Hemet will have access to the data without any associated costs. This project could be done in another location, however it would be more costly. EMWD understands that a permanent project is not desired. The 4 year period will give EMWD the opportunity to conduct the study.

The City Council asked about the project size and the projects possible impact on the aquifer.

Mr. Mortazavi, the pond is already developed and to install a berm to reduce its capacity would be costly.

Council Member Smith, the City Council's resistance is toward MWD, not EMWD. The proposed solar farms, experimental farming and wind machines is not what the City had in mind.

Mr Mortazavi, the hope is that this project will be successful and we will be able to produce recycled water and deliver it at a later date. It will reduce the cost to produce water by \$600,000 to \$700,000 per year.

Mr. Vail, the information that will be produced by EMWD from the study is very important to the City of Hemet, EMWD will share the data at no cost to the City. The process with MWD has been painful, frustrating and slow. At this time their plans do not include any uses on this site. The design, planning and environmental processing period, once plans are submitted, would take us beyond this 4-year demonstration period. It is unlikely that MWD will be ready to develop this site in the meantime. The MOU ensures the City that this will not be permanent. This is a workstudy item because the lease between MWD and EMWD has not been reviewed by the City Attorney's Office. There are a number of good reasons for this project whether or not it is in line with the City's vision.

The City Council expressed concern that the City of Hemet does not have more control over the termination of this project.

Mr. Vail, EMWD and MWD can move forward with this project with or without the concurrence of the City of Hemet. The City Attorney's Office is glad that the two parties are working cooperatively with the City and allowing us to have some say in this project. There is a need for recycled water in this area. There is an overdraft in the basin and the City is the largest pumper out of the basin. Anything that the City can do for our water customers to ensure that there is viable water available is our duty. The clean potable water should be saved for the water customers, not to water lawns, schools and golf courses. This is the reason that the City approved participation in the ground water management plan. I do see the need to work cooperatively with EMWD on this pilot project. If the City Council does not agree with this project the MOU should not be approved. However, this is a wonderful opportunity to get the data that will have a positive impact on Hemet's aquifer without causing any permanent damage. If the study shows that this project is damaging to the aquifer, the water master will stop the project immediately. The MOU will come back to the City Council for consideration on May 22, 2012.

2. Drug Prevention Program - Muriel Dufresne, Golden Era

This Item was continued to May 22, 2012.

Closed Session

Notice of Opportunity for Public Comment

There were public comments presented at this time.

The City Council recessed to Closed Session at 6:30 p.m.

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

 4. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(a)
Names of case: *Heartland/MSK Realty Ventures, LLC v. City of Hemet, RIC535678*

 5. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: Assistant City Manager Orme
Employee organization: Hemet Police Officers Association
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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 7:03 p.m.

Roll Call

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

ABSENT: None

OTHERS PRESENT: Assistant City Manager Orme, City Attorney Vail and City Clerk McComas

Invocation

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

Pledge of Allegiance

Pledge of Allegiance was led by Council Member Franchville.

City Attorney Closed Session Report

6. Conference with Legal Counsel - Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(b)
The City Council had a conference with the City Prosecutor. There was no additional reportable action.

 7. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(a)
Names of case: *Heartland/MSK Realty Ventures, LLC v. City of Hemet, RIC535678*
The City Council received a briefing from the City Attorney and gave direction to staff. There was no additional reportable action.

 8. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: Assistant City Manager Orme
Employee organization: Hemet Police Officers Association
The City Council received an update from Assistant City Manager Orme. There was no additional reportable action.
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City Council Business Consent Calendar

9. **Approval of Minutes** - March 27, 2012

10. **Approval of Minutes** - April 10, 2012

11. **Approval of Minutes** - April 24, 2012

12. **Receive and File** - Warrant Register
 - a. Warrant registers dated April 19, 2012. Payroll for the period of April 2, 2012 to April 15, 2012 was \$587,907.54.

13. **Recommendation by Community Development** - Award of Bid for Board Up and Property Abatement Services for Code Enforcement
 - a. Award the contract to the lower responsive bidder. Vizion's West, Inc. For Code Enforcement Board-Up and Property Abatement Services, and;
 - b. Authorize the City Manager to execute the Agreement with Vizion's West to provide Board-up and Property Abatement Services on an as-needed, on-call basis; and
 - c. Establish a not-to-exceed contract amount of \$105,000 for the period of June 1 - December 31, 2012, with an option to extend the contract for up to one additional year if authorized by the City Manager, and in accordance with budgeted funds. Funding for the contract service is allocated in the Code Enforcement operating budget account No. 120-3350-2400.

14. **Recommendation by Administrative Services** - General Fund Reserves
 - a. Adopt an ordinance adding Division 7 "Reserve Fund Balance Requirements" to Article V "Finance" of Chapter 2 "Administration" of the Hemet Municipal Code. **Ordinance No. 1848.**

Council Member Franchville moved and Council Member Krupa seconded a motion to approve the Consent Calendar as presented. Motion carried 5-0.

Communications From the Public

Howard Tounget, Hemet, expressed concern that the City Council has not received an update on pending lawsuits filed by Mr. Tounget. Mr. Tounget gave the City Council an update.

Eric Vail, City Attorney, gave the City Council an update on the lawsuit.

CW Cecchi, Hemet, distributed a letter to the City Council written by Shellie Milne, President of Citizens for Accountable Government.

Dr. Lev Berger, announced that a group of residents will be promoting tourism for retirees around the world and requested moral support from the City Council.

Discussion/Action Items

15. **Municipal Code Amendment No. 12-002 regulating Drug and Gang-Related Nuisance Activities on residential properties** - Community Development Director Elliano
 - a. Introduce, read by title only and waive further reading of an ordinance adding Article III (Drug and Gang-Related Nuisance on Residential Property) to Chapter 46 (Offenses and Miscellaneous Provisions) of the Hemet Municipal Code, an element of Hemet Restoring Our Community Strategy (Hemet ROCS) Program. **Ordinance Bill No. 12-035**

Deanna Elliano, Community Development Director, this ordinance is a component to the Hemet ROCS Program. This is another enforcement tool to regulate drug and gang related nuisance activities on or adjacent to residential properties, and holding the owner, tenant or other person responsible for the property in violation if they knowingly allow these activities to occur on the property. The City may issue administrative citations and liens, file a civil code enforcement action, or file a criminal action to compel abatement of the nuisance. In addition, penalties for violations of the ordinance can be assessed at \$1,500 for the first violation and escalating up to \$6,000 and potential imprisonment for the fourth violation occurring in a 24-month period. The Police Department will be the primary enforcement mechanism, with assistance from other City Departments. This is the most proactive program possible, it has been reviewed by the City Attorney, participating Departments and the Hemet ROCS Committees.

Jay Patel, Hemet Motel Owners Association, asked if this ordinance applies to hotel owners. Mr. Patel explained that it is impossible to pre-judge the conduct of potential customers. The members of the Hemet Motel Association do rely on the Hemet Police Department for assistance when issues arise. Mr. Patel expressed concern with the possible fines in the event that the Police Department is called to their facility four times in a 24 month period.

Mayor Pro Tem Foreman, we want the hotel owners to work cooperatively with the Hemet Police Department. The concern is when the property owners are knowingly allowing the crime to occur.

Eric Vail, City Attorney, the focus of these ordinances is on conduct. It is a problem only if a property owner is knowingly aware of or has been informed of criminal activity and does not work cooperatively.

Mayor Pro Tem Foreman moved and Mayor Youssef 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.

16. **Municipal Code Amendment No. 12-003 regarding the Abatement of Chronic Nuisance Properties** - Community Development Director Elliano

- a. Introduce, read by title only and waive further reading of an ordinance adding Article IV (Abatement of Chronic Nuisance Properties) to Chapter 48 (Offences and Miscellaneous Provisions) to the Hemet Municipal Code, an element of the Hemet Restoring Our Community Strategy (Hemet ROCS) Program. **Ordinance Bill No. 12-036**

Deanna Elliano, Community Development Director, this ordinance is also a component to the Hemet ROCS Program. This ordinance applies to all properties within the City, including those used for commercial or industrial uses, and vacant properties, as well as residential. The proposed ordinance makes it unlawful for any Responsible Person (owner, tenant, or person otherwise in control of the property), to allow any Property owned, leased, rented or controlled by them to generate or be the subject of five or more calls for law enforcement or code enforcement service for Nuisance Activity during any twelve month period. The proposed ordinance defines "nuisance activity" and lists 17 specific types of activities that constitute a public nuisance. This ordinance primarily addresses the behavior or conduct of individuals at the subject property. At such time that there has been five or more calls to the property for any of these identified "nuisance activities" within a 12 month period, the Police Chief will issue a Notice of Abatement to the "responsible persons" which identifies the violations, required corrective actions, appropriate fines or penalties that are due, and the procedure for requesting an Administrative Hearing. The ordinance provides that the City may issue administrative citations and liens, file a civil action for injunctive relief, or file a criminal action to compel abatement of the nuisance. Penalties for violations of the ordinance can be a fine of \$1,000 for each and every nuisance activity, in addition to any administrative expenses

incurred by the City in the enforcement of the ordinance. This ordinance has been reviewed by the City Attorney, participating departments and the Hemet ROCS committees. **Vikas Patel, Hemet Motel Owners Association**, expressed concern and opposition to the ordinance. Mr. Patel requested that the City Council continue this item allowing the members of the Hemet Motel Owners Association more time. Personally, I have had to call the police regarding unregistered individuals trespassing. Mr. Patel expressed concern that a call like that would count as one call towards his five in a 12 month period. As said previously, we can not pre-judge our guests. Mr. Patel asked for information on the appeal process. The motels in town contribute money in TOT, property taxes and income tax. These proposed fines are steep and just another cost of doing business in your City. Mr. Patel expressed concern that the ordinance unfairly targets small business owners.

Dave Brown, Police Chief, the key element is "knowingly". The Police Department or Code Enforcement can use discretion, there is the letter of the law and the spirit of the law. There is an educational component that will be implemented to get the information out.

Mayor Pro Tem Foreman, assured Mr. Patel that if they property owners are calling the Police and working cooperatively you will not be punished.

Ms. Elliano, the problem is when the neighbors have to call because the property owner is not doing anything about the nuisance. There is an administrative hearing process that will be conducted by a retired judge that will hear the case and render his opinion.

Council Member Smith, it is important that we educate the community.

Mayor Youssef, asked if there is any way that the members of the task force or the volunteers can help.

Ms. Elliano, the City currently has a list of over 50 residents that have offered to help. They might be one tool we use to help educated the community.

Howard Tounget, Hemet, recommended that the City start their enforcement with John Petty's property on Carmalita Street.

Council Member Krupa moved and Mayor Pro Tem Foreman 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.

Mayor Youssef was excused at 7:48 p.m.

City Council Reports

17. 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 - **remove**

B. Council Member Krupa

1. Library Board
2. Traffic and Parking Commission
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Riverside Conservation Authority (RCA)
6. Ramona Bowl Association

Council Member Krupa, Saturday, May 5, 2012 was the last performance, the attendance through the season was great. It is nice to see the community getting involved once again. Monday, May 7th was the start of the 90th Season of "Ramona".

7. Indian Gaming Distribution Fund
8. Hemet ROCS Citizens Advisory Committee (CAC)

C. Council Member Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Planning Commission
4. Public Safety Update
5. National League of Cities
6. Hemet ROCS Citizens Advisory Committee (CAC)

Council Member Smith, the School of Public Policy program offered by USC should be mandatory for all incoming Council Members. The 16 hour course was very informative.

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

1. Hemet ROCS Executive Advisory Committee

Council Member Franchville, outreach and public education will be one of the challenges. There will most likely be a cost associated with the implementation of these programs. Mayor Pro Tem Foreman and Council Member Franchville suggested that a manual be prepared for City staff documenting this program to be used as a reference.

2. Special Events Ad-Hoc Committee

Council Member Krupa, Mayor Pro Tem Foreman and Council Member Krupa reviewed the 26 submitted special event applications. The applications will be rated by the Ad-Hoc Committee.

Mayor Pro Tem Foreman, announced that the first installation of Armed Forces Banners will be installed on Tuesday, May 15th at 10:00 a.m. There will be a ceremony at Gibbel Park.

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- G. Town Hall Meetings
 - H. Assistant City Manager Orme

- 1. Manager's Reports
- 2. "The Big Serve" follow-up

Mark Orme, Assistant City Manager, Hemet Beautiful Day inspired the other organizations to step up and help the community. Recently the community churches organized "The Big Serve", their main focus was to clean up "The House" the facility used by the Chamber's Gang Program. The City's Public Works crews were very helpful and greatly appreciated.

- 3. Joint meeting with San Jacinto

Mark Orme, Assistant City Manager, staff is working with the City of San Jacinto to schedule a meeting, it looks like May will not work. Staff will continued to obtain possible dates.

- 4. Ceremony for 1st Installation of Armed Forces Banners, May 15th, 10:00 a.m. at Gibbel Park
- 5. AB 2312

Mark Orme, Assistant City Manager, gave the City Council an update on this bill explaining that it will allow the State to determine the best location for marijuana dispensaries. The City has sent a letter in opposition.

Eric Vail, City Attorney, this Bill would require that every City have a dispensary. Or based on its population can pay to avoid that. Mr. Vail recommended that residents contact their State representatives and encourage them to vote against it.

Future Agenda Items

Information presented at School of Public Policy, possible presentation to City Council.

Adjournment

Adjourned at 8:00 p.m. to Tuesday, May 22, 2012 at 7:00 p.m.