



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

July 10, 2012

6:00 p.m.

www.cityofhemet.org

City of Hemet Council Chambers

450 E. Latham Avenue

Please silence all cell phones

Call to Order

Mayor Youssef called the meeting to order at 6:00 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.

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 6:02 p.m.

1. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Nakamura
Employee organization:
Hemet Fire Fighters Association
 2. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(a)
Names of case: Justin Bryan, et al. v. City of Hemet, et al
US District Court Case No. CV 11-10690
-

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 and Krupa, Mayor Pro Tem Foreman and Mayor Youssef

ABSENT: Council Member Smith

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

OTHERS PRESENT: City Manager Nakamura, 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 Mayor Pro Tem Foreman

City Attorney Closed Session Report

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

The City Council had a conference with and gave direction to the City's Negotiator. There was no additional reportable action.

4. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(a)
Names of case: Justin Bryan, et al. v. City of Hemet, et al
US District Court Case No. CV 11-10690

The City Council received an update on the case from the City Attorney's Office. There was no additional reportable action.

Brian Nakamura, City Manager, introduced Emily Cummins and Andy Ramirez. Both attended the CalBaptist University Masters Degree Program. Mr. Nakamura had the privilege of having them in his Public Finance and Budgeting class. Ms. Cummins is interning for the City of Hemet this summer in the City Clerk's office, Administration and the Library. Mr. Ramirez is interning in the Public Safety Departments.

City Council Business Consent Calendar

5. **Approval of Minutes** - June 25, 2012
6. **Approval of Minutes** - June 26, 2012
7. **Receive and File** - Investment Portfolio as of February 2012
8. **Receive and File** - Warrant Register
 - a. Warrant registers date June 14, 2012 and June 28, 2012. Payroll for the period of June 11, 2012 to June 24, 2012 was \$585,406.66.
9. **Recommendation by City Manager** - Extension of Current City Manager Contract Approving Existing Compensation and Benefits Reductions
 - a. Approve an extension of the City Manager's Contract with existing compensation and benefits reductions.
10. **Recommendation by Engineering** - Takeover Agreement and Release for PCG-Peppertree/ICW Performance Obligations
 - a. Approve the Takeover Agreement and Release; and
 - b. Authorize the City Manager to sign the Agreement.
11. **Recommendation by Engineering** - Quitclaim Deed for Mistakenly-Dedicated Parcel in Peppertree Development
 - a. Approve a Quitclaim Deed; and
 - b. Authorize the Mayor to execute the Quitclaim Deed.
12. **Recommendation by Community Development** - Modifications to the City's Classification Manual Adding the Position of Community Development Specialist to SEIU Salary Range 36.
 - a. Approve modifications to the City's Classification Manual through adding the job classification of Community Development Specialist and setting the salary range at S-36.

13. **Recommendation by Administrative Services** - Declare City Vehicles and Equipment as Surplus
 - a. Declare the list of City Vehicles and non-functioning equipment as surplus to be sold at auction.

14. **Recommendation by Engineering** - Installation of Banners Across Florida Avenue.
 - a. Ramona Bowl Music Association Summer Concerts - August 2, 6, 16, and 25th
 - b. Purple Reign Benefit Concert for Ramona Bowl - August 25, 2012

15. **Recommendation by Public Works** - Park Commission Recommendations
 - a. Tree Removal Request: 598 N. Hemet Street - Raywood Ash (1)
Recommendation by deny request; schedule root prune, removal of surface roots, heavy trim, placement of root barrier, repair and replace raised sidewalk; and monitor tree.
 - b. Tree Removal Request: 1507 Willow Leaf Drive - Magnolia (1)
Recommendation to deny request; schedule trim, root prune; and placement of root barrier.
 - c. Tree Removal Request: 2236 Snapdragon Court - Ash (1)
Recommendation to deny request; schedule trim, root prune, placement of root barrier around meter; and grind surface roots near sidewalk.
 - d. Tree Removal Request: 649 Copenhagen Street - Sycamore (1)
Recommendation to deny request; schedule root prune of the remaining two sides not previously pruned; placement of root barrier; and remove and replace raised sidewalk.
 - e. Tree Removal Request: 3049 Del Flora Drive - Camphor (1)
Recommendation to deny request; schedule root prune; placement of root barrier; and remove and replace raised sidewalk and entry walk.

Item Nos. 9 and 13 were removed from the Consent Calendar. **Mayor Pro Tem Foreman moved and Council Member Krupa seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 4-0.**

Item No. 9

Council Member Franchville, acknowledged Brian Nakamura's respectable offer to not accept his well deserved raise.

Council Member Franchville moved and Mayor Pro Tem Foreman seconded a motion to approve this item as presented. Motion carried 4-0.

Item No. 13

Howard Tounget, Hemet, asked about the Fire Truck on the list of vehicles to be surplus. Mr. Tounget noted that a valley resident has shown interest in purchasing the Fire Truck.

Brian Nakamura, City Manager, a resident in the community is interested in purchasing the vehicle. The law requires that the City sell the vehicle to the highest bidder. The community member has been advised of the process and will have the same opportunity as other residents to participate in the bid process.

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

Communications From the Public

Alan Jaffe, Hemet, distributed and read a letter to the City Council thanking Rita Conrad, Kris Jensen and Donna Rowley for their assistance with the landscape maintenance district allocation for Heartland.

Gene Hikel, Hemet, expressed his appreciation with the way City staff worked with the Heartland property owners regarding the landscape maintenance district costs. Mr. Hikel expressed that the staff's support is due to the strong leadership of Brian Nakamura.

Kathleen Marquez, Hemet, requested that the City, working with the other agencies in the Valley, create a flyer with collective information regarding graffiti removal. Ms. Marquez expressed frustration trying to get contact information and determining the responsible agency based on the location of the graffiti. Ms. Marquez also noted that not all of the residents have access to the internet.

Howard Tounget, Hemet, expressed concern with Agri-Empire's removal of debris from the City's property and that staff did not require Agri-Empire to obtain a Self Haul Permit.

Public Hearings

16. **Existing Hemet Streetlight and Landscape Maintenance Districts for Fiscal Year 2012-2013** - Deputy City Manager/Administrative Services Director Conrad
 - a. Conduct a public hearing regarding the Engineer's Reports and the levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts; and
 - b. Adopt resolutions approving the Engineer's Report and levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts for Fiscal Year 2012-2013.

Resolution Nos. 4513, 4514, 4515 and 4516

Mayor Youssef declared the Public Hearing opened at 7:27 p.m

Brian Rubin, Hemet, thanked staff for their work in modifying the allocation formula which is a step in the right direction. Mr. Rubin still expressed concern that a private landscaper can provide the same service at a fraction of the City's cost.

Mayor Youssef declared the Public Hearing closed at 7:30 p.m.

Council Member Franchville moved and Mayor Pro Tem Foreman seconded a motion to approve this item as presented. Motion carried 4-0.

17. **Second and Final Extension of Interim Urgency Ordinance Regulating Conversion of Large Retail Commercial Buildings to Non-Retail Uses -** Community Development Director Elliano
- a. Adopt an Interim Urgency Ordinance extending the Urgency Ordinance adopting restrictions on and procedures for the conversion of large retail commercial buildings to non-retail uses for one additional year.

Ordinance No. 1854

Deanna Elliano, Community Development Director, the ordinance was adopted to deal with the number of large over 30,000 square feet retail facilities in Hemet. The City Council expressed concern with the facilities being converted into non-retail uses. Staff is recommending that the previous interim urgency ordinance be extended for the final time. As a follow up to the adoption of the General Plan, staff is going through all of the zoning and designated uses. Staff will bring back recommendations to the City Council for consideration at a later date.

Mayor Youssef declared the Public Hearing opened at 7:32 p.m.

CW Cecchi, Citizens for Accountable Government, spoke in favor of the ordinance.

Mayor Youssef declared the Public Hearing closed at 7:34 p.m.

Council Member Franchville, the County of Riverside wanted to convert the old Albertson's building on Florida and Palm to a Mental Health Facility. The City Council was concerned with the loss of potential sales tax from the conversion of that facility. A County owned facility of that type will produce no tax, not even property tax.

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

Discussion/Action Items

18. **Fee Deferral Agreement for Development Impact Fees for Habitat for Humanity Hemet/San Jacinto Affiliate Home #5 -** City Manager Nakamura
- a. Approve the Development Impact Fee Deferment Agreement in the amount of \$9,998.50 for the Habitat for Humanity Hemet/San Jacinto Home #5 located at 740 W. Latham Avenue; the full amount of which shall be paid prior to issuance of building permit for Home #6 located at 220 Dowden Avenue.

Brian Nakamura, City Manager, explained the process that home recipients participate in with Habitat for Humanity. The value of this organization in this community is apparent. This economy has also had an effect on non-profit organizations. When the City had a Redevelopment Agency financial assistance could be offered. Habitat for Humanity is requesting that the City Council defer the Development Impact Fees in the amount of \$9,998.50 for Home #5 for a period of 6 months so that a Certificate of Occupancy can be issued allowing the homeowner to move in. The City Attorney has drafted the agreement. The building permit for Home #6 will not be issued until the fees for Home #5 are paid in full.

Council Member Franchville, Habitat for Humanity is a proven non-profit with a great track record. These homes are for deserving families in need. Council Member Franchville recommended that the City Council waive the fees.

Council Member Krupa, asked how the Development Impact Fees have been handled in the past for Habitat for Humanity.

Mr. Nakamura, with direction from the City Council to waive the fees for Habitat, the Development Impact Fees were paid for with Low & Mod Housing Funds. This agreement requires Habitat for Humanity to pay the Development Impact Fees for Home #5 prior to getting a building permit for Home #6. Unfortunately, the City does not have a funding source that will allow us to pay these fees any longer.

Council Member Krupa, asked about the likelihood of Cities ever receiving Low and Mod Housing Funds again given the loss of the Redevelopment Agencies. Council Member Krupa asked if Habitat for Humanity homes count toward the City's RHNA allocation.

Mr. Nakamura, Cities are hopeful that the legislature will see the benefits. The City Council members and residents need to push hard on their State representatives. It should be apparent that the California housing market needs assistance from Low and Mod Funding. The homes built by Habitat for Humanity are included in the City's RHNA allocation.

Mr. Nakamura, this is a unique situation and the City Council needs to be careful not to set a precedent for future development. Habitat for Humanity is a non-profit agency that uses sweat equity to improve the community and the neighborhoods.

Mayor Pro Tem Foreman, Habitat for Humanity is not building homes for a profit. Mayor Pro Tem Foreman asked where the funding would come from if the City Council directed staff to waive these fees.

Mr. Nakamura, the funding would come from the City's General Fund, either from existing funds or a budget amendment.

Rita Conrad, Deputy City Manager/Administrative Services Director, explained that most other funds are restricted. This money would have to come from the City's General Fund.

Mr. Nakamura, Habitat for Humanity feel that they can raise the funds prior to the time that the building permit for Home #6 is needed. It is Habitat for Humanity's requirement to pay the fees, not the homeowners.

Eric Vail, City Attorney, the City will place liens on both Home #5 and Home #6 until the fees have been paid in full, at that time the liens will be removed.

Mayor Youssef, agrees that the fees should be waived, however Mayor Youssef expressed concern that this action could set a precedence. Mayor Youssef recommended that this item be removed and staff look for other ways to fund the fees without the use of General Fund money.

Council Member Franchville, the City needs to invest in the community to get an investment out of the community. This is relatively a minor amount for a well deserved project that will benefit this non-profit, the family and the community. This a chance to help do our part to clean up some blight.

Laksham Koka, Habitat for Humanity, this request is for the family. The family is currently a resident of Hemet and ready to move into Home #5. The Certificate of Occupancy will not be issued until the Development Impact Fees are paid in full. Habitat for Humanity has applied for grants that if received will pay for the fees. We are hoping to secure some funding sources that will help pay these fees in the future.

Council Member Franchville moved and Mayor Pro Tem Foreman seconded a motion to waive the Development Impact Fees for Home #5. Motion carried 3-1. Mayor Youssef voted No.

19. **Ratification of Credit Bid of 327 S. Taylor** - City Attorney Vail

- a. Adopt a resolution ratifying the Credit Bid of 327 S. Taylor; and
- b. Authorizing the City Manager to execute the Certification of Acceptance on behalf of the City. **Resolution No. 4517**

Eric Vail, City Attorney, the loan payment due to the City of Hemet has not been paid. The borrower has passed away and had no heirs. The estate did not have enough money to repay the loan. The City of Hemet conducted a Credit Bid today and had no additional bidders on the property. The City of Hemet will take title to the property.

John Jansons, Community Investment Director, this action is the only way to get he property out of the name of the deceased. Staff will come back at a later date to get direction for this property. The property can be part of the City's NSP Program, donated or sold to Habitat for Humanity or rehabilitated and sold. At this time staff is recommending that the City Council adopt the resolution and authorize the City Manager to execute the necessary documents.

Mayor Pro Tem Foreman moved and Mayor Youssef seconded a motion to approve this item as presented. Motion carried 4-0.

City Council Reports

20. 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

Council Member Franchville, as a resident of Hemet and on behalf of his wife Amber, Council Member Franchville donated \$500.00 to Habitat for Humanity. Council Member Franchville also donated \$1,000 toward a Hemet ROCS Truck crediting Mayor Youssef for the Program. Council Member Franchville expressed appreciation that the City Council approved the \$50,000 for the ROCS Program, enforcement of these policies is a priority. Council Member Franchville wrote a letter and asked that it be entered into the record. My first year on the City Council I got married, now my wife and I are expecting a son on August 10, 2012. I believe that it is crucial that I be there for my son. Given the light schedule for City Council meetings until after the election, Council Member Franchville

rendered his resignation from the City Council effective July 10, 2012. Council Member Franchville noted the several accomplishments during his term. Council Member Franchville received a standing ovation from the audience and the dais.

- 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
 - 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)

- 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)

Mayor Youssef, this Council has made some tough decisions. Jerry Franchville as Mayor led this City through the toughest times. As Mayor, Jerry didn't waiver or let the public or internal opinion pressure him to change his mind. You will be missed.

Mayor Pro Tem Foreman, most of the time this City Council has the same goals. Jerry you will be missed. I appreciate everything that you have done for the City of Hemet. You will enjoy your son.

Council Member Krupa, sitting in the audience and sitting up here are two different experiences. I have changed my opinion of the City and its functions since my election. This is a life changing experience. We have had to make tough decisions together. Congratulations Jerry and Amber.

Council Member Franchville, thanked the City Council for their kind words. As Mayor my goal was to work as a team, together we are unstoppable. This Council was a great team. I'll miss it, but I am super excited about being a Father.

F. Ad-Hoc Committee Reports

1. Hemet ROCS Executive Advisory Committee
2. Veteran's Day Committee

G. Town Hall Meetings

H. City Manager Nakamura

1. Manager's Reports

Continued Closed Session

City Attorney Continued Closed Session Report

Future Agenda Items

Eric Vail, City Attorney, regarding the replacement of Council Member Franchville, there are two options, however the option to hold a Special Election is not applicable due to the close timing of the November General Election. The City Council only has one option and that is to make an appointment to complete Council Member Franchville's term. The appointment must be made by September 8, 2012.

The City Council directed staff to agendize a Special Meeting for Tuesday, July 17, 2012 6:00 p.m. in the Library to consider a process to replace Council Member Franchville.

Adjournment

Adjourned at 6:19 to Tuesday, August 14, 2012 at 7:00 p.m.