



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

May 14, 2013

5:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org

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 Krupa and Wright, Mayor Pro Tem Smith and Mayor Youssef

ABSENT: Council Member Milne

Council Member Krupa moved and Mayor Pro Tem Smith seconded a motion to excuse Council Member Milne. Motion carried 5-0.

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 5:01 p.m.

Council Member Milne arrived at 5:15 p.m.

1. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: *Interim City Manager Bradley*

Employee organization:

Service Employees International Union (SEIU) General Employees

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

Hemet Fire Fighters Association

Hemet Police Officers Association

Hemet Police Management Association

Hemet Mid-Managers Association

Administrative Personnel

At-Will Employees

REGULAR SESSION

7:00 p.m.
City of Hemet City 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 Krupa, Milne and Wright, Mayor Pro Tem Smith
and Mayor Youssef

ABSENT: None

OTHERS PRESENT: Interim City Manager Bradley, City Attorney Vail and City Clerk McComas

Invocation

Invocation was given by Ruth Wagner, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Council Member Wright

City Attorney Closed Session Report

2. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: *Interim City Manager Bradley*

Employee organization:

Service Employees International Union (SEIU) General Employees

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

Hemet Fire Fighters Association

Hemet Police Officers Association

Hemet Police Management Association

Hemet Mid-Managers Association

Administrative Personnel

At-Will Employees

The City Council met with and gave direction to the Negotiating Team. There was no additional reportable action.

Presentation

3. Recognize the Law Enforcement Appreciation Committee Award Recipients

This item was continued.

City Council Business Consent Calendar

4. **Approval of Minutes** – April 9, 2013
5. **Approval of Minutes** – April 23, 2013
6. **Receive and File** – Warrant Registers
 - a. Warrant registers dated April 18, 2013 and May 2, 2013. Payroll for the period of April 1, 2013 to April 14, 2013 was \$453,635.82.
7. **Recommendation by Public Works** – Reallocation of funding from Well 17 Project No. 5567 to Water Fund No. 571-9000-2410 for the purchase of Calendar Year 2013 recharge water.
 - a. Reallocate unexpended funding from Well 17 Project No. 5567 in the amount of \$776,160 to Water Division Fund 571-9000-2410 to be used for the payment of Calendar Year 2013 Ground Water Management Plan water purchases; and
 - b. Authorize the Deputy City Manager/Administrative Services Director to issue payment for water purchases upon receipt of billing from Eastern Municipal Water District.
8. **Recommendation by Community Investment** – Endorse the effort by Riverside County Economic Development Agency to expand the Recycling Market Development Zone (RMDZ) Program
 - a. Adopt a resolution endorsing the effort by Riverside County Economic Development Agency to expand the Recycling Market Development Zone (RMDZ) Program. **Resolution No. 4534**
9. **Recommendation by Community Investment** - Appointment to the Oversight Board of the Dissolved Hemet Redevelopment Agency
 - a. Adopt a resolution confirming the Mayor's appointment of member to the Oversight Board. **Resolution No. 4535**
10. **Recommendation by Engineering** – Traffic Signal at Sanderson Avenue and Thornton Avenue, City Project No. 5571
 - a. Award the contract to the lowest, responsive bidder, Steiny and Company, Inc. for the Traffic Signal at Sanderson Avenue and Thornton Avenue, CIP 5571 in the amount of \$252,834, and reject all other bids; and
 - b. Authorize the Interim City Manager to enter into a construction contract for the improvements; and
 - c. Establish budget in the amount of \$252,834 in Fund No. 329-5571-5500 for the cost of construction, \$15,000 for surveying and geotechnical engineering and \$20,000 in Fund No. 329-5571-2710, various accounts for staff design, administration costs, construction engineering and inspection costs, totaling \$287,834.

11. **Recommendation by Engineering** – Change Order No. 4 for the City Wide Pavement Rehabilitation City Project No. 5551
 - a. Authorize the City Manager to approve Change Order No. 4 in the amount of \$79,205 for additional pavement rehabilitation on Buena Vista Street from Thorton Avenue to Chambers Street.

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

Successor Agency Consent Calendar

12. **Receive and File** – Notice of Finding of Completion for City of Hemet Successor Agency
 - a. The City Council, acting in its capacity as Successor Agency to the dissolved former Hemet Redevelopment Agency received the Notice of Finding of Completion from the State of California, Department of Finance for Redevelopment Agency dissolution activities in compliance with AB 1X26.

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

Council Member Krupa, thanked the staff that worked on this effort.

Public Hearing

13. **Appeal No. 13-001 (Conditional Use Permit No. 12-007) – Hemet Jewelry & Loan** – Community Development Director Elliano
 - a. Conduct a public hearing; and
 - b. Adopt a resolution affirming the denial of Conditional Use Permit No. 12-007 for the operation of a Collateral Loan Business (Pawnshop) located at 2355 E. Florida Avenue (APN: 445-290-022). **Resolution Bill No. 13-017**

Deanna Elliano, Community Development Director, the applicant is Eduardo Salas. The application was submitted on September 18, 2012. The property is located at 2355 E. Florida Avenue. The Planning Commission denied the Conditional Use Permit on April 2, 2013. Hemet Jewelry & Loan is a collateral loan business (secondhand store/pawn shop) proposing a new store within an existing building in an in-line shopping center located on the south east corner of Florida Avenue and Yale Street. Ms. Elliano presented an aerial view and zoning map of the shopping center. The floor plan and site photos were also presented. Hemet Jewelry & Loan proposed to have hours of operation from 9 a.m. to 9 p.m., Monday through Sunday. They will employ 8 to 10 people from the Hemet area. They propose to purchase, trade, pawn and accept for consignment: jewelry, electronics, tools and most “tangible property” of value. 90% of their business profits are from collateral short-term loans. They also make and sell custom jewelry. California Law requires a secondhand/pawn broker license issued by the State of California Department of Justice, processed and approved by the City of Hemet Police

Department. Hemet Jewelry & Loan proposed the following operating measures: security guard on site during all operating hours; security cameras in place to record all counter and display areas and exterior entrances; interior roll up doors are proposed to cover the building frontage windows and doors during the times the store is closed for business. Jewelry and items are locked away in a vault every evening. A Conditional Use Permit is required to be approved by the Planning Commission for Pawn Shops in the C-2 zone. On February 19, 2013 a noticed Public Hearing was held to consider the CUP. Due to the number of concerns raised by the public and the Commission, the project was continued to March 5, 2013. On March 5, 2013 additional comments and concerns were expressed by the public and the Commission. The Planning Commission voted unanimously to deny the CUP. On April 2, 2013 the Planning Commission adopted the formal resolution of denial. On April 8, 2013 the applicant filed an appeal with the City Council. The following concerns were raised during the public hearing: improper location for this type of use; potential to attract unwanted behavior; area has high crime rate including known gang activity; proposed use could negatively impact neighboring businesses and residential properties; community is already served by three existing pawn shops and 15 second hand dealers; for the 12 month period, Hemet Police Department had 124 calls for service to the 2200-2400 blocks of Florida Avenue; and Hemet Police Department responded to 532 calls for service to the 100-299 blocks of South Yale Street, for a total of 656 Hemet Police Department calls for service over the course of one year. Ms. Elliano presented a list of the existing Pawn and Secondhand shops in Hemet. The granting of a CUP must determine that the project is: 1) consistent with the Goals and Policies of the General Plan; 2) the proposed use is compatible with the surrounding land uses and the purposes of the zone; 3) the proposed location is the appropriate site for the use and meets all the standards of the zone; and 4) the proposed use will not be detrimental to the public health, safety and welfare, or materially injurious to properties or improvements in the vicinity. The Planning Commission findings for denial are: 1) the use is not consistent with various goals and policies as stated in the General Plan, and as outlined in the proposed resolution for denial, and does not: enhance the provision of a safe community; foster distinctive, attractive community with a strong sense of place; meet the needs of the community, as similar uses already exist; and promote a use compatible with residential development to the south; enhance the City's image as a desirable place to live, work, and play; promote opportunities for higher paying, higher skilled jobs; appropriately control community sensitive land uses; and encourage reuse of a vacant building with a higher value use, located at a prominent site on Florida Avenue; 2) this type of business is traditionally a target of crime and nuisance activity and will exacerbate the existing situation and calls for service in the area, thereby discouraging people from shopping in the center and impacting the surrounding businesses. The City Council can either adopt a resolution affirming the Planning Commission's denial of CUP No. 12-007 or overturn the Planning Commission's denial subject to appropriate findings and direct staff and the City Council to prepare a revised resolution and Conditions of Approval for consideration by the City Council at a subsequent hearing.

Mayor Youssef declared the Public Hearing opened at 7:18 p.m.

John Mueller, Hemet Jewelry & Loan, we have been working on this project for years. The Planning Commissioners have their own perspective and the public opinion was narrowly focused. The Planning Commission lumped pawn shops and secondhand stores in the same category. This would only be the 4th licensed pawn shop in the City. We are buying a building that has been vacant for \$1 million making an investment in the Community. We respect that Florida Avenue is the gateway to the City. This business will open with 10 new jobs and

eventually will employ 20 residents. This business will increase sales tax and property tax revenue. Two of the existing pawn shops spoke in opposition expressing concern that they will not be able to compete with us. The security system will consist of 56 cameras. Initially the Planning Department recommended approval.

Eduardo Salas, Hemet Jewelry & Loan, I have worked in this business for 20 years. Mr. Salas asked the City Council if they have looked at the company's website. We offer custom jewelry and do not operate like a typical pawn broker. Our business is unique. Mr. Salas requested that the City Council review the packet presented to them.

Robert Righetti, Hemet Taxpayers Association, spoke in favor of CUP 12-007. Mr. Righetti stands behind the free market. Planners will stretch the imagination to try to deny projects. This action does not show that the City Council is interested in attracting businesses to the community. All businesses are natural attracters of crime. The City of Hemet goes into hawk to pay for Public Safety services, but doesn't offer residents an opportunity to borrow against their collateral to pay their bills. This is a double standard. What ever business people want to start the City should encourage. Time and the market will tell if their business is the right business in Hemet.

Ray Strait, Hemet, spoke in favor of the CUP 12-007. The building was the court house, then a bank and now it has been empty for 6 years. A vacant building attracts more crime than any business. They are offering to install security cameras. This City Council is not supportive of small businesses.

Mayor Youssef declared the Public Hearing closed at 7:29 p.m.

Council Member Milne, asked if the security guards would be armed.

Mr. Salas, the level of security will be determined. A security guard will be added if necessary and armed if necessary.

Mayor Pro Tem Smith, asked how property is received and if there is a way to determine if it is stolen.

Mr. Salas, any item with a serial number is entered into a system that is linked to the Police Department. It is State Law that a description of all items must be reported to the Police Department. We take a picture of the customers ID and the item, as well as, a right thumb print of the customer. All of these items along with a description of the item are sent to the Police Department daily.

Mayor Pro Tem Smith, expressed concern with the need for 56 cameras.

Mr. Salas, the cameras serve as a deterrent just like security guards do at the grocery stores.

Mr. Mueller, the cameras cover the parking facility and the perimeter of the building, this is a benefit for our neighboring business as well as the customers. Moreno Valley and Yucaipa Police Departments submitted letters of support for our businesses.

Mayor Pro Tem Smith, asked for a percentage of check cashing business versus pawns and loans.

Mr. Salas, we do not offer check cashing services. We offer collateral loans and retail sales of custom jewelry and musical instruments, as well as, jewelry sizing and polishing.

Council Member Wright, asked if fire arms will be sold at the business.

Mr. Mueller, one of the stipulations of the CUP is no fire arm sales.

Council Member Wright, expressed concern with stolen goods being pawned and not reported. Council Member Wright also expressed concern with the number of cameras needed and asked how many would be outside the building.

Mr. Salas, explained the reporting requirements that include a detailed description in case serial numbers are available. 50% of the cameras are outside and definitely serve as a

deterrent.

Council Member Wright, expressed concern with the dark patio located in the back of the building. Council Member Wright also expressed concern with the element of crime in the residential area south of the center.

Mr. Mueller, the patio is part of the original building design.

Council Member Krupa, glad that you want to purchase a vacant building, however, this is not the highest and best use for that building.

Mayor Youssef, glad that the business will have cameras even 56 of them. Mayor Youssef asked Chief Brown about the volume of calls and the Department's feelings on the project.

Chief Brown, Hemet Police Department does not take a position in support or opposition of the project. The Department did research the areas call volume. The four block area that includes the center is considered a high crime area. Chief Brown also noted that vacant buildings are as vulnerable as occupied businesses. Pawn Slips are turned in daily, it is not uncommon to recognized property with or without serial numbers through this highly regulated type of business. There is no other industry that is as regulated and required to have the high level of cooperation with the Police Department.

Mayor Pro Tem Smith, requested a break down of the location and nature of the calls in the area.

Council Member Milne, asked Chief Brown if other businesses in the City use cameras as deterrents.

Chief Brown, other businesses do use cameras and surveillance systems. They are definitely a deterrent.

Eric Vail, City Attorney, asked Chief Brown if the other three pawn shops in town have a high volume of calls for service.

Chief Brown, most of the calls for service are initiated by the operator recognizing stolen property. There have been some robberies, but not an un-proportionate amount.

Ms. Elliano, the City Council can impose specific conditions of approval. If the applicant is non-compliant the CUP can be revoked.

Mayor Youssef, asked if the Planning Department concurs with the findings of the Planning Commission.

Ms. Elliano, when you are looking at land use decisions, the descriptions are broad. The term most appropriate and best use is based on the circumstances of a particular center. Florida Avenue is the City's gateway and direction to staff has been to preserve it for successful and viable businesses. The Planning Commission did recognize that the business owner is considered the most reputable pawn shop owner. However, there is a certain stigma and there is not an overwhelming need for it. The decision is really based on what the Planning Commission and the City Council want for their Community. That the Community needs are served best by this location.

Mayor Pro Tem Smith, asked what could happen if the City Council affirmed the Planning Commissions denial and what would happen if the City Council does not.

Ms. Elliano, the City Council is the final appeal body. If the City Council affirms the Planning Commissions denial, the Conditional Use Permit will be denied. If the City Council disagrees with the Planning Commission, staff and the City Attorney's Office will prepare a resolution for a subsequent meeting approving the Condition Use Permit.

Eric Vail, City Attorney, the applicant can go through the Court system to appeal the City Council's denial of the Conditional Use Permit.

Council Member Wright, asked if there were any comments from the other business

owners in the center.

Ms. Elliano, the other businesses spoke in opposition at the Planning Commission public hearings and were made aware of this public hearing. No one spoke in support of the project at the Planning Commission meetings.

Mayor Youssef, asked if the applicant has considered alternative sites.

Ms. Elliano, confirmed that the applicant has not submitted alternative sites for this project.

Mayor Youssef, asked about the security system and data storage.

Mr. Salas, explained their current and their proposed data storage capabilities.

Mr. Mueller, we are open to ideas from the Planning Commission and an opportunity to address their concerns. The Planning Department initially recommended approval to the Planning Commission.

Greg Vasquez, Planning Commissioner, Ms. Elliano expressed the Planning Commission's concerns appropriately. The Planning Commission expressed concern with the location. This is not how the General Plan wants to develop the East Florida corridor. The public expressed concern with the pawn shop and the assumption of increased crime in the area. The Planning Commission took the public concerns into consideration.

Council Member Milne, asked if similar concerns were expressed by the Planning Commission when the Sav-a-Lot and the Dollar Store requested approval.

Commissioner Vasquez, was unable to answer Council Member Milne's question since he was not on the Commission at that time.

Mayor Pro Tem Smith, we do the best to come here with an open mind. Employing 8 to 10 more people and making a \$1 million investment on Florida Avenue is huge. Is it fair to judge this business just because I don't use it? They are highly regulated and 56 security cameras maybe that's not a bad thing. I'm having a hard time making a decision. I'm still trying to determine what is in the best interest of this community.

Mayor Youssef, recommended more time to get the requested information from the Police Department and the Planning Commission.

Council Member Wright, this is not a business that I would go look for, but I also do like to see old buildings re-used. I am on the fence. I would like to see something else there, but it has been vacant for 6 years. Council Member Wright agrees with the recommendation to allow more time to get more information.

Council Member Krupa, I don't like the usage in that spot. You are a good business manager and I appreciate the offer to add jobs and increase the property value on that building. Even with more information this is not what the General Plan has as a vision for Florida Avenue.

Council Member Milne, I'm a big property rights person. You bought the building and you're raising the bar on property values. I appreciate the references that you received from other cities.

Mayor Youssef declared the Public Hearing re-opened at 8:16 p.m.

Mayor Pro Tem Smith moved and Council Member Milne seconded the motion to continue the open Public Hearing to June 11, 2013. Motion carried 5-0.

Discussion/Action Item

14. **Rent Review Commission Vacancy** – City Clerk McComas
 - a. Interview and consider appointment of Mr. Mark Perinsky as one At-Large Representative on the City's Rent Review Commission.

Sarah McComas, City Clerk, recommended that the City Council interview and consider appointment of Mark Perinsky to the Mobile Home Rent Review Commission. **Mark Perinsky**, a Hemet resident since 1967, a 1969 graduate of Hemet High School and a retired employee of Lake Hemet Municipal Water District. I am glad to apply for this position. I am a principal person. I have been a tenant twice and later in life a landlord. This is a small way I can serve the community. Mr. Perinsky noted that he is the father of Kris Jensen, Public Works Director, to confirm that there would not be a conflict of interest.

Mayor Youssef moved and Mayor Pro Tem Smith seconded the motion to appoint Mr. Perinsky to the Commission. Motion carried 5-0.

Communications from the Public

Robert Righetti, Hemet Taxpayers Association, clarified a statement made by Steve Sandefer at the April 23rd City Council meeting. Capt. Sandefer referred to the process between CalFire and Hemet Fire Department as a bid process. If that is correct, then the City Council should award the bid to CalFire because Hemet Fire Department's bid was not complete. This is a Request for Proposals (RFP) which allows the City Council the right to evaluate the proposals.

Connie Hall, Ramona Humane Society (RHS), spoke in support of RHS. RHS has provided great service and support to this City. They have been providing the animal control service for the past three years and until recently there have been no complaints. There have been a number of inaccurate statements made on Facebook pages recently about RHS. They have served the Community for over 45 years. RHS is a 501C3 private organization that does not rely on Government assistance. The cities of Hemet and San Jacinto reached out to RHS in search of cost effective and efficient animal control service. RHS bought two trucks and hire two experienced officers and took on the contracts. Ms. Hall went on both City's websites, followed the instructions and successfully reached RHS after hours. An injured animal is considered an after hours emergency for RHS. An immediate threat by an animal to a person is considered an emergency by the Police Department. In April 2013, RHS responded to 318 calls in Hemet, average of 17 calls per day. The calls for service include cruelty to animals, strays and dead animals. The vehicles logged in over 1,000 miles in April 2013. RHS is not responsible for every Pit Bull in Hemet. RHS is open 7 days a week. Ms. Hall expressed concern with the level of service provided by Riverside County Animal Control. Ms. Hall distributed letters in support of RHS to the City Council.

Lisa DeForest, Hemet, spoke in favor of Ramona Humane Society. Ms. DeForest spoke highly about their services and support of the animals.

City Council Reports

15. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)
3. Ramona Bowl Association
4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)

Council Member Krupa, RTA requested an update by CalTrans regarding concerns with road projects. District 8 project fact sheets were distributed showing a number of upcoming projects in the Hemet area over the next couple of years.

Council Member Krupa, attended the retirement celebration for Joann Hameister from VIP Tots after service to the Community for 34 years.

Council Member Krupa, Hemet Unified School District was honored for being healthy schools.

Council Member Krupa, Amgen Bicycle Tour was amazing. The article in the Press Enterprise titled "Hemet wins bike race's stage 2" touted the participating and presence that lined the Tour path.

B. Council Member Milne

1. Library Board
2. League of California Cities
3. Riverside County Habitat Conservation Agency (RCHCA)
4. Riverside Transit Agency (RTA)
5. Riverside Conservation Authority (RCA)

Council Member Milne, RCA is working through their budget process. They are focusing more and more on Hemet.

C. Council Member Wright

1. Park Commission

Council Member Wright, attended the Arbor Day Event.

2. Planning Commission

Council Member Wright, issues were discussed regarding Senior Housing.

3. Indian Gaming Distribution Fund
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Ramona Bowl Association

Council Member Wright, attended Valley Wide's T-Ball Opening Day event.

Council Member Wright, attended a FEMA Crisis Leadership Decision Making Workshop.

Council Member Wright, attended the League of California General Meeting where a number of bills that need to be watched were discussed. One of the bills is AB5, the Homeless Rights Bill. It is recommended that City's support SB56 to restore the VLF back to the City's.

Mayor Pro Tem Smith, recommended that a legislative update by Erin Sasse from the League of California Cities be placed on a future agenda.

D. Mayor Pro Tem Smith

1. League of California Cities

Mayor Pro Tem Smith, there is continued recognition that AB109 is an issue for cities. The Governor has a Court order to release 10,000 more.

2. Riverside County Transportation Commission (RCTC)

Mayor Pro Tem Smith, there will be major road work on Highway 79 between Domenigoni Parkway and Scott Road between May 17th to May 21st.

3. Western Riverside County of Governments (WRCOG)

Mayor Pro Tem Smith, WRCOG voted unanimously to not increase the Transportation Uniform Mitigation Fee (TUMF).

4. Public Safety Update
5. National League of Cities

E. Mayor Youssef

1. Western Riverside County of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)
3. Disaster Planning Commission

Mayor Youssef, announced that Hemet High School was rated 1990 out of top 2,500 schools in the Country.

F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee

Council Member Wright, requested an update on the Crime Stopper's Plus Program.

2. Hemet ROCS Citizens Advisory Committee (CAC)

G. Interim City Manager Bradley

1. Manager's Reports

Ronald Bradley, Interim City Manager, the Budget will be presented to the City Council in a Workshop on May 28, 2013.

2. Animal Control Request for Proposal
-

Future Agenda Items

There were no future agenda items requested at this time.

Adjournment

Adjourn at 8:50 p.m. to Tuesday, May 28, 2013 at 7:00 p.m.