



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

MARCH 25, 2014

6:00 p.m.
City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org
Please silence all cell phones

Call to Order

Mayor Smith called the meeting to order at 6:00 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne
and Mayor Smith

ABSENT: None

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 6:01 p.m.

1. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Hill
Employee organization:
Hemet Non-Sworn Police Employees Association
Hemet Fire Fighters Association
Service Employees International Union (SEIU) General Employees
 2. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Name of case: Hemet Firefighters Association, et al. v. City of Hemet, et al.
RSC Case No. RIC 1400175
 3. Conference with Legal Counsel - Anticipated Litigation
One matter of significant exposure to litigation pursuant to Government Code section
54956.9(d)(2) & (3)
-

REGULAR SESSION

7:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Smith called the meeting to order 7:09 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne and Mayor Smith

ABSENT: None

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

Invocation

Invocation was given by Megan Owen, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Mayor Pro Tem Milne

City Attorney Closed Session Report

4. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Non-Sworn Police Employees Association

Hemet Fire Fighters Association

Service Employees International Union (SEIU) General Employees

The City Council gave staff direction regarding the above listed bargaining units. There was no additional reportable action.

5. Conference with Legal Counsel - Existing Litigation

Pursuant to Government Code section 54956.9(d)(1)

Name of case: Hemet Firefighters Association, et al. v. City of Hemet, et al.

RSC Case No. RIC 1400175

The City Council gave staff direction. There was no additional reportable action.

6. Conference with Legal Counsel - Anticipated Litigation

One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

The City Council gave staff direction. There was no additional reportable action.

City Council Business Consent Calendar

7. **Recommendation by Council Member Krupa** – Planning Commission Re-Appointment
 - a. Re-appoint Greg Vasquez to Seat 1 on the Planning Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
8. **Recommendation by Council Member Krupa** – Park Commission Re-Appointment
 - a. Re-appoint Chuck Wright to Seat 1 on the Park Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
9. **Recommendation by Council Member Krupa** – Traffic and Parking Commission Re-Appointment
 - a. Re-appoint Dave Oltman to Seat 1 on the Traffic and Parking Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
10. **Recommendation by Mayor Pro Tem Milne** – Planning Commission Re-Appointment
 - a. Re-appoint Michael Perciful to Seat 2 on the Planning Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
11. **Recommendation by Mayor Pro Tem Milne** – Park Commission Re-Appointment
 - a. Re-appoint Joe Cagliero to Seat 2 on the Park Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
12. **Recommendation by Mayor Pro Tem Milne** – Traffic and Parking Commission Re-Appointment
 - a. Re-appoint Charles W. Cecchi to Seat 2 on the Traffic and Parking Commission in order to fill a term expiration. The two year term will expire April 1, 2016.
13. **Receive and File** – Investment Portfolio as of December 2013
14. **Receive and File** – Warrant Register
 - a. Warrant registers dated March 6, 2014 in the amount of \$1,286,920.34 and March 17, 2014 in the amount of \$2,764,902.04. Payroll for the period of February 17, 2014 to March 2, 2014 was \$609,478.55.
15. **Recommendation by Emergency Services** - Amendment to the Disaster Planning Commission
 - a. Adopt an ordinance amending Section 26.3 [Disaster Planning Commission – Established Membership] of the Hemet Municipal Code.
Ordinance No. 1878

16. **Recommendation by Engineering** – Installation of Banners across Florida Avenue
 - a. Valley-Wide Recreation - Valley-Wide’s Jurassic Classic 5k Mud Run taking place May 17th.
 - b. Ramona Humane Society – Oktoberfest taking place on October 18th.

17. **Recommendation by Police Department** – Award of Public Works Contract – SISK Rebuild Project
 - a. Award the contract to the lowest, responsive, responsible bidder CA Construction for the SISK Re-build project in the amount for \$1,237,000.00, and reject all other bids; and
 - b. Authorize the City Manager to enter into a Public Works Contract for the improvements, and authorize the City Manager to approve change orders up to the contingency reserve amount; and
 - c. Establish budget in the amount of \$1,390,700.00 for the cost of construction, construction equipment management, 10% contingency reserve, and associated costs related to the construction project and temporary relocation of personnel.

18. **Recommendation by Police Department** – FY 2013/14 State COPS Grant Expenditure Plan – AMENDED
 - a. Approve the proposed amended expenditure plan for the \$129,039 in State COPS Grant funding for FY 2013/2014; and
 - b. Authorize the Interim Finance Director to make the appropriate changes to the accounts assigned to this grant award.

19. **Recommendation by Administrative Services** – Declare City Vehicles and Equipment as Surplus
 - a. Declare listed City vehicles and non-functioning equipment as surplus to be sold at auction.

Item Nos. 7, 10 and 19 were removed from the Consent Calendar. **Council Member Youssef moved and Council Member Wright seconded a motion to approve the remaining Consent Calendars as presented. Motion carried 5-0.**

Item No. 19

Council Member Wright, asked about the condition of the vehicles and the ability to donate them to a non-profit.

Kristen Jensen, Public Works Director, all of our vehicles are donated internally first. The surplus vehicles are sent to auction to allow a fair process to obtain them.

Mayor Smith, requested that this item be continue to allow more time to review the lengthy list for other options.

Mayor Smith moved and Mayor Pro Tem Milne seconded a motion to table this item to April 22, 2014. Motion carried 4-1. Council Member Youssef voted No.

Item Nos. 7 and 10

Mayor Smith, expressed concern with the Planning Commission’s 3-2 split vote regarding a recent CUP. The Hemet ROCS program is an integral part of the City’s movement toward cleaning up Hemet. The Commissioners being recommended for re-appointment cast votes that were contradictory to Hemet ROCS.

Council Member Krupa, Commissioner Vasquez supports Hemet ROCS. His concern was with staff's report. Mr. Vasquez also approached his decision from a business point of view. I personally trust Mr. Vasquez to do his homework and make the decision that he feels in the best interest of the Community given the information presented. I have the utmost confidence in his integrity.

Mayor Pro Tem Milne, Commissioner Perciful takes a more libertarian approach. I don't always agree with Mr. Perciful. The applicants have the ability to appeal the Planning Commissions decisions with the City Council.

Mayor Smith, Hemet ROCS is not a perfect program. There are a number of ordinances that are being imposed on residents and business owners.

Council Member Youssef, also expressed concern with the recommendations for re-appointment. This was the Planning Commission first stress test of upholding a Hemet ROCS ordinance approved by the City Council. The decision set precedence and was not in support of Hemet ROCS.

Council Member Wright, as the liaison on the Planning Commission, both Commissioners have a lot of respect for the ROCS program. Their concerns were on the business side. I respected their opinions. Their concerns were presented respectfully and I would agree with the recommendation to re-appoint both Greg Vasquez and Michael Perciful.

Mayor Pro Tem Milne moved and Council Member Krupa seconded a motion to approve Item No. 7 as presented. Motion carried 3-2. Council Member Youssef and Mayor Smith voted No.

Council Member Krupa moved and Mayor Pro Tem Milne seconded a motion to approve Item No. 10 as presented. Motion carried 3-2. Council Member Youssef and Mayor Smith voted No.

Approval of Minutes

20. **March 11, 2014**

Council Member Wright moved and Mayor Pro Tem Milne seconded a motion to approve this item as presented. Motion carried 4-0. Mayor Smith abstained.

Discussion/Action Item

21. **Resolution of Necessity for Property Acquisition, 1275 N. Sanderson Avenue (APN: 444-030-007) – Principal Engineer Monz**

- a. Adopt a resolution authorizing the commencement of eminent domain proceedings so as to acquire 2,640 sf permanent road easement. Property Owner: Robert Campbell and Hsueher Hung. **Resolution No. 4565**

Victor Monz, Principal Engineer, this resolution will authorize the commencement and proceedings for eminent domain. The final segment to fully improve is the section owned by Robert Campbell and Hsueher Hung, 1275 N. Sanderson Avenue. Staff has worked with the property owner since 2005 trying to negotiate for the necessary right-of-way to complete the Sanderson Avenue Widening. The project was divided into two phases for constructability and right-of-way acquisition and currently has been sub-divided into three phases. In order to

complete the TUMF funded project, the City needs to acquire the property. The first two phases have been completed and all property owners dedicated the right-of-ways necessary to complete the improvements. Staff has completed all of the necessary steps to move forward with staff's recommendation to adopt a resolution of necessity for property acquisition. The City had until April 10, 2014 to get the construction project underway to protect the TUMF funding awarded to this project, given the situation the agreement will be extended.

Council Member Youssef, confirmed that the City made adequate attempts to negotiate with the property owners.

Mr. Monz, attempts to contact Mr. Campbell began June 24, 2005. The City offered to pay for all improvements in exchange for the right-of-way. Letters were sent on June 24, 2005 and April 29, 2010 and were unanswered. Mr. Monz personally visited the property owners during that time.

Council Member Youssef, asked what the City will lose from TUMF if this project does not get completed.

Mr. Monz, approximately \$100,000 will be lost and spent on another TUMF project most likely not in Hemet.

Eric Vail, City Attorney, the City has done its due diligence in compliance with State Law. In March, the City offered to pay the property owners \$10,000 for the property based on a full narrative appraisal. The 78 page appraisal was summarized and given to the property owner. The City's offer to pay will not be revoked and negotiations will continue. The \$10,000 offer will be held by the court during this process.

Mayor Smith, expressed discomfort with eminent domain and government intruding on private property rights. However, I do understand the loss of a large amount of money and the need to complete the improvements. Mayor Smith asked staff if everything possible was done to bring this to fruition prior to this process.

Mr. Monz, yes I do believe that the City has done everything possible. The property owners were offered payment at the highest and best use of the property. The City will still negotiate with the property owner.

Andrea Smith, Hemet, expressed concern that there was five year lapse in communication.

Mr. Monz, staff made personal visits during that time period. After negotiations were not successful, the project was split into two phases and efforts were focused on the other phase.

Mayor Pro Tem Milne, asked if the Campbell's were notified of this public hearing and if they are present. Mayor Pro Tem expressed concern with the improvements not being completed, yet does not like the idea of eminent domain.

Mr. Monz, the property owners are not present but were notified according to State Law.

Council Member Krupa, as property owners we don't want government to take our property. As Council Members, we need to safeguard the people that are going through our City. This right-of-way is necessary to complete the improvements on a major roadway. This is a tough decision

Council Member Youssef, asked staff to continue to reach out to the property owners. Council Member Youssef expressed concern that the property owners did not appear or have not responded. It is the job of the City to make sure that the road is safe for residents and the TUMF funding will help complete the project.

Council Member Wright moved and Council Member Youssef seconded a motion to approve this item as presented. Motion carried 4-1. Mayor Pro Tem Milne voted No.

The City Council heard Item No. 23 at this time.

22. **Business Recognition** – Community Investment Director Jansons
- a. Establish an approval process for issuance of business recognition instruments.
Option 1: Form a two member Council Ad Hoc Committee to approval all recognitions, or
Option 2: Obtain approval from Mayor or Council designee prior to issuance of recognitions.

John Jansons, the existing Business Recognition and Appreciation Program, as an element of Hemet’s BEST (Building Economic Success Together) campaign, is used to augment existing business retention and expansion activities. To avoid any misalignment with the City Council, staff is recommending that the City Council consider one of the listed procedures to ensure Council consent for business recognition.

Andy Anderson, Hemet-San Jacinto Chamber of Commerce, appreciates the City Council’s desire to recognize businesses in the City.

Mayor Smith, requested that the process not impede the City Council and staffs ability to respond quickly. If it is the pleasure of the City Council to have an Ad-Hoc Committee there must be provisions for emergency recognition.

Council Member Wright, suggested that the City Council welcomes new or newly relocated businesses instead of recognizing them. There is also the situation where City Council members attend Ribbon Cuttings for businesses that are new to the Chamber and do not have any type of certificate to present. In one situation, the business was presented with a “Shop Local Sign”. Council Member Wright concurs that the business needs to receive something from the City, but not necessarily a certificate of recognition. Council Member Wright feels that the City needs to whole heartedly support Chamber events.

Council Member Krupa, we have all been at an event to recognize a new or relocating business and had nothing to present. Our efforts need to be focused on new business in Hemet, not new Chamber of Commerce members.

Mayor Pro Tem Milne, expressed concern with regard to picking and choosing the type of business to welcome. All new businesses need to be welcomed.

Council Member Krupa, the decision does not need to be made by the City Council, however the criteria should.

Keith Broaders, Hemet, concurred that the City Council can not show favoritism. If the business employs residents and brings in tax dollars they should be treated with respect and courtesy.

Council Member Krupa, recommended that an Ad-Hoc Committee be formed to determine the criteria after which the program will be administered by staff.

Council Member Youssef moved and Council Member Krupa seconded a motion to form an Ad-Hoc Committee, Council Member Krupa and Mayor Pro Tem Smith, to prepare the criteria for welcoming new business the program will be administered by staff. Motion carried 5-0.

23. **Amendment to Chapter 18, Article VI (Motion Picture and Television Production) of the Hemet Municipal Code** – Community Investment Director Jansons

- a. Introduce, read by title only and waive further reading on an ordinance amending Chapter 18, Article VI (Motion Picture and Television Productions) of the Hemet Municipal Code; and
- b. Selection either Alternative A which includes a reimbursement of Transient Occupancy Tax for film industry personnel or Alternative B which does not.

Ordinance Bill No. 14-006

John Jansons, Community Investment Director, on July 10, 1990, the City Council adopted Resolution No. 2843 establishing regulations, permits and fees for motion picture and television productions pursuant to Ordinance No. 1393 adopted on July 24, 1990. On September 23, 2013, Riverside County adopted Ordinance No. 634.2 establishing new policies for film production incentives. On October 22, 2013, the City Council directed staff to prepare necessary documents to consider film production incentives. The incentives proposed in this ordinance substantially mirror the incentives adopted by the County and include the following: waiving City film permit fees; permitting filming on City-owned property at no charge; reimbursement of Transient Occupancy Tax (Bed Tax) for room nights stayed in the City during film production; utilize a "one stop" film permit processing center; eliminate requirement to hold City business license; and develop program policies and material to recruit and support film industry. For the City Council's consideration, staff has provided an alternative version of the ordinance (Alternative B) that does not provide a reimbursement of the Transient Occupancy Tax. The ordinance proposed that the City Manager or his designee is authorize and directed to promulgate rules and regulations governing the form, time and location of any film activity within the City. They shall also provide for the issuance of permits. The rules and regulations are based on the following criteria: the health and safety of all persons; avoidance of undue disruption of all persons within the affected area; the safety of property within the city; and traffic congestion at particular locations within the city. The proposed ordinance was developed to conform to the State of California "Model Film Ordinance" and with the input from representatives of the CA Film Commission, the Inland Empire Film Commission and best practices in use throughout the State. Staff is recommending that the City Council approval one of the two proposed ordinances.

Jeff Stone, Riverside County 3rd District Supervisor, the County of Riverside adopted an ordinance that offered similar incentives and streamlined the permit process. The benefit is that when you have movies and commercials coming into your area, they bring money. They eat, get catered food, and buy supplies for their props in your local stores. The film industry did most of its filming in the Hollywood and LA areas. Because of California's unfriendliness and fees, film companies are traveling to other areas, mostly Canada, to film and spend their money. Since the County adopted the ordinance, we have reimbursed 7 film crews. We have met with all of the 28 cities in the area asking them to follow suit. The County has seen a 37% increase in film permit issuance since the adoption of the ordinance. There are a lot of wonderful locations with great props in this County.

Council Member Krupa, I was here in the 90's when "Sea Biscuit" was filmed here and it was a huge impact on the community. Council Member Krupa asked if other area cities are following through with this. Council Member Krupa asked Supervisor Stone what the County of Riverside's TOT rate is.

Supervisor Stone, the County's rate is 10%. The crew pays the TOT and the County rebates it back. We hope they go to our hardware stores for supplies, eat in our restaurants and use local caterers on set. If we are competitive we can try to keep Hollywood close to Hollywood.

Mayor Smith, asked if all of the components are essential including the TOT reimbursement.

Supervisor Stone, directors are making their decisions from a business stand point. The more incentives you offer the better you will fair.

Council Member Wright, concurred with the benefits. There were a number of jobs created during the filming of Sea Biscuit.

Supervisor Stone, there were 500 extras used in a movie filmed in Temecula with Jack Lemon. It was a lot of fun.

Council Member Youssef, agrees with the reimbursement of the TOT. The producers do care about saving money. The decision to film Marvel's the Avengers in San Antonio was due to the tax credit offered. That created 9,000 temporary jobs and added substantial money into the economy and households. The setting was supposed to be New York.

Council Member Youssef moved and Council Member Krupa seconded a motion to introduce, read by title only and waive further reading of Alternative A version of Ordinance Bill No. 14-006. Motion carried 5-0.

The Ordinance was read by title only.

Communications from the Public

Andy Anderson, Hemet-San Jacinto Chamber of Commerce, invited the City Council attend the Business Expo at the Ramona Bowl from 4:00 to 7:00 p.m. on Wednesday, March 26th.

Kevin Morningstar, Hemet, Hemet is my home which I take great pride in. Mr. Morningstar expressed concern with the moral and reputation of Hemet. Mr. Morningstar suggested that the City reach out to the internet groups. I was unaware of a number of things that were discussed this evening. Mr. Morningstar suggested that the City reach out to the unions, many of the members are good honest people that want to help. The churches all have volunteer groups that need guidance. Make the residents that are complaining proud to be residents of Hemet. There are three boy scouts troops in this town and they love to help. I don't want to leave, but I don't like people talking bad about Hemet.

Mayor Smith, asked Mr. Morningstar to leave his contact information with the City Clerk.

Keith Broaders, Hemet, formed a group called the "The Hemet Think Tank". Mr. Broaders is preparing, and soon will be offering, lessons on the US Constitution that will be available online to take at your own pace. It is imperative that the Country have an informed electorate.

Dale Hinkley, Hemet, explained his former situation. Mr. Hinkley suggested that residents follow known prostitutes with signs that read "Jesus died for her too". Mr. Hinkley feels that this will reduce the prostitution since no one will solicit their services.

Joy Ward, Hemet, appreciates the updates from the Police Department and Community Development. Ms. Ward recommended that Public Works and Community Investment give the community updates. Ms. Ward expressed concern with the hiring of new personnel and Mr. Bradley's extended contract when we don't have the money for our Fire Department.

Nancy Seegelken, Hemet, spoke in support of Hemet Fire Department. Ms. Seegelken expressed concern that the Council Members did not campaign saying they would contract out Fire. Ms. Seegelken expressed concern that fire equipment purchased with tax dollars will be given to the County and suggested that it be considered on loan instead. Other concerns expressed were that CalFire would raise their rates and not meet the mandated response times. The decision to contract out Fire should be voted on by the residents.

Gary Cutler, Hemet, asked to be included in any outreach programs for the homeless.

Carolyn Sherwood, Hemet, expressed concern with the weekly closure of the parks. There are a number of churches that are helping the homeless.

Mayor Smith, the County of Riverside provides a number of services for the homeless.

City Council Reports

24. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)
3. Ramona Bowl Association

Council Member Krupa, announced the following events leading up the beginning of the Ramona Pageant Season.

The Hemet-San Jacinto Chamber of Commerce will hold a Business Expo on March 26th at the Ramona Bowl.

The Ramona Pageant Parade will be held on Saturday, March 29th.

A Victoria Tea and Fashion Show will be held at the Library on March 30th.

The 91st year of the Official Outdoor Play of California "Ramona" begins on April 12th

4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)
6. Watermaster Board

B. Council Member Wright

1. Park Commission
2. Planning Commission

Council Member Wright, the Planning Commission is almost done with the amended Sign Ordinance.

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

Council Member Wright, attended the Golden Village Academy Gala. Out of the 328 people in attendance, half were snow birds from Canada. The snow birds love to come to Hemet and are in support of the proposed extended time.

C. Council Member Youssef

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

D. Mayor Pro Tem Milne

1. Library Board

Mayor Pro Tem Milne, the Friends of Library will be sponsoring a free event featuring Andrew Moses on the Clarinet, May 10th.

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

6. Disaster Planning Commission

Mayor Pro Tem Milne, I'm glad that this ordinance was adopted and am looking forward to getting this Commission together.

Mayor Pro Tem Milne, expressed appreciation to Chief Brown and Capt. Webb for the implementation of the City's "Special Needs Registry". As a mother of a Down Syndrome son this is a huge benefit. Hemet is the first City in Riverside County to offer this. The form includes the height, a picture, habits and idiosyncrasies.

Chief Brown, forms are available at the Police Department and the sub-stations.

E. Mayor Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Western Riverside County of Governments (WRCOG)
4. Public Safety Update
5. National League of Cities

Mayor Smith, just attended the National League of Cities conference in Washington, DC. The Canadian contingency that wants to come to the US for a short visit or to shop is charged with a 30-day visit each time. Currently, they are allowed to spend 6 months per year in the US. There is a lot of support for the extended stay from our Snow Birds at Golden Village RV Resort. Mayor Smith met with representatives spreading the message that this region needs funds for transportation, to keep Highway 79 in mind and continue to look for funding sources for public safety. Mayor Smith expressed frustration that federally funded programs such as Freddie Mac and Fannie Mae are exempt from the City's ordinances. Mayor Smith recommended that the City Council develop a Federal Legislative agenda.

F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee
2. West Hemet MSHCP Ad-Hoc Committee
3. Regent Development Agreement Ad-Hoc Committee

G. City Manager Hill

1. Manager's Reports

Wally Hill, City Manager, introduced Peter Bryan, Interim Fire Chief. Chief Bryan has 37 years of experience in California, 27 years as Chief.

Chief Bryan, thanked Mr. Hill and the City Council for the privilege to be Hemet's Fire Chief.

Future Agenda Items

City Council Strategic Planning Session

Adjournment

Adjourned at 9:13 p.m. to Tuesday, April 8, 2014 at 7:00 p.m.