



AGENDA

REGULAR MEETING OF THE HEMET CITY COUNCIL

December 8, 2015

4:00 p.m.

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

www.cityofhemet.org

Please silence all cell phones

Call to Order

Mayor Krupa called the meeting to order at 4:00 p.m.

Roll Call

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

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 4:02 p.m.

1. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *City Manager*
-

REGULAR SESSION

7:00 p.m.

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

Call to Order

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

Roll Call

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

ABSENT: None

Invocation

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

Pledge of Allegiance

Pledge of Allegiance was led by Police Chief Brown

City Attorney Closed Session Report

2. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *City Manager*

The City Attorney reported that the City Council did not complete this item and will continue after the regular session.

Presentation

3. Presentation to Mayor Krupa

Mayor Pro Tem Wright, presented Mayor Krupa with a crystal gavel for her time as Mayor. You are an incredible ambassador your love for and commitment to this community was apparent.

Council Member Youssef, even during times we disagreed you were professional. Thank you for your hard work and dedication.

Council Member Raver, sincerest appreciation for everything you did in the community I hope you continue. The Council Members were able to speak their mind because of your professionalism.

Council Member Milne, I was able to express myself because of your leadership and professionalism. We have agreed more often than not.

Gary Thornhill, Interim City Manager, I have never seen a more committed Mayor than Linda Krupa.

Mayor Krupa, thank you and I defended your right to speak even when we disagreed. It was a fantastic year I enjoyed 99.9% of it, there was a lot of learning and growth.

Council Reorganization

4. City Clerk to Call for Nominations for the Office of Mayor
City Clerk McComas called for nominations for the Office of Mayor.

Council Member Youssef moved and Council Member Raver seconded a motion to nominate Council Member Wright for the Office of Mayor. Motion carried 5-0.

5. Mayor to Call for Nominations for the Office of Mayor Pro Tem
Mayor Wright, called for nominations for the Office of Mayor Pro Tem.

Council Member Milne nominated Council Member Youssef.

Council Member Youssef respectfully declined the nomination.

Council Member Krupa moved and Mayor Wright seconded a motion to nominate Council Member Raver for the Office of Mayor Pro Tem. Motion carried 3-2. Council Members Milne and Youssef voted No.

Mayor Wright introduced her family in the attendance.

The City Council recessed briefly at 7:25 p.m.

Reconvened at 7:31 p.m.

City Council Business Consent Calendar

6. **Approval of Minutes** – November 3, 2015
7. **Approval of Minutes** – November 10, 2015
8. **Receive and File** – Warrant Register
 - a. Warrant registers dated November 4, 2015 in the amount of \$2,006,116.90 and November 12, 2015 in the amount of \$1,257,763.79. Payroll for the period of October 26, 2015 to November 8, 2015 was \$592,629.46.
9. **Receive and File** – Investment Portfolio as of October 2015
10. **Recommendation by Police** – 2015 State Homeland Security Program (SHSP) Grant for Purchase of Interoperable Handheld Radios
 - a. Accept the 2015 State Homeland Security Program Grant in the amount of \$78,267; and
 - b. Approve the grant-funded purchase of thirteen (13) Harris handheld radios from vendor, Harris Corporation in the amount of \$79,272.65; and
 - c. Authorize the City Manager to approve the purchase requisition in the amount of \$79,272.65; and
 - d. Authorize the finance department to establish an expenditure account and budget in the amount of \$78,267.
11. **Recommendation by Community Development** – Third Amendment to the Consultant Services Agreement with Moore Iacofano Goltsman, Inc. for Contract Planning Services
 - a. Approve the Third Amendment to the Consultant Services Agreement between the City of Hemet and Moore Iacofano Goltsman, Inc. (MIG), maintaining the original contract pricing and extending the term of the Agreement to June 30, 2016, and expanding the scope of services and compensation by an additional \$45,000 for a total not to exceed contract amount of \$165,000; and
 - b. Authorize the Interim City Manager to execute the Third Amendment to the Agreement with MIG, Inc. with funding allocated under the existing FY 15-16 Planning Division budget and associated developer deposits.
12. **Recommendation by Community Development** – Third Amendment to the Consultant Services Agreement for BMLA, Inc. for Contract Planning Services
 - a. Approve the Third Amendment to the Consultant Services Agreement between the City of Hemet and BMLA, Inc., maintaining the original contract pricing and extending the term of the Agreement to June 30, 2016, and updating the scope of services; and
 - b. Authorize the Interim City Manager to execute the Third Amendment to the Agreement with BMLA, Inc.

13. **Recommendation by Community Development** – Agreement for Services with BMLA, Inc. for Contract Planning assistance regarding the Hemet Downtown Specific Plan Project
 - a. Approve the Consultant Services Agreement between the City of Hemet and BMLA, Inc., for a not-to-exceed amount of \$55,000, and establish the contract term ending June 30, 2016; and
 - b. Authorize the Interim City Manager to execute the Agreement with BMLA, Inc., and appropriate the funding from the Downtown Specific Plan (Account #120-1700-2706) approved in the FY 15-16 Planning Division Budget.

14. **Recommendation by Community Development** – Agreement for Services between the City of Hemet and Disability Access Consultants
 - a. Approve the Agreement for Services between the City of Hemet and Disability Access Consultants for preparation of an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan; and
 - b. Authorize the Interim City Manager to execute the agreement with Disability Access Consultants in the amount of \$69,850 in accordance with the funding allocated in the City’s approved FY 15-16 Capital Improvement Plan (CIP) for this purpose.

15. **Recommendation by IT** – Renewal of annual support and maintenance for Tyler Technologies Eden ERP Financial Software
 - a. Approve the annual support and maintenance for continued use of the Tyler Technologies Eden ERP Financial Software in the amount of \$55,984.60; and
 - b. Authorize the City Manager to approve purchase orders in support of this purchase.

Item Nos. 10, 11, 12, 13 and 14 were removed from the Consent Calendar. **Mayor Wright moved and Council Member Krupa seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.**

Item No. 10

Council Member Krupa, asked how this request differs from the request on November 10th, the funding source and if the radios are interoperable.

Police Chief Brown, this request is slightly higher than the previous request. The November 10th staff report included an incorrect amount for the radios. Staff changed vendors. The radios are funded by a Homeland Security Grant and are quad band fully interoperable other agencies within the County and the County’s regional radio system.

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

Item No. 11, 12 and 13

Council Member Krupa, requested clarification for the public that these contracts are included in the annual budget.

Deanna Elliano, Community Development Director, confirmed that they are either included the budget or paid for directly by the developers.

Council Member Krupa moved and Mayor Pro Tem Raver seconded a motion to approve Item Nos. 11, 12 and 13 as presented. Motion carried 5-0.

Item No. 14

Council Member Milne, requested clarification for the public given the amount of the contract. Council Member Milne requested an update on where the City is and the headway that has been made over the last couple of years.

Deanna Elliano, Community Development Director, these requirements are both from CalTrans and Federal Housing and Urban Development. Every agency undergoes an ADA self-evaluation of their public facilities, parks, sidewalks and buildings for compliance. The City is required to have a "Transition Plan" in place to address any areas of non-compliance. The City's Transition Plan is not up to date however, we have been diligently addressing and correcting ADA facilities. This is a requirement of the State based on an audit conducted. The "Transition Plan" will be incorporated into the City's 5-year CIP.

Council Member Milne, noted that the City has approved CDBG funding to improve ADA facilities for the last three fiscal years.

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

Communications from the Public

Michael Ramirez and Dana Mazzei, Jacob Weins Elementary School presented to Police Chief Brown a poster from the 1st graders and a basket of Christmas Thank You cards from the 1st to 5th grade students for the employees and volunteers of HPF.

Police Chief Brown, thanked Mr. Ramirez, Ms. Mazzei and the students from Jacob Weins on behalf of the employees and volunteers of Hemet PD.

Public Hearing

16. **2016-2017 Housing and Community Development Needs** – CDBG Coordinator Callahan
 - a. Conduct a public hearing to elicit comments of citizens, public agencies, and other interested parties regarding community needs and priorities; and
 - b. Receive and consider all comments for incorporation in the City of Hemet 2016-2017 Annual Action Plan draft; and
 - c. Appoint two Council Members to the 2016/17 CDBG application selection and funding recommendations ad hoc committee.

Carla Callahan, CDBG Coordinator, this is the beginning of the 2016/2017 annual action plan process. Staff is recommending that the City Council conduct a public hearing to elicit comments. This is one of several opportunities to involve the community in the CDBG process. It is anticipated that the City will receive \$744,000 in CDBG funding for 2016/2017 program year. HUD regulations require citizen participation in evaluating funding needs and priorities which will be considered in the program year funding recommendations and recorded in the annual action plan. Staff is also recommending that the City Council to reactive the 2016/2017 CDBG Ad-Hoc Committee and select two members to serve in the application selection and funding recommendation process. Application packets are available on the City's website and are due on December 22, 2015.

Mayor Wright declared the Public Hearing opened at 7:43 p.m.

Gayle Hepner, CASA, forensic exams are now being done locally at Hemet Valley Hospital and recommended that the City Council continue funding the program. Prior survivors had to

go to either Rancho Springs Medical Center or Riverside County Regional Center. This is also a benefit to the law enforcement officers getting them back on the streets in a timely manner. This was a community effort and again recommended continued support.

Tom Donahue, Family Service Association, we have been providing meals in this region for 63 years. Previously a partner with the City of Hemet providing meals out of the Simpson Center for about 10 years. For the last 5 years we have been providing meals from the San Jacinto Senior Center. We also manage a child care and family clinic for the residents of the community. FSA is not just a one dimensional organization, we handle programs and family needs from Pre-K to Gray. Mr. Donahue distributed information on FSA and their programs. 60% of our lunch patrons are Hemet residents. 80% of the homebound residents that receive meals are in Hemet. We will be serving over 45,000 meals this fiscal year at a cost of \$50,000. This is not a free or an entitlement program. It is a grassroots program with three partners; government, local communities and the clients themselves. Currently there are 250 people on the waiting list for homebound meals. We understand that Hemet has had financial trouble but as that improves we are recommending that you consider funding these programs that benefit Hemet residents.

Mayor Wright declared the Public Hearing closed at 7:53 p.m.

Mayor Wright, Council Members Krupa and Milne were the previous member of the Ad-Hoc Committee.

Council Member Youssef moved and Mayor Pro Tem Raver seconded a motion to appoint Council Members Krupa and Milne to the CDBG Ad-Hoc Committee. Motion carried 5-0.

17. **Zoning Ordinance Amendment (ZOA) No. 15-006** – Community Development Director Elliano
 - a. Introduce, ready by title only and waive further reading on an ordinance amending portions of Hemet Municipal Code Chapter 90 (Zoning) to establish regulations for metal shipping containers for storage in the commercial and industrial zoned properties as recommended by the Planning Commission **Ordinance Bill No. 15-021**; and
 - b. Adopt a resolution establishing a permit fee of \$388.00 for the review and permitting of permanent Metal Storage Containers in accordance with the standards in the ordinance **Resolution No. 4651**; and
 - c. Direct staff to file a Notice of Exemption for the ordinance with the County Clerk in accordance with CEQA Guidelines.

Deanna Elliano, Community Development Director, Metal Storage Containers (MSC) or Cargo containers have been used by businesses in the Commercial and Industrial Zones in the City for temporary purposes (construction, seasonal), and permanent storage. The City's existing code only allows for temporary placement of containers up to 90 days (with a Temporary Use Permit) – resulting in code enforcement action to gain compliance. The ZOA was initiated by the Planning Commission in 2014 in response to business owner request to allow for use as permanent storage. The Planning Commission directed staff to study appropriate standards and a permit process that would allow containers under certain conditions. Pictures of containers used as permanent storage were displayed. Staff met with members of the Chamber of Commerce to get feedback and understanding of business needs for the MSC and discovered they had been in use for several years even though not allowed in the code. These MSC are essential for some small and large businesses in their daily

operation. A field survey by staff determined the use of MSC for permanent storage in Commercial and Industrial Zones was much more prevalent than initially thought. The Planning Commission held five public hearings over the course of the past 6 months to review versions of the draft ordinance and hear public testimony. There is a need to balance business interest with desired image of the City. Ordinances from other cities were reviewed. On November 17, 2015 the Planning Commission recommended approval of the draft ordinance. The Portable Storage structures under 120 square feet will be allowed as an accessory structure per the requirements of the zone. Portable Moving Containers or "PODS" will be allowed for up to 14 days on the property. They may not be located in the street or public right of way. MSC at construction sites will be allowed in conjunction with an active building permit and removed prior to Certificate of Occupancy. Any placed by public agencies for emergency response purposes will be allowed. Any placed at schools and public parks of 5 acres and greater with setbacks from streets and residential will be allowed. Temporary or seasonal use requires Temporary Use Permit (TUP) and is allowed in the C-1, C-2, C-M, M-1, M-2 and B-P zones. The storage container is to be used for seasonal activities and need for additional storage on a short-term basis and limited to 90 days maximum unless extended by the Director. One TUP allowed annually. The specific standards must be met: placement on the site; operational standards; and painted and in good condition. A new Metal Storage Container Permit (MSCP) permit was created to allow the use of permanent metal storage containers on an on-going basis in the C-1, C-2, C-M, M-1 and M-2 zones. Requirements for a MSCP are: adherence to locational and operational standards; a site plan and field inspection by staff; and simple application process and modest fee of \$388.00 per Resolution 4651. Existing businesses with containers must apply within six months of adoption of the ordinance. Standards and requirements per Section 90-82(g) are: 1) containers in good condition; 2) concealed from view/placed behind building or setback 25 feet, appropriate screening; 3) painted neutral color; 4) no advertising, logo, signage, etc. on the MSC; 5) not placed in parking spaces or drive aisles/clear emergency access; 6) not interfere with on-site drainage, circulation, safety, or operation; 7) not obstruct access or block visibility triangle; 8) setback of 25 ft front, 10 ft from residential, and meet zoning setbacks; 9) hazardous materials posted with Separate Fire Department approval; 10) not allowed for human/animal habitation; 11) electrical use allowed for lighting and refrigeration; and 12) other conditions to mitigate land use impacts public safety concerns. Businesses can request a "hardship provision" for existing containers that cannot meet all the newly established standards, but can meet the findings for hardship. Hardship approved by Community Development Director as part of the MSCP. Findings are: there are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings; and the strict application of the provisions of this section deprives the property of the right to use the land in a manner enjoyed by other conforming property in the vicinity; and the approval of a hardship determination does not constitute a grant of special privileges which other conforming properties in the vicinity do not enjoy. And decision of the Director may be appealed by an interested party to the Planning Commission as prescribed in Section 90-43.6 of the municipal code. The draft ordinance represents the best efforts of the staff and the business community to reach a compromise that recognizes an existing condition that was not previously authorized in the City's code, but is in common use by businesses. The draft ordinance established reasonable regulations for the use of containers on a go-forward basis to ensure that the impact is minimal, and does not detract from the image the City is trying to promote in its commercial and industrial districts.

Council Member Youssef, asked for clarification on the extension provision.

Ms. Elliano, the extension provision would only be allowed once for temporary storage containers and the use would have to relate to the original use and have rational for the extension.

Surrounding agencies either prohibit MSC's, do not address them or allow them only for seasonal purposes. All existing businesses using MSC's apply for a permit if unable to meet the standards can apply for a hardship if they meet the findings. Businesses will have 6 months to bring existing MSC's into compliance.

Mayor Wright declared the Public Hearing opened at 8:16 p.m.

Jim Welker, Hemet, how does this effect the recycling containers in the parking lots. They end up being used for trash.

Ms. Elliano, recycling containers are covered under another section of the Municipal Code.

Mayor Wright declared the Public Hearing closed at 8:19 p.m.

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

Ordinance was read by title only

18. **Zoning Ordinance Amendment (ZOA) No. 15-011** – Community Development Director Elliano

- a. Introduce, read by title only and waive further reading of an ordinance amending Hemet Municipal Code Section 90-79 regarding medical marijuana facilities as recommended by the Planning Commission; and
- b. Direct staff to file a Notice of Exemption for the ordinance with the County Clerk in accordance with CEQA Guidelines. **Ordinance Bill No. 15-059**

Deanna Elliano, Community Development Director, the purpose for this ZOA is to update the City's code in response to new State legislation adopted in September regarding marijuana facilities: AB 243 – State licensing and regulation of medical marijuana cultivation; AB 266 – State licensing and regulations for dispensaries, including mobile delivery services; and SB 643 – standards for Physicians that prescribe medical marijuana. This will maintain local land use control over medical marijuana facilities, and continue the prohibition of medical marijuana facilities. The ordinance will be enacted prior to the deadline of March 1, 2016, when State authority commences if no local ban is in place. Section 90-79 of the Hemet Zoning Code currently prohibits medical marijuana dispensaries in all zones in the City. The California Supreme Court has held that existing state medical marijuana laws (Compassionate Use Act) do not preempt local agencies from adopting zoning ordinances to prohibit dispensaries within the City. Hemet has been very successful in closing down medical marijuana dispensaries through court orders and voluntary compliance by the enforcement of its ordinance. Proposed ordinance was prepared by the City Attorney's Office. Many other surrounding communities, Riverside, Corona and San Jacinto, are adopting similar ordinances. The following Ordinance amendments: adds a clear Purpose Statement to Section 90-79; Adds a prohibition against any "commercial cannabis activity", "marijuana cultivation facilities", and "medical marijuana deliveries"; applies to all zones in the City; and exceptions for delivery to a medical marijuana patient by a "primary caregiver" as defined in the State Health and Safety Code. On November 17th the Planning Commission unanimously recommended approval of the proposed ordinance. There was no public comment on the ordinance presented at the hearing or to date to the City. Staff is recommending that the City Council conduct a public hearing and consider any public testimony on the proposed ordinance and introduction of Ordinance Bill No. 15-059.

The City Council and staff discussed the cultivation facility on Yale Street and the proposed State language.

Mayor Wright declared the Public Hearing opened at 8:26 p.m.

There were no public comments presented at this time.

Mayor Wright declared the Public Hearing closed at 8:26 p.m.

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

Ordinance was read by title only

Discussion/Action Item

19. **Update Public Works Contracting Provisions of Hemet Municipal Code** – Deputy City Manager/Administrative Services Director Hurst

- a. Introduce, read by title only and waive further reading of an ordinance amending sections 2-357 and 2-358 of the Hemet Municipal Code regarding bidding procedures for public projects. **Ordinance Bill No. 15-061**

Jessica Hurst, Deputy City Manager/Administrative Services Director, this ordinance amends sections 2-357 and 2-358 of the Hemet Municipal Code increasing the thresholds amounts bringing it in line with the Public Contract Code. Last update was in 1996. The City Attorney’s Office also included a requirement per SB 184 effective January 1, 2016 to changing the timing of notices to contractors for public projects. Staff is recommending approval of these clean up items.

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

Ordinance was read by title only.

City Council Reports

20. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Milne

1. Riverside County Habitat Conservation Agency (RCHCA)
2. Riverside Conservation Authority (RCA)
3. Disaster Planning Commission

Council Member Milne went on a Ride Along with HPD. The level of disrespect these officers receive and the level of their professionalism and courtesy is unbelievable.

Mayor Wright concurred that the professionalism of the officers when being treated so poorly is amazing. It wasn’t just because we were there it is their nature, training and professionalism.

Council Member Milne attended the Borders Committee for WRCOG in San Diego. A recently passed Senate Bill gives the Indian Tribes additional lee weigh through the planning process. They have the right to weigh in on land that they might have owned or have something to do with at one time. I am not a voting member only there to observe. Council Member Milne sent an email to Rick Bishop after the meeting expressing her concerns.

Christmas parade was great kudos to staff for their participation and float.

B. Mayor Pro Tem Raver

1. Planning Commission
2. Traffic and Parking Commission
3. Riverside Transit Agency (RTA)
4. Riverside County Transportation Commission (RCTC)
5. Watermaster Board

C. Council Member Youssef

Council Member Youssef also participating in the parade and had a great time.

D. Mayor Wright

1. Park Commission
2. Riverside County Habitat Conservation Agency (RCHCA)
3. Ramona Bowl Association
4. League of California Cities
5. Western Riverside Council of Governments (WRCOG)

Mayor Wright attended WRCOG's meeting. Updates on the HERO and TUMF nexus were presented. RuthAnn Berger retired after 30+ years.

Mayor Wright attended the workshop conducted by Chief Brown. Great speaker and there were close to 300 in attendance.

E. Council Member Krupa

1. Riverside Conservation Authority (RCA)

Council Member Krupa attended the RCA meeting. One of the items was regarding the means in which Executive Board members are appointed. An Urgency Item was added regarding RCA's desire to absorb RCHCA with the intent to try to delist the Stephan's Kangaroo Rat. If that happens RCHCA would be dissolved, leaving only the MSHCP.

2. Ramona Bowl Association
3. Riverside Transit Agency (RTA)
4. Watermaster Board

Watermaster Board met and lowered the Administrative Fee for 2016 to \$30 per acre foot.

5. Library Board
6. League of California Cities

Council Member Krupa was re-appointed to the Community Services Policy Committee and received a Presidential appointment to the State Transportation Public Works and Communications Committee.

7. Riverside County Transportation Commission (RCTC)
8. Western Riverside Council of Governments (WRCOG)

Council Member Krupa attended a very positive meeting with Walt Wilson, Riverside County Board of Realtors, regarding the HERO Program.

Council Member Krupa thanked the Paramedics from Station 1 for their recent assistance.

F. Ad-Hoc Committee Reports

1. Diamond Valley Lake Recreation Ad-Hoc Committee (January 27, 2015)
2. Public Safety Ballot Measure Ad-Hoc Committee (January 27, 2015)
3. Ad-Hoc Committee to Explore Revenue Options (May 26, 2015)
4. Grant Ad-Hoc Committee (June 23, 2015)

Next meeting, December 10, 2015

Mayor Wright, requested an update and status on the Ad-Hoc Committees in January.

- G. Interim City Manager Thornhill
 - 1. Manager's Reports
 - 2. Update on the Potato Shed

Gary Thornhill, Interim City Manager, the abatement process will begin next week. Demolition of the structure will begin the first week of January and end the middle of February if not delayed by rain. All that will remain will be a rough grade pad in the near future. The best news is that the insurance company will pay \$614,000 for the demolition, leaving \$5,000 for the City to pay. Mr. Thornhill thanked Jessica Hurst and Kris Jensen for their efforts.

The City Council recessed to the Housing Authority at 8:46 p.m.
Reconvened at 8:48 p.m.

The City Council recessed to Closed Session at 8:52 p.m.

Continued Closed Session

- 1. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *City Manager*
-

Reconvened at 9:35 p.m.

City Attorney Continued Closed Session Report

- 2. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *City Manager*

The City Attorney reported that the City Council completed interviews and authorized the Interim City Manager and City Attorney to negotiate with the successful candidate. A full announcement will be made after the completion of the negotiations and a background check.

Future Agenda Items

Update on boarded up buildings
Disaster Planning Commission Ordinance
El Nino Presentation by RCFC

Adjournment

Adjourned at 9:37 p.m. to Tuesday, January 12, 2016 at 7:00 p.m.