



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

January 12, 2016

5:30 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org

Please silence all cell phones

Call to Order

Mayor Wright called the meeting to order at 5:30 pm

Roll Call

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

ABSENT: Council Member Milne

Council Member Krupa moved and Council Member Youssef seconded a motion to excuse Council Member Milne. Motion carried 4-0.

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 5:31 p.m.

Council Member Milne arrived at 5:32 p.m.

1. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of cases: City of Hemet v. Strange Therapy Solutions, et al. RIC 1510007
Terry A. Kammer v. City of Hemet RIC 1300635
Shere Padilla v. City of Hemet RIC 1300847
 2. Conference with Legal Counsel - Anticipated Litigation
Three (3) matters of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)
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REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Wright called the meeting to order at 7:01 p.m.

Roll Call

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

ABSENT: None

OTHERS PRESENT: City Manager Meyerhoff, City Attorney Vail, 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 Raver

City Attorney Closed Session Report

3. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of cases: City of Hemet v. Strange Therapy Solutions, et al. RIC 1510007
Terry A. Kammer v. City of Hemet RIC 1300635
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-

Presentations

5. Introduction of City Manager, Alex Meyerhoff
Mayor Wright, introduced and welcomed Alex Meyerhoff, City Manager.

The City Council thanked Gary Thornhill for his time as Interim City Manager.

Gary Thornhill, complimented the staff. Hemet still has challenges but we are going down the right path. Mr. Thornhill feels good about leaving the City in Mr. Meyerhoff's hands.

Mayor Wright, we appreciated your leadership and we accomplished a lot under your direction.

Council Member Youssef, pleasure to have you here for both stints. The City Council, the staff and this community respect you and hope this isn't good-bye.

Council Member Krupa, you made my job as Mayor rewarding. I learned a lot from you and do admire your positive attitude calling these times "Hemet's Renaissance".

Council Member Milne, enjoyed our debates. You have always had the City's back. Between you and staff looking out of the box the City avoided bankruptcy. You are one of my favorite Planners.

Council Member Raver, you helped me more than you know.

Eric Vail, City Attorney, you have my respect as a gentleman and a scholar. You are one of the most excellent City Manager's we have had and I have thoroughly enjoyed working with you.

Fire Chief Brown, introduced the City's new Fire Chaplain, Charles Slagle.

Chaplain Slagle, I'm happy to be the City's Fire Department Chaplain. I've been a Fire Chaplain since 1998 and am a member of the International Association of Fire Chaplains.

6. Presentation of Awards for the 2015 Hemet Christmas Parade

Stephany Borders, Party Planners, presented the awards to the category winners of the Hemet Christmas Parade. Ms. Borders thanked all of the participants and volunteers who helped make the parade a success.

Band - High School: Ramona Allstar Band and Tahquitz High School Band

Band - Middle School: Diamond Valley Middle School Band

Animal: Charros Rancheros of California

Marching: Tahquitz JROTC and West Valley JROTC

Float: Hemet Theater Group

Best of Theme: City of Hemet Public Works and Engineering Department

Motorized: Risen Kings car and motorcycle

Decorated Walking: World Black Belt Center

Antique Auto: Inland Empire Alliance Car Club

Non-Motorized: Remix All Star Cheer and Dance

Mayor Wright, thanked Stephany Borders and Shirley Maddox for their efforts. The participation and attendance was great.

7. Proclamation to the Ramona All Star Band

Board Members Lori VanArsdale, Tami Wilhelm, TJ Hepburn and David Hockenberry were present to accept the proclamation as well as many members of the Band.

TJ Hepburn, explained the background behind the formation of the Ramona Allstar Band. The Ramona Bowl Association graciously offered to be the umbrella organization for the band, that was 3 years ago. The Band was invited by the Lord Mayor to participate in London's New Year's Parade. The kids fundraised for three years for this opportunity.

Lori VanArsdale, TJ comes up with these great ideas then the Board has to figure out how to implement them. We obviously embraced this one. Ms. VanArsdale thanked the students, they did an incredible job raising money and their performance in London was amazing. The BBC did an article on the band and wants to do a documentary. We had three present and former Mayor's representing Hemet in London.

Mayor Wright, there were a number of American bands there. Our kids were respectful and well behaved. I was proud to have you represent us. TJ did an incredible job herding 70 people.

Council Member Krupa, read the proclamation to the Ramona Allstar Band congratulating them for their outstanding work and performance in the 2016 London New Year's Day Parade. The kids were exceptional, everything that parents and grandparents would hope for.

Awards presented by the Lord Mayor at the Reception were brought in for display.

The City Council recessed briefly at 7:36 p.m.

Reconvened at 7:42 p.m.

City Council Business Consent Calendar

8. **Approval of Minutes** – December 8, 2015
9. **Approval of Minutes** – December 22, 2015
10. **Receive and File** – Investment Portfolio as of November 2015
11. **Receive and File** – City Council Committee Appointments
12. **Receive and File** – Warrant Registers
 - a. Warrant registers dated November 25, 2015 in the amount of \$1,635,470.65 and December 3, 2015 in the amount of \$1,823,003.93. Payroll for the period of November 9, 2015 to November 22, 2015 was \$590,707.75 and November 23, 2015 to December 6, 2015 was \$768,943.73.
13. **Recommendation by Community Development** - Zoning Ordinance Amendment (ZOA) No. 15-006
 - a. Adopt 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 No. 1909**
14. **Recommendation by Community Development** - Zoning Ordinance Amendment (ZOA) No. 15-011
 - a. Adopt an ordinance amending Hemet Municipal Code Section 90-79 regarding medical marijuana facilities. **Ordinance No. 1910**
15. **Recommendation by Administrative Services** - Update Public Works Contracting Provisions of Hemet Municipal Code
 - a. Adopt an ordinance amending sections 2-357 and 2-358 of the Hemet Municipal Code regarding bidding procedures for public projects. **Ordinance No. 1911**
16. **Recommendation by Administrative Services** – AB 1600 Annual and Five Year Reports for the City of Hemet Fiscal Year 2014-15
 - a. Adopt a resolution accepting and approve the AB1600 Annual and Five Year Development Impact Fee reports for fiscal year 2014-15 and making the findings required by Government Code Section 66001(D). **Resolution No. 4652**
17. **Recommendation by Public Works** – Award of Agreement to L.O. Lynch of San Jacinto to Perform Emergency Repairs to Well 15
 - a. Authorize award of agreement to L.O. Lynch of San Jacinto, in the amount of \$80,836 to perform emergency repair work at Well #15 located at 2570 W. Johnson Avenue; and

- b. Authorize the City Manager to enter into an Agreement for Emergency Construction Services with L.O. Lynch, and execute purchase orders necessary to support the agreement.
18. **Recommendation by Fire** – Acceptance of the 2015 Riverside County Community Health Agency Grant (CHOG)
- a. Accept the grant from the Riverside County Community Health Agency in the amount of \$67,000 from the period of October 1, 2015 through February 28, 2017; and
 - b. Amend the budget in the Public Safety Grant Fund #232 to reflect the award amount of \$67,000 to cover the cost of training and the purchase of hazardous materials mitigation equipment.
19. **Recommendation by Library** – Hemet Public Library becoming a 1 Gigabyte Library
- a. Approve the Hemet Public Library joining the California State Internet Backbone; and
 - b. Approve an appropriation of \$90,000 from the Hayden Trust for funding of the project.

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

Communications from the Public

Jim Welker, Hemet, told the City Council about a Texas Company that is looking for 100 acre site to build passenger planes. The company needs a 9,000 ft. runway for testing. Mr. Welker recommended that the City Council establish a committee to look into the feasibility of building a new airport north of Domenigoni Parkway and west of Warren Rd.

Discussion/Action Item

20. **Presentation regarding WRCOG’s Streetlight Acquisition Program** – Public Works Director Jensen

Discussion regarding this item, with possible direction to staff

Tyler Masters, WRCOG, gave the City Council an update on WRCOG’s Regional Streetlight Program. Streetlights are a high utility cost for jurisdictions. Currently in WRCOG’s region there are 62,000 SCE-owned streetlights. SCE-owned streetlight rates have increased 55% since 2001. In December 2014, WRCOG Executive Committee directed staff to pursue the development and administration of a Regional Streetlight Program. Mr. Masters showed the City Council per month cost comparisons. Cost savings occur when streetlights are acquired. There will be additional savings upon retrofit to LED. Estimated savings per month is \$5.97 per pole. This program will create one regional program instead of multiple separate similar programs. Which will result in administrative, operational and maintenance cost efficiencies. The program will reduce utility bill costs, reduce energy consumption, reduce streetlight maintenance and increase public safety. The program will also assist in meeting local and statewide energy and greenhouse gas goals. The streetlights are not simply a cost to cities, they can also be revenue generators, and real estate assets. Upon ownership of streetlights,

the City will have the ability to insert a wide variety of attachments to poles: Banners; Dimmable technologies; 3rd party attachments; and various attachments to create "Smart City" infrastructure opportunities. The City of Hemet already has an agreement for banners with CalTrans. Jurisdictions will pay an initial streetlight valuation fee of \$10,000 to generate streetlight system sales price. Meet with SCE to kick-off the valuation review process. Then a meeting to provide jurisdiction with estimated sales price. WRCOG will support the jurisdictions in developing a Purchase & Sales Agreement with SCE. SCE and the jurisdiction will submit the agreement to CPUC. Following CPUC's approval, SCE and the jurisdiction will enter into a transition of the streetlights. 16 WRCOG jurisdictions and agencies are in SCE's initial valuation process. Seven have received SCE initial Valuation reports. The remaining nine jurisdictions (Hemet included) will initiate and complete the valuation process by early 2016. This process is non-binding. WRCOG will provide support with the SCE streetlight acquisition and the CPUC approval process. WRCOG will develop regional streetlight design standards. Next steps are: identify all financing options; recommend to interested jurisdictions that streetlights installed in new developments be transferred to jurisdictional ownership, not to SCE; schedule program feasibility meetings, after staff has received SCE valuation report, to assess feasibility of this Program; continue to discuss subregional approach to additional valuation fees and acquisition support; and development of Purchase & Sales Agreement between SCE and each jurisdiction. Mr. Masters showed the City Council a possible timeline.

Council Member Youssef, asked which agencies have received the Valuation reports.

Mr. Masters, Temecula, Murrieta, Lake Elsinore, Calimesa, Perris, Jurupa and Eastvale.

Council Member Krupa, asked if the PUC will approve for the entire jurisdiction or if each city has to apply individually.

Mr. Masters, the applications would be submitted by each city. As of today, the PUC has not approved any.

Kris Jensen, Public Works Director, staff will be meeting with SCE to see how the evaluation went. WRCOG has been incredible. We will bring that evaluation to the City Council prior to the next step. This is a great program and opportunity for us.

21. **Authority to Approve Plans and Designs for All Public Works Projects** – Engineering Director/City Engineer Latino

- a. Introduce, read by title only and waive further reading of an ordinance amending Chapter 2 of the Hemet Municipal Code to confer upon the City Engineer the authority to approve plans and designs for all Public Works projects.

Ordinance Bill No. 16-002

Steve Latino, this ordinance authorizes the City Engineering to make design modifications as Public Works projects are moving forward.

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

Ordinance read by title only

22. **First Amendment to the Solar Fee & Improvement Agreement for Sun Edison LLC** - Community Development Director Elliano

- a. Approve the terms as set forth in the First Amendment to the Solar Fee and Improvement Agreement, and authorize the City Manager to execute the First Amendment Agreement; and

- b. Direct staff to issue an extension to the Temporary Certificate of Occupancy for the 20-megawatt solar power field located on 134 acres at the southwest corner of Acacia Avenue and Sanderson Avenue until June 1, 2016, pending receipt of the detailed mobilization and construction schedule from the applicant and the fully executed First Amendment to the Agreement.

Deanna Elliano, Community Development Director, gave the City Council a powerpoint presentation regarding the Sun Edison Solar Fee Agreement First Amendment. Conditional Use Permit No. 14-006 was approved on December 16, 2014 for Sun Edison's 20-megawatt Solar Facility Project, located at the southwest corner of Sanderson and Acacia Avenues. The conditions included: Solar Fee Agreement approved by the City Council on March 11, 2015; and full public improvements on Sanderson & Acacia installed prior to the issuance of a Certificate of Occupancy to operate the facility. The Solar Fee Agreement allowed Sun Edison to obtain a Temporary Certificate of Occupancy (TCO) for a maximum 6 month period if financial security was provided for any outstanding improvements or conditions. An aerial map of the property and the Solar Site Plan were displayed. Pictures of the current condition of Acacia and Sanderson Avenues were displayed. Conceptual pictures of the public improvements were also displayed. The TCO was issued on July 16, 2015 because various engineering plans, street improvements and landscaping were not complete, and the existing SCE power poles on Acacia had to be relocated before construction could begin, that TCO expires on January 16, 2016. The Solar Facility commenced operation on July 16, 2015 under the TCO and has been generating electricity. The SCE pole relocation plans were approved in April, 2015. SCE pole relocation is scheduled for February, 2016. The street improvement plans were approved in July, 2015. Construction is scheduled for March – June 2016. The traffic signal relocation plan and LLMD are under review. Construction has not yet commenced on the pole relocation or street improvements. A request for an Extension of the TCO and Amended Agreement was received from Sun Edison on December 23, 2015 to complete improvements. Staff is recommending amending the Agreement granting an extension of the TCO until June 1, 2016, subject to the following: submission to the City a detailed construction schedule; any extension needed after the June 1, 2016 date would be granted in one-month increments, provided that Sun Edison pays \$10,000 for each extension; extension of the Letter of Credit which expires on June 22, 2016; the annual payment due date for the Solar Fee is shifted from December 1st to January 31st for each calendar year; and addition of a Force Majeure clause for extreme events resulting in delays. Sun Edison has requested the following revisions to staff's recommendations: requests an additional 90 days after the June 1, 2016 extension deadline before the \$10,000 monthly penalty is imposed, if the delay is caused by SCE relocation schedule; and that requests for final inspections on the improvements be submitted prior to June 1, 2016, but that any corrections or re-inspections can occur after that date without triggering the \$10,000 penalty. Staff recommends that the City Council approve the First Amendment to the Solar Fee & Improvement Agreement as drafted by the City Attorney and direct staff to issue and extension to the Temporary Certificate of Occupancy until June 1, 2016, pending receipt by the City of the fully executed First Amendment to the Agreement.

Jeremy Krout, Sun Edison, we are happy to have the Solar Site up and running and in the City of Hemet. Mr. Krout addressed the concern of the right of way improvements not being completed. Sun Edison's intent to have a maintenance agreement in place by now has been delayed by SCE's delay on the relocation of the poles on Acacia Avenue. We are moving forward on that now. Sun Edison recognizes that it is a concern.

Alex Meyerhoff, told the City Council that the Public Works Department had to do some of abatement on the site.

Jeremy Krout, the project manager was made aware of that and apologizes. They will be much more responsive going forward. The reason that we are requesting the extension is the need to relocate the poles. A matrix prepared by Sun Edison illustrating the deadlines leading up to today was distributed to the City Council along with a letter from SCE. Quite a bit of money was submitted early on to the City showing their commitment to completing the improvements. The pole relocation was part of the Street Lighting that was approved on September 22nd. At that point, the relocation efforts began. The cost estimate from SCE is \$295,719.94 with a tentative start date of February 2016. Unfortunately some accounting errors on SCE's part delayed our start date. Sun Edison did not receive a firm commitment from SCE until January 2016. Now we are in the middle of the raining season and might have to deal with more delays. We appreciate the addition of the Force Majeure clause. In previous dealings with SCE, they can be pulled off of our project further delaying the completion. Sun Edison is requesting an additional 90 days after June 1, 2016 extension deadline before the penalty is imposed, if the delay is caused by SCE relocation schedule. In addition, that requests for final inspections on the improvements be submitted prior to June 1, 2016, but that any corrections or re-inspections can occur after that date without triggering the penalty.

Council Member Raver, asked for clarification on the deadlines and why the work has not been completed on Sanderson Avenue.

Mr. Krout, SCE is scheduled to complete the project by the end of February, but there is no guarantee or penalties if they don't. The original direction to the bidders was to begin work on Sanderson and then move to Acacia after the relocation of the poles. The concern was that SCE's work would not be completed and the contractor would have to demobilize and remobilize at the cost of \$10,000 to \$25,000.

Council Member Milne, I used to work with SCE and I feel your pain. We understand the effects of the weather. We need Sun Edison to stay on track better than they have been.

Mayor Wright, staff worked diligently to get this project approved on Sun Edison timelines and Sun Edison owes that same respect to the city and the Community. Some improvements could have been done between July and now with or without the poles.

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

City Council Reports

23. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Riverside Conservation Authority (RCA)

RCA has determined that members of RCA are not employees of the County of Riverside.

2. Ramona Bowl Association

President's Dinner, January 22, 2015

3. Riverside Transit Agency (RTA)

Council Member Krupa was appointed 1st Vice Chair of RTA

4. Watermaster Board

5. Library Board

6. League of California Cities

7. Riverside County Transportation Commission (RCTC)
 8. Western Riverside Council of Governments (WRCOG)
- B. Council Member Milne
1. Riverside County Habitat Conservation Agency (RCHCA)
 2. Riverside Conservation Authority (RCA)
 3. Disaster Planning Commission
- C. Council Member Youssef
- D. 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
- E. 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, asked Fire Chief Brown for an update on Fire Station No. 5
Fire Chief Brown, direction from the City Council was to re-open Fire Station No. 5 and that was done in February 2015, staffing that with a basic life support two-person squad. The outstanding issue is conversion of that unit to the paramedic level. A full report will be presented to City Council on January 26, 2016 for direction.

F. Ad-Hoc Committee Reports

1. Diamond Valley Lake Recreation Ad-Hoc Committee (January 27, 2015)

Council Member Krupa, reported that the Committee met with Senator Stone. Sen. Stone is impressed with the progress the Committee is making on recreation opportunities at the Lake. A full report from the Committee will be presented in June 2016.

2. Public Safety Ballot Measure Ad-Hoc Committee (January 27, 2015)

Council Member Krupa, reported that the Committee has not met and is recommending that the Committee disband at this time.

Mayor Pro Tem Raver, opposed the recommendation and recommended that the responsibilities of this Committee be assigned to the Ad-Hoc Committee to Explore Revenue Options or that this Committee meet and bring back a report on January 26, 2016.

Council Member Krupa moved and Council Member Youssef seconded a motion to disband the Committee at this time. Motion carried 4-1. Mayor Pro Tem Raver voted No.

3. Ad-Hoc Committee to Explore Revenue Options (May 26, 2015)

Council Member Krupa, this Committee will present a report on February 23, 2016.

4. Grant Ad-Hoc Committee (June 23, 2015)
- Mayor Wright**, requested that a meeting be scheduled in February.
5. CDBG Ad-Hoc Committee (December 8, 2015)

- G. City Manager Meyerhoff
 1. Manager's Reports

Alex Meyerhoff, City Manager, thanked the City Council for this opportunity. I'm proud to be here. Mr. Meyerhoff requested a round of applause for staff. They do a great job, which is evident of the flow of this meeting. Mr. Meyerhoff also thanked Gary Thornhill for his assistance. I've read about him for years and now I have had the pleasure to work with him. Mr. Thornhill is a great leader, a mentor and a friend.

Continued Closed Session

The City Council recessed to Closed Session at 8:50 p.m.

1. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of cases: City of Hemet v. Strange Therapy Solutions, et al. RIC 1510007
Terry A. Kammer v. City of Hemet RIC 1300635
Shere Padilla v. City of Hemet RIC 1300847
2. Conference with Legal Counsel - Anticipated Litigation
Three (3) matters of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

Reconvened at 9:00 p.m.

City Attorney Continued Closed Session Report

3. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of cases: City of Hemet v. Strange Therapy Solutions, et al. RIC 1510007
Terry A. Kammer v. City of Hemet RIC 1300635
Shere Padilla v. City of Hemet RIC 1300847

The City Attorney reported that the City Council gave direction to the City Attorney to pursue with a Judgment regarding City of Hemet v. Strange Therapy Solutions. The City Attorney gave the City Council an update regarding Terry A. Kammer v. City of Hemet and Shere Padilla v. City of Hemet. There was no additional reportable action.

4. Conference with Legal Counsel - Anticipated Litigation
Three (3) matters of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

The City Attorney reported that there was no reportable action on two matters of Anticipated Litigation.

On one matter of Anticipated Litigation the City Council directed the City Manager and City Attorney to retain a demographer and otherwise take all necessary steps to assist the Council

in the preparation of an ordinance pursuant to Gov Code 34886(a) requiring members of the City Council be elected by district and to submit the ordinance to the Council for consideration of adoption in sufficient time to utilize the districts in the November 2016 election. The Council's action was based on a number of factors including, the Council's belief in undertaking efforts to expand voter participation in local elections, receipt of a letter alleging that the existing at-large election system violates the California Voters Rights Act, and the Council's desire to avoid spending tax dollars in the defense of a meritless but potentially catastrophically expensive suit. The process will involve a presentation to the City Council at their next regular meeting, as well as at least three public hearings on the proposed districts.

Future Agenda Items

There were no future agenda items requested at this time.

Adjournment

The City Council adjourned at 9:02 p.m. to Tuesday, January 26, 2016 at 7:00 p.m.