



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

March 23, 2010

12:30 pm

www.cityofhemet.org

City of Hemet Council Chambers

450 E. Latham Avenue

Please silence all cell phones

Call to Order

Mayor McBride called the meeting to order at 12:32 p.m.

Roll Call

PRESENT: Council Members Foreman, Youssef, Vice Mayor Franchville, and Mayor McBride

ABSENT: Council Member Lowe

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

City Council Reports

1. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Foreman

1. Traffic and Parking Commission
2. Library Board
3. Park Commission

Council Member Lowe arrived at 12:41 p.m.

B. Council Member Lowe

1. Southern California Association of Governments (SCAG)
2. Riverside County Habitat Conservation Agency (RCHCA)
3. League of California Cities/National League of Cities

Council Member Lowe reported on the National League of Cities Conference in Washington D.C. There is amazing support for approval of the \$14,000,000 appropriation for the Western Center. Council Member Lowe met with the departments of Homeland Security, the Department of Justice, and the Department of Justice for Juvenile Delinquency regarding the current situation that Hemet is facing. Council Member Lowe met with HUD Officials, the 7% increase in CDBG funding is still being considered. The major concern is the effect that the Health Care Bill will have on the states, counties and cities.

The Assistant Secretary of Inter-Governmental Affairs on Transportation is familiar with Highway 79 and the environmental issues that are involved.

Mayor McBride, requested a report on April 13, 2010 on the effect on the upcoming construction projects.

4. Riverside County Transportation Commission (RCTC)

Ann Mayer is meeting with the Secretary of Transportation in Washington DC regarding the railway stimulus money.

5. Western Riverside Council of Governments (WRCOG)
6. Riverside Conservation Agency (RCA)
7. Airport Land Use Commissions (ALUC)

C. Council Member Youssef

1. Riverside County Habitat Conservation Agency (RCHCA)
2. Western Riverside Council of Governments (WRCOG)
3. Planning Commission

D. Vice Mayor Franchville

1. Riverside Transit Agency (RTA)
2. Indian Gaming Distribution Fund

E. Mayor McBride

1. Riverside Transit Agency (RTA)
2. Riverside County Transportation Commission (RCTC)
3. League of California Cities/Public Safety Policy Committee
4. Airport Land Use Commissions (ALUC)
5. Indian Gaming Distribution Fund
6. 3rd LAR Bn USMC

Members of the Wolf Pac Team will be out the week of April 4th to meet with available Council Members. The team will be deployed again later in the year and have appreciated all of their support.

F. Sub-Committee Reports

1. Housing Committee
2. Ad-Hoc Committees:
 - a. Health and Safety Ordinance Review Committee

G. City Manager Nakamura

1. Manager's Reports
2. Veteran's Facility Update

Mark Orme, Deputy City Manager, spoke with the Deputy Director regarding a possible outreach center in Hemet. The need will have to be determined. The mobile unit was located in Temecula, prior to the approval of the facility.

Council Member Foreman, recommended that the City Council come up with suggestions on how a head count can be achieved. Council Member Foreman requested that staff pursue getting a mobile unit in Hemet a couple times a month in the meantime.

3. Memorial Day Celebration Update

Staff will be working with a sub-committee to move forward on planning the event.

4. City Council Goal Setting Session

Brian Nakamura, City Manager, requested that the City Council submit their priorities from the November goal setting session by March 30th. The Executive Team will be meeting next week to discuss the City Council's priorities.

Mayor McBride, encouraged the City Council to rank the goals and submit to the City Manager.

Eric Vail, City Attorney, the Chief of Police is requesting that an item that arose subsequent to the preparation of the agenda be added as an urgency item to Closed Session. The item is a Threat to Public Facilities, Government Code Section 54597
Mayor McBride moved and Council Member Lowe seconded a motion to approve the addition of the item to the agenda. Motion carried 5-0.

Closed Session

Notice of Opportunity for Public Comment

There were no public comments presented.

The City Council recessed to the Redevelopment Agency at 12:53 p.m.

Reconvened at 1:24 p.m.

The City Council recessed to Closed Session at 1:24 p.m.

2. Conference with Legal Counsel - Existing Litigation

Pursuant to Government Code section 54956.9(a)

Names of case: Ronald and Valerie Eitzen vs. Bryan Anderson; City of Hemet

3. Conference with Legal Counsel - Anticipated Litigation

1 matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

3.A Threat to Public Services or Facilities

Pursuant to Government Code section 54957

Consultation with: Police Chief Dana

REGULAR SESSION

7:00 p.m.

City of Hemet Council Chambers

450 E. Latham Avenue

Call to Order

Mayor McBride called the meeting to order at 7:02 p.m.

Roll Call

PRESENT: Council Members Foreman, Lowe, Youssef, Vice Mayor Franchville,
and Mayor McBride

ABSENT: None

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

Invocation

Invocation was given by Merrill Brinton, Church of Jesus Christ of Latter Day Saints

Pledge of Allegiance

Pledge of Allegiance was led by Dave Willmon, League of California Cities

Dave Willmon, League of California Cities, discussed the proposed ballot initiative and the need to continue collecting signatures. The measure will prevent the State of California from taking public funds. The measure will be on the November ballot. 1.15 million signatures are needed, 850,000 signatures still need to be collected. The staff at the League will continue to push Electeds and City Officials to get the much needed signatures. Council Member Youssef, thanked the League of California Cities for taking an active role. It is not a secret what most cities are facing, local funds should stay local.

City Attorney Closed Session Report

4. Conference with Legal Counsel - Existing Litigation

Pursuant to Government Code section 54956.9(a)

Names of case: Ronald and Valerie Eitzen vs. Bryan Anderson; City of Hemet

The City Attorney reported that direction was given. There was no additional reportable action.

5. Conference with Legal Counsel - Anticipated Litigation

1 matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

The City Attorney reported that there was no reportable action.

- 5.A Threat to Public Services or Facilities
Pursuant to Government Code section 54957
Consultation with: Police Chief Dana

The City Attorney reported that there was no reportable action.

Presentation

6. Proclamation declaring March 27, 2010 "First's People's Day"
Mayor McBride. read and presented a Proclamation declaring March 27, 2010, as "First People's Day". The Celebration will be held March 27, 2010 at the Farmer's Corner. Mary Morse, President of the Human Relations Council, thanked the City Council for the proclamation.
7. Presentation to the "Killer Bees", Girls Soccer Championship Team
Mayor McBride, presented Certificates of Appreciation to the "Killer Bees" Girls Soccer Team.
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City Council Business

Consent Calendar

8. Park Commission Re-Appointment - Council Member Foreman
a. Re-appoint Frank Souther to Seat 2 on the Park Commission. The two year term will expire April 1, 2012.
9. Park Commission Re-Appointment - Council Member Lowe
a. Re-appoint Jan Wright to Seat 1 on the Park Commission. The two year term will expire April 1, 2012.
10. Traffic and Parking Commission Re-Appointment - Council Member Foreman
a. Re-appoint Linda Krupa to Seat 2 on the Park Commission. The two year term will expire April 1, 2012.
11. Traffic and Parking Commission Re-Appointment - Council Member Lowe
a. Re-appoint Dave Oltman to Seat 1 on the Traffic and Parking Commission. The two year term will expire April 1, 2012.
12. Planning Commission Appointment - Council Member Lowe
a. Appoint Sharon Deuber to Seat 1 on the Planning Commission. The two year term will expire April 1, 2012.

13. Planning Commission Appointment - Council Member Foreman
 - a. Appoint David Rogers to Seat 2 on the Planning Commission in order to fill a term expiration. The two year term will expire April 1, 2012.
14. Approval of Minutes - March 9, 2010
15. Receive and File - Warrant Register
 - a. Warrant register dated March 2, 2010 and March 11, 2010. Payroll for the period of February 22, 2010 to March 7, 2010 was \$691,197.73.
16. Receive and File - Investment Portfolio as of January 2010
17. Recommendation by Interim Assistant City Manager - Letter to California Housing Finance Agency Regarding Refinancing Village Meadows Apartments
 - a. Authorize the Mayor to sign the letter.
18. Recommendation by Public Works Director/City Engineer - Well No. 2 Redrill and Equipment Replacement (Gilbert/Kimball)
 - a. Award the bid to South West Pump and Drilling for the redrilling and equipping of Well No. 2 in the amount of \$688,041 to approve a supplemental appropriation in Water Fund No. 571-9000-5400 in the amount of \$112,000.
19. Recommendation by Public Works Director/City Engineer - Stimulus Sidewalk Project CIP No. 5546 - Change Order No. 1, Extension of Improvements along Devonshire Avenue East of Yale Street
 - a. Approve Change Order No. 1 in the amount of \$63,000 to construct additional street widening, curb, gutter and sidewalk; and
 - b. Approve a supplemental appropriation in the total amount of \$68,000 to cover the construction costs, geotechnical engineering and surveying.
20. Recommendation by Public Works Director/City Engineer - Acceptance of Right-of-Way for the Devonshire Extension between Meyers Street and Old Warren Road - City Project No. 5540
 - a. Accept the right-of-way for the Devonshire extension from Paul Garrett; and
 - b. Instruct the City Clerk to forward legal documents for recordation at the County of Riverside Recorder's Office.
21. Recommendation by Public Works Director/City Engineer - Award of Bid; Traffic Signal and Improvements at Kirby Street and Devonshire Avenue; CIP No. 5525 - Supplemental Appropriation
 - a. Approve the contract award with PTM General Engineering Services, Inc. for construction of a new traffic signal system and improvements at Kirby Street and Devonshire Avenue in the amount of \$435,035 and reject all other bids; and

- b. Approve a supplemental appropriation in Fund No. 329-5525-5500, in the amount of \$435,035 to cover the construction and another supplemental appropriation in Fund No. 329-5525-2710, in the amount of \$28,500 for Professional Services which includes final civil engineering design services, geotechnical engineering, surveying services and new tree planting; and
 - c. Approve Amendment No. 2 to James W. Unland & Associates for final civil engineering services in the amount of \$8,500, which is included in the above supplemental appropriation 329-5525-2710.

- 22. Recommendation by Public Works Director/City Engineer - Park Commission Recommendations of February 22, 2010
 - a. Tree Removal Request - Ash (1) - 550 E. Wright St.
Recommendation to approve request and not replace.

- 23. Recommendation by Public Works Director/City Engineer - Installation of Banner Across Florida Avenue
 - a. Metropolitan Water District, Global Water & Technology Forum - scheduled for May 20, 2010. The banner will go up at Florida and Kirby on May 10, 2010 and down on May 24, 2010.

Item No. 12 was removed from the Consent Calendar. Vice Mayor Franchville moved and Council Member Youssef seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.

Item No. 12

Council Member Lowe, introduced Sharon Deuber and encouraged the City Council to appoint her to the Planning Commission.

Council Member Lowe moved and Mayor McBride seconded a motion to approve Item No. 12 as presented. Motion carried 5-0.

Communications From the Public

Tom Wilson, Representing Assemblyman Paul Cook, presented an Assembly Resolution recognizing the City of Hemet's 100th Birthday.

Jerry Jaeckels, Hemet, expressed concern about the proposed Highway 79 offramp at Tres Cerritos.

Mr. Jeckels was referred to Mike Gow, Public Works Director/City Engineer.

Will Glen, Hemet, expressed concern with a Code Enforcement situation involving his home in Four Seasons.

Mr. Glen was referred to Deanna Elliano, Community Development Director.

Larry Smith, Planning Commissioner, welcomed Sharon Deuber and David Rogers to the Planning Commission.

Sharon Deuber, Hemet, thanked Robin for her recommendation.

Don Digby, Hemet, expressed concern with Code Enforcement.

Public Hearings

24. Zoning Ordinance Amendment (ZOA) No. 10-001 (Senior Housing Conversion Ordinance) - Community Development Director Elliano
 - a. Introduce, read by title only and waive further reading of an ordinance adopting Article XVII entitled "Conversions of Senior Housing to Non-Senior Housing". (Ordinance Bill No. 10-008)

Deanna Elliano, Community Development Director, the City Council previously adopted an urgency ordinance that was allowed to expire. The Housing Committee recommended that this come back with the necessary changes. This ordinance is to protect the senior only housing by mitigating the impacts that would occur with a conversion to non-senior housing. Senior only projects were approved with concessions, those concessions need to be mitigated. The City of Hemet can require a permit for the process of conversion, making sure that the project meets the standards and findings. The applicant would be required to comply with CEQA. This ordinance was unanimously recommended for approval by the Planning Commission.

Council Member Youssef, recommended that the ordinance be amended to include the requirement to participate in the City's Crime Free Multi Housing Program.

Ms. Elliano, the provision to make participation a requirement can be added to the Conditions of Approval.

Eric Vail, City Attorney, this ordinance is designed to regulate the conversion of senior projects. The existing projects can be included in the adoption of a Multi Crime Free Housing Program.

Council Member Youssef, confirmed that this ordinance will make the conversion from senior to family more difficult.

Mr. Vail, the developer will pay what is due to the community and mitigate their impacts, including Public Safety if required by CEQA.

Council Member Lowe, is there a possibility to condition the project to participate in the City's Public Safety CFD.

Mr. Vail, if there is an impact, that could be the required mitigation.

Mayor McBride declared the Public Hearing opened at 7:44 p.m.

There were no public comments presented.

Mayor McBride declared the Public Hearing closed at 7:45 p.m.

Council Member Youssef moved and Vice Mayor Franchville seconded the motion to introduce Ordinance Bill No. 10-008, read by title only and waive further reading. Motion carried 5-0.

City Clerk McComas read the Ordinance title.

25. Zoning Ordinance Amendment (ZOA) No. 09-004 and Water Efficient Landscape Guidelines - Community Development Director Elliano
 - a. Introduce, read by title only and waive further reading on an ordinance amending article XLVIII Chapter 90 of the Hemet Municipal Code pertaining to Water Efficient Landscaping (Ordinance Bill No. 10-006); and

- b. Adopt a resolution adopting guidelines for the implementation of the City of Hemet Water Efficient Landscape Ordinance. (Resolution No. 4339)

Deanna Elliano, Community Development Director, the proposed ordinance and guidelines establish new regulations that would limit the amount of water that may be used for certain defined landscaping projects and would require the applicant for such project to submit detailed water efficient plans for city approval. These regulations were adopted to comply with AB 1881, the Water Conservation in Landscaping Act. Cities are required to adopt a State Model Ordinance or their own ordinance that is "at least as effective in conserving water as" the State Model Ordinance. The proposed ordinance and guidelines are a simplified, less complex version of the State Model Ordinance that meets the "at least as effective as" requirement.

Mayor McBride declared the Public Hearing opened at 7:50 p.m.

There were no public comments presented.

Mayor McBride declared the Public Hearing closed at 7:50 p.m.

Council Member Youssef moved and Mayor McBride seconded the motion to introduce Ordinance Bill No. 10-007, read by title only and waive further reading and adopt Resolution No. 4339. Motion carried 5-0.

City Clerk McComas read the Ordinance title.

26. Mitigated Negative Declaration for the West Devonshire Avenue Extension Project - Community Development Director Elliano

- a. Adopt a resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the construction of West Devonshire Avenue from Appaloosa Drive to old Warren Road. (Resolution No. 4340)

Deanna Elliano, Community Development Director, standard city construction conditions will address potential environmental concerns. However, mitigation measures were added in regard to biological and cultural resources. Mitigation requires that a burrowing owls survey be preformed prior to construction. An archaeologist will be on site monitoring in case remains are uncovered. During the public comment period the Pechanga Indians requested notification and participation by the Pechanga Tribe in the monitoring of the grading operations, this notification will be extended to the Soboba Tribe as well.

Mayor McBride declared the Public Hearing opened at 7:53 p.m.

Gene Hickel, Chair of the Community Awareness Committee for Four Season, noted that the community of Four Seasons is in support of this project.

Mayor McBride declared the Public Hearing closed at 7:55 p.m.

Mayor McBride moved and Vice Mayor Franchville seconded the motion to adopt Resolution No. 4340. Motion carried 5-0.

City Departments

27. Third Amendment to the Agreement for Consultant Services with AECOM for Preparation of the Comprehensive General Plan Update and Environmental Impact Report - Community Development Director Elliano
 - a. Approve the Third Amendment to the Consultant Services Agreement with AECOM in the amount of \$111,370; and
 - b. Appropriate the funds from the Comprehensive General Plan Update Fund (Account #241-1750-2710).

Deanna Elliano, Community Development Director, this third contract amendment was requested in order to update the consultant's work effort in response to the GPAC recommendations approved by the City Council on January 12, 2010, revisions to the Available Site Inventory in the Housing Element for review by HCD, second run of the traffic model based on the revised Land Use Plan, additional environmental analysis as a result of new legislative requirements, preparation of the mitigation monitoring and reporting program and additional meetings.

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

The City Council recessed to the Redevelopment Agency meeting at 7:59 p.m.
Reconvened at 8:00 p.m.

Future Agenda Items

Crime Free Multi Housing Program

Adjournment

Adjourned at 8:01 p.m. to Tuesday, April 13, 2010 at 9:30 a.m.