



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

April 26, 2011

3:00 p.m.

www.cityofhemet.org

City of Hemet Council Chambers

450 E. Latham Avenue

Please silence all cell phones

Call to Order

Mayor Franchville called the meeting to order at 3:02 p.m.

Roll Call

PRESENT: Council Members Foreman, Krupa and Smith, Mayor Franchville

ABSENT: Vice Mayor Youssef

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

Work Study Session

1. Assembly Bill 811 - Western Riverside Council of Governments (WRCOG)

Discussion regarding this item, with possible direction to staff

Rick Bishop, Executive Director, gave the City Council a powerpoint presentation on WRCOG's Energy Efficiency and Water Conservation Program. The legislation behind the program is AB 811 and AB 474. AB 811 authorizes a legislative body to enter into contractual assessment with property owners to finance energy efficiency and generation renewable energy sources with assessments being paid back through property taxes. AB 474 authorizes the addition of water conservation/efficiency improvement into the program. The subregional approach is beneficial by allowing economies of scale. The regional marketing and messaging along with the program design and implementation are consistent. There is an ability to leverage and coordinate funding sources. Mr. Bishop gave the City Council examples of eligible improvements. Mr. Bishop explained the program benefits for both the property owners and Western Riverside County. There is \$25 million available for the Solar Commercial Program and \$100 million available for Home Energy Renovation Opportunity (HERO) Program. Mr. Bishop explained the Solar Commercial and the HERO programs in detail.

Barbara Spoonhour, WRCOG, explained the Structure Financing Program for the Commercial Solar Program and the program requirements. Ms. Spoonhour explained the financing for the HERO Program and the program requirements. Ms. Spoonhour compared WRCOG's proposed financing option to other financing options, such as second mortgage and credit cards. Ms. Spoonhour explained the Standard Financing Program and its requirements. WRCOG will seek judicial validation to confirm that property owners can waive their rights under Propositions 218 and 26, that AB 811 assessments will be a priority

lien and confirm the WRCOG has complied with the applicable requirements. WRCOG will begin accepting applications in May or June 2011. WRCOG is asking each jurisdiction to assist by processing the permits for homeowners and businesses participating in the program.

2. YMCA Potential Kaboom Project- Mark Orme, Deputy City Manager

Discussion regarding this item, with possible direction to staff

Jackie Fielder, YMCA, presented a proposal for a "Kaboom" Playground Project to be located near the Simpson Center. YMCA offers a Child Care Program with the center located on the first floor of the Senior Wing. Kaboom and the Bank of America will partner to build the facility with the consent of the City of Hemet. The approximate cost will be \$80,000. The proposed location will be the small parking area west of the Senior Wing.

Council Member Foreman, expressed concern with the location noting that this is currently handicap parking and the entrance used for Veteran Center Outreach.

Mark Orme, Deputy City Manager, the City's Building Official will work with Public Works to confirm that the facility meets the handicap parking and ADA requirements. Staff will work out the details if there is an interest in moving forward from the City Council.

Colin McNie, Building Official, explained the current parking situation. The handicap access and ADA requirements for the facility will be addressed regardless of the location.

Council Member Foreman, recommended that the playground location be on the east side of the facility.

The City Council and staff discussed the current uses for the Senior Wing and the compatibility with the proposed Day Care Facility.

Ms. Fielder, invited the City Council to visit the Riverside YMCA location to see how well the Senior and Children programs cohabitate.

The City Council gave direction to staff to look at alternative locations, the goal is to confirm that the needs of the current uses are met.

3. Proposed Banner Program - Executive Assistant Knotek

Discussion regarding this item, with possible direction to staff

Laurie Knotek, Executive Assistant, presented a proposed Military Banner Program to the City Council. The program, currently in the City of Rancho Cucamonga, is paid for by the families of the Military personnel. A number of the light poles already have brackets, depending on the popularity of the program, additional brackets might be a future cost.

The City Council spoke in favor of the program and gave direction to staff to get the cost of the brackets in case more are needed.

Ray Hicks, Edison is very supportive of programs like this. The City of Hemet has a current agreement with Edison that will allow the banners on street lights at no cost.

The City Council recessed to the Redevelopment Agency meeting to 3:49 p.m.

Reconvened at 3:51 p.m.

Closed Session

Notice of Opportunity for Public Comment

There were no public comments presented.

The City Council recessed to Closed Session at 3:51 p.m..

4. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Nakamura
Employee Organizations:
 - Service Employees International Union (SEIU) General Employees
 - Hemet Police Officers Association
 - Hemet Police Management Association
 - Administrative Personnel

 5. Conference with Legal Counsel - Anticipated Litigation
1 matter of significant exposure to litigation pursuant to Government Code section 54956.9(b)

 6. Conference with Real Property Negotiators
Pursuant to Government Code section 54956.8
Property: APN: 456-050-013 and 456-050-022
Agency negotiator: City Manager Nakamura
Negotiating parties: Stetson Crossing Partners, LLC
Under negotiation: Disposition, Price and Terms
-

REGULAR SESSION

7:00 p.m.

City of Hemet Council Chambers

450 E. Latham Avenue

Call to Order

Mayor Franchville called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Council Members Foreman, Krupa and Smith, Vice Mayor Youssef and Mayor Franchville

ABSENT: None

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

Invocation

Invocation was given by Muriel Dufresne, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Council Member Smith

City Attorney Closed Session Report

7. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Nakamura
Employee Organizations:
 Service Employees International Union (SEIU) General Employees
 Hemet Police Officers Association
 Hemet Police Management Association
 Administrative Personnel

The City Attorney reported that the City Council met with the Labor Negotiators. There was no additional reportable action.

8. 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 the City Council was briefed on this matter. There was no additional reportable action.

9. Conference with Real Property Negotiators
Pursuant to Government Code section 54956.8
Property: APN: 456-050-013 and 456-050-022
Agency negotiator: City Manager Nakamura
Negotiating parties: Stetson Crossing Partners, LLC
Under negotiation: Disposition, Price and Terms

The City Attorney reported that the City Council gave direction to staff. There was no additional reportable action.

Presentation

10. Proclamation to the Riverside County Department Mental Health proclaiming May 2011 at "Mental Health Month"

Maryor Franchville, read and presented a proclamation to Hal Adams, Mental Health Board Member.

Hal Adams, presented Mayor Franchville with a Silver Ribbon Pin representing Mental Health Awareness.

City Council Business Consent Calendar

11. **Approval of Minutes** - March 22, 2011
12. **Receive and File** - Warrant Register
 - a. Warrant registers dated April 7, 2011 and April 13, 2011. Payroll for the period of March 21, 2011 to April 3, 2011 was \$621,016.60.
13. **Recommendation by Police Department** - Lease Agreement Amendment
 - a. Approve a lease agreement amendment for the property commonly known as 1871 Warren Road; and
 - b. Direct the City Manager to facilitate signatures to said amendment.
14. **Recommendation by Library Director** - Expansion of Library's 3M Automated Sorting Bin System
 - a. Approve the Library's expansion of the existing 3M Intelligent Return and Sorter Systems to take further advantage of the current radio frequency identification check-in to obtain more significant work efficiency and customer satisfaction; and
 - b. Authorize the Finance Director to amend the budget to transfer \$104,000 from the LaSalle Endowment Fund (#110-2097) to the General Fund and appropriate a corresponding amount in the Library's budget (110-6100-5400) for the purpose of upgrading the expanded automated sorting bin system.
15. **Recommendation by Public Works** - Award of Bid to Spiess Construction Company for the Installation of a Seismic Protection Up-Grade to Water Storage Tanks - CIP No. 5556
 - a. Approve award of contract to Spiess Construction of Santa Maria, California, in the amount of \$148,408, for the upgrade of seismic protection equipment at four City owned water storage tanks. Funding for this project was approved in Water Fund 571-9000-5400 in the amount of \$150,000 through the FY 10/11 Operating Budget.
16. **Recommendation by Public Works** - Award of Contract to NKS Mechanical of Anaheim for HVAC Replacement on Various Municipal Buildings - CIP Project No. 5558 - Supplemental Appropriation
 - a. Approve award of bid and authorize the execution of a contract with NSK Mechanical of Anaheim, California, in the amount of \$228,341 for the replacement of 26 Heating, Ventilation and Air Conditioning (HVAC) units at various City facilities; and

- b. Authorize the Finance Direction to amend the FY 2010-11 Budget to reflect total anticipate Energy Efficiency and Conservation Block Grant (EECBG) revenues and expenditures of \$301,400; \$228,341 for the removal, purchase and replacement of 26 HVAC units, and \$73,059 for replacement of additional HVAC units, air duct maintenance/repairs, and possible roof repairs related to equipment installations on older roofs.
17. **Recommendation by Public Works** - Award of Bid - Missing Link Sidewalk Project CIP No. 5545 - Supplemental Appropriation
- a. Approve the contract award with Mamco, Inc. for construction of the Missing Link Sidewalk Project No. 5545 in the amount of \$505,000 and reject all other bids; and
 - b. Approve the supplemental appropriation in the amount of \$267,000 in Fund No. 221-5545-5500 and \$238,000 in Fund 329-5545-5500 to cover the construction, and \$54,000 in Fund No. 221-5553-2710 to cover the geotechnical testing, surveying and water meter relocations.
18. **Recommendation by Public Works** - Installation of Banners Across Florida Avenue
- a. Green Coalition - Free Electronic Waste Recycling, June 11 & 12, 2011
 - b. Knights of Columbus - 4th Annual Car Show May 22, 2011
19. **Recommendation by Public Works** - Award of Bid - Citywide ADA Access Ramps CIP No. 5550 - Supplemental Appropriation
- a. Approve the contract award with Black Rock Construction for construction of the Citywide ADA Access Ramp Project No. 5550 in the amount of \$180,000 and reject all other bids; and
 - b. Approve a supplemental appropriation in the amount of \$75,000 in Fund No. 329-5550-5500 and \$105,000 in Fund No. 240-3966-5500 to cover the construction and \$15,000 in Fund No. 240-3966-2710 to cover the geotechnical testing and surveying.

Item No. 12

Howard Tounget, Hemet, expressed concern with the price of the City Council members photos given the City's financial situation. Mr. Tounget also expressed concern with the \$5,000 annual membership fee to participate in the US Conference of Mayors and the cost of embroidered shirts and hats from Pins & Needles. Mr. Tounget requested that staff report back on these items at the next City Council meeting.

Item Nos. 14, 17 and 19 were removed from the Consent Calendar. **Vice Mayor Youssef moved and Council Member Smith seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.**

Item No. 14

Wayne Disher, Library Director, explained the upgrade to the current Automatic Sorter. Material that is returned to the Library even during closed hours is sorted into 11 bins for re-shelving. This will solve the Library's current problem of back-up during closed hours. The funds for this upgrade will come from the LaSalle endowment fund.

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

Item No. 17 and 19

Council Member Smith recused himself.

Vice Mayor Youssef moved and Council Member Foreman seconded a motion to approve Item Nos. 17 and 19 as presented. Motion carried 4-0.

Communications From the Public

Donna Banks, Hemet, expressed disappointment that consideration of support for SB 444 was not on the agenda. This bill is being supported by the League of California Cities.

Brian Nakamura, City Manager, staff still has some outstanding questions that need to be answered prior to bringing a recommendation forward to the City Council.

Michael Bruhn, Hemet, proposed that the City Council consider opening a city owned impound yard and grant citation powers for street sweepers to generate revenue. Outsourcing refuse will hurt the local economy including other businesses such as Napa Auto Parts, Sharp's Lumber and Home Depot.

Mayor Franchville, thanked Mr. Bruhn for his suggestions and recommended that he request a copy of the City's previous discussions regarding a city owned impound yard.

Howard Tounget, Hemet, expressed concern with the sub-leasing of the City owned property on Myers Street by Agri-Empire. Mr. Tounget also expressed concern that there are code violations that have not been dealt with timely. Mr. Tounget showed pictures of these violations: Hemet Stock Farm's lack of a back flow device; house on the corner of Harvard and Carmalita; an abandoned water truck near the Corporation Yard; abandoned vehicles at 300 block of North Harvard and trash containers on city owned property.

Public Hearings

20. **Proposed 2011-2012 Community Development Block Grant (CDBG) Annual Action Plan** - CDBG Coordinator Callahan
 - a. Conduct the public hearing; and
 - b. Approve the proposed 2011-2012 Community Development Block Grant (CDBG) Annual Action Plan; and
 - c. Authorize the City Manager to sign the Application for Federal Assistance SF-424 and Non-State Government Certifications required for submission of the 2011-2012 Annual Action Plan to the United States Department of Housing and Urban Development (HUD) on or before May 16, 2011.

Brian Nakamura, City Manager, staff is recommending that the City Council conduct the Public Hearing to receive comments regarding the proposed 2011-12 CDBG Annual Action Plan, approve the plan and authorize the City Manager to sign the necessary documents. Staff will incorporate the 16.5% reduction into the proposed Annual Action Plan.

Mayor Franchville declared the Public Hearing opened at 7:28 p.m.

There were no public comments presented at this time.

Mayor Franchville declared the Public Hearing closed at 7:28 p.m.

Mayor Franchville moved and Council Member Foreman seconded a motion to approve this item as presented. Motion carried 4-1. Vice Mayor Youssef voted No.

21. **Recommendation by Planning Director** - Review Fee for Shopping Cart Containment and Retrieval Plan

- a. Adopt a resolution setting the review fee for the Shopping Cart Containment and Retrieval Plan **(Resolution No. 4391)**

Deanna Elliano, Community Development Director, this resolution sets the fees to review the Shopping Cart Containment and Retrieval plan required by ordinance. This fee offsets approximately 50% of the cost to provide the service.

Mayor Franchville declare the Public Hearing opened at 7:33 p.m.

There were no public comments presented at this time.

Mayor Franchville declared the Public Hearing closed at 7:33 p.m.

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

Discussion/Action Items

22. **Ordinance Requiring Employers Within City to Use E-verify Program** - City Attorney Vail

- a. Introduce an ordinance adding Article XIV (Lawful Hiring Compliance) to Chapter 19 (Businesses) of the Hemet Municipal Code, to require businesses within the City to verify that all new hires are lawfully allowed to work in the United States **(Ordinance Bill No. 11-017)**

Eric Vail, City Attorney, this ordinance would require employers to show proof of using e-verify upon renewal of their business license. This prohibits employers from hiring illegal immigrants. It will require the employers to retain records as proof of using the program. Upon finding the first violation, the City Manager must demand that the employer terminate the employment of all undocumented workers hired in violation of the Ordinance. If a second violation occurs within two years of the first violation, the City Manager may revoke the employer's business license. This is the only penalty for a violation that is allowed. Mr. Vail explained the City's existing appeal procedures that may be used by a person who has had an application for a business license denied or had a business license suspended or revoked. The United States Supreme Court is expected to issue a decision in the lawsuit challenging the Arizona law within the next few months. If the Supreme Court reverses

the Ninth Circuit's decision, the City may not be able to enforce the proposed Ordinance and a repeal of the proposed Ordinance would be suggested. The E-Verify System is operated by the Department of Homeland Security. The system is free and confirms that the employee can legally work in the State of California.

E.A. Stock, Hemet, thanked the City Council for considering this action.

Ted Wagner, Meniffee, thanked the City Council for considering this action.

Howard Tounget, Hemet, expressed concern with the ability to enforce this given the limited staff. The City of Hemet should require this of their contractors.

Eric Vail, City Attorney, the City's Professional and Consultant Services Agreements do contain clauses that require all employees to be eligible for employment. The Public Works Contracts will be review to confirm that they contain similar language.

Mayor Franchville moved and Vice Mayor Youssef seconded a motion to introduce, read by title only and waive further reading of Ordinance Bill No. 11-017. Motion carried 5-0.

City Clerk McComas read the ordinance by title only.

City Council Reports

23. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Foreman

1. Traffic and Parking Commission
2. Park Commission
3. Indian Gaming Distribution Fund

B. Council Member Krupa

1. Library Board
2. Airport Land Use Commission (ALUC)
3. Riverside County Habitat Conservation Agency (RCHCA)
4. Riverside Conservation Authority (RCA)

RCA reviewed their accomplishments for the year. Their Annual Report is available for review in City Manager Nakamura's Office.

5. Ramona Bowl Association
6. Indian Gaming Distribution Fund

C. Council Member Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Planning Commission

Council Member Smith, attended the County of Riverside's re-alignment hearing and spoke in favor of keeping the valley together and in the 3rd District, as presented on the map.

- D. Vice Mayor Youssef
 - 1. Western Riverside Council of Governments (WRCOG)
 - 2. Riverside County Transportation Commission (RCTC)

- E. Mayor Franchville
 - 1. Riverside Transit Agency (RTA)

Next meeting on April 28, 2011

- 2. Airport Land Use Commission (ALUC)
- 3. League of California Cities
- 4. Autism Task Force

- F. Ad-Hoc Committee Reports
 - 1. 4th of July Ad-Hoc Committee

The City Council agreed that the 4th of July Parade be hosted by the City of San Jacinto and the City of Hemet will continue to host the Christmas Parade.

The next 4th of July Ad-Hoc Committee is scheduled for May 4, 2011 at 4:00 p.m.

- 2. Refuse RFP Ad-Hoc Committee

- G. City Manager Nakamura
 - 1. Manager's Reports
 - 2. Code Enforcement Volunteers

Brian Nakamura, City Manager, was unable to meet with Dave Brown to discuss this program. An update will be given on May 10, 2011.

The City Council recessed to the Redevelopment Agency meeting at 7:53 p.m.
Reconvened at 8:49 p.m.

Future Agenda Items

Town Hall Meetings
SB 444

Adjournment

Adjourned at 8:50 p.m. to Tuesday, May 10, 2011 at 7:00 p.m.