

**CITY OF WILDOMAR
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
DECEMBER 15, 2021**

CALL TO ORDER – CLOSED SESSION - 5:00 P.M.

The Closed Session of December 15, 2021, of the Wildomar City Council was conducted in-person at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, California, and was called to order by Mayor Nigg at 5:00 p.m.

City Council Roll Call showed the following:

Members in attendance: Council Member Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

Members absent: Councilmember Moore

Staff in attendance: City Attorney Jex, Assistant City Manager York, City Clerk Morales, Community Services Director Torres.

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

City Clerk Morales read the following:

1. The City Council will meet in closed session pursuant to the provisions of Government Code section 54957(b) regarding Public Employee Appointment.
Title: City Manager.
2. The City Council will meet in closed session to hold a conference with its Labor Negotiator regarding Unrepresented Employee pursuant to Government Code 54957.6.
Agency representative: Dustin Nigg
Unrepresented employee: City Manager
3. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (d)(1) to confer with legal counsel with regard to the following matters of pending litigation:
 - A. National Prescription Opiate Litigation (U.S.D.C. Case No. 1:17-CV-2804)

B. City of Wildomar v. Lisa Marie Davis and Daniel Celaya; Case No.
MCC2001484

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session with all members present including Councilmember Moore at 6:00 p.m.

ANNOUNCEMENTS

City Attorney Jex stated that the City Council met in Closed Session on all the items and with respect to Items #1 and #2, the reportable action will be discussed under Item #3.5 on tonight's agenda. With respect to Item #3A, the City Council gave unanimous direction to enter into settlement agreements in the National Opioid Litigation and gave authority to the City Manager to execute all of the settlement agreements and documents. With respect to Item #3B, there is no reportable action.

ADJOURN CLOSED SESSION

There being no further business, Mayor Pro Tem Benoit adjourned the closed session at 6:01 p.m.

CALL TO ORDER – ADJOURNED REGULAR SESSION - 6:00 P.M.

The Adjourned Regular Meeting of December 15, 2021, of the Wildomar City Council was conducted in-person at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, California, and was called to order by Mayor Nigg at 6:01 p.m.

City Council Roll Call showed the following:

Members in attendance: Council Member Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

Members absent: None

Staff in attendance: Assistant City Manager York, City Attorney Jex, City Clerk Morales, Planning Director Bassi, Administrative Services Director Howell, Project Consultant Riley, Economic Development Director Davidson, Associate Engineer Luna, Development Manager Stadnik, Associate Engineer Farag, Community Services Director Torres and Capital Project Manager Repke.

The flag salute was led by Mayor Nigg.

PRESENTATIONS

1. Mayor Nigg presented the 2021 Holiday Lights Contest Winners.
2. Mayor Nigg presented Senior Administrative Analyst, Tina Roney, a 10 Year Service Acknowledgement.
3. Board Member Sammons presented the Animal Friends of the Valleys Update.

DEPARTMENT REPORTS

There were no reports given.

PUBLIC COMMENTS

The following individuals provided public comment on items not on the agenda:

1. Kenneth Mayes, resident
2. Gina Castanon, resident, with 6 minutes donated by Ruben Castanon, resident.
3. Amy Disston, resident, with 6 minutes donated by Anna Sandoval.

COUNCIL COMMUNICATIONS

The City Council Members spoke regarding the various committees, commissions, and boards that they serve on locally and regionally and community events, including:

1. Community events
2. Regional events
3. Chamber of Commerce
4. Riverside Transit Agency (RTA)
5. Riverside Conservation Authority (RCA)
6. Riverside County Transportation Commission (RCTC)
7. League of California Cities
8. Southern California Association of Governments (SCAG)
9. Riverside County Habitat Conservation Agency (RCHCA)
10. Western Riverside Council of Governments (WRCOG)
11. South Coast Air Quality Management District (SCAQMD)
12. Southwest Community Financing Authority (Animal Shelter)
13. Western Community Energy (WCE)
14. Ad Hoc & Subcommittees

APPROVAL OF THE AGENDA AS PRESENTED

There were no changes to the agenda as presented.

1.0 CONSENT CALENDAR

Staff noted that there was an amendment to Section 3 of the Grand Avenue Microsurfacing Agreement for Agenda Item #1.12 regarding the allowance of electronic signatures.

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Moore to approve the Consent Calendar with the change to Item #1.12.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg
NAY: None
ABSTAIN: None
ABSENT: None

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances on this agenda.

1.2 Minutes- October 13, 2021 Regular Meeting

Approved the minutes as presented.

1.3 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated 11-04-2021 in the amount of \$98,908.94.
2. Warrant Register dated 11-11-2021 in the amount of \$288,365.90.
3. Warrant Register dated 11-18-2021 in the amount of \$72,935.56.
4. Warrant Register dated 11-24-2021 in the amount of \$75,691.23.
5. Wire Transfer Register dated 11-30-2021 in the amount of \$211,280.48.
6. Payroll Register dated 12-01-2021 in the amount of \$174,914.04.

1.4 Treasurer's Report

Approved the Treasurer's Report for October 2021.

1.5 2nd Reading of Ordinance No. 207 – Culture Cannabis Club Development Agreement 20-0078(R1)

Adopted an Ordinance entitled:

ORDINANCE NO. 207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTION OF A CATEGORICAL EXEMPTION IN ACCORDANCE WITH SECTION 15301 (CLASS 1) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVAL OF AMENDMENT #1 TO DEVELOPMENT AGREEMENT NO. 20-0078(R1) TO EXPAND AN APPROVED 1,440 SQUARE-FOOT RETAIL CANNABIS BUSINESS INTO AN 835 SQUARE-FOOT ADJACENT SUITE NOW TOTALING 2,275 SQUARE FEET LOCATED IN THE C-1/C-P (GENERAL COMMERCIAL) ZONE AT 33980 MISSION TRAIL, SUITE #A & B (APN: 366-160-070)

1.6 **2nd Reading of Ordinance No. 208 – Adding Chapter 2.44 (Campaign Contribution Limits for Elective City Offices) to the Wildomar Municipal Code**

Adopted an Ordinance entitled:

ORDINANCE NO. 208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTER 2.44 (CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE CITY OFFICES) TO THE WILDOMAR MUNICIPAL CODE

1.7 **Minimum Hourly Wage Updates to the Position Classification, General Salary Schedules, and Senior Engineer FLSA Classification**

Adopted a Resolution entitled:

RESOLUTION NO. 2021 - 69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, UPDATING THE POSITION CLASSIFICATION SCHEDULE, THE GENERAL SALARY SCHEDULE RESULTING FROM THE INCREASE TO MINIMUM HOURLY WAGE RATE, AND REVISING THE FLSA CLASSIFICATION OF THE SENIOR ENGINEER POSITION FROM NON-EXEMPT TO EXEMPT

1.8 **Tract Map No. 32035 - McVicar Residential Project Final Map Approval, Subdivision Improvement Agreement, and Lien Agreement**

1. Adopted a Resolution entitled:

RESOLUTION NO. 2021 - 65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING THE FINAL MAP FOR TENTATIVE TRACT MAP 32035 MCVICAR RESIDENTIAL PROJECT AND AUTHORIZING

THE CITY MANAGER TO EXECUTE THE SUBDIVISION
IMPROVEMENT AGREEMENT AND LIEN AGREEMENT

2. Authorized the City Manager to execute the Final Map and Subdivision Improvement Agreement with David P. Wolske and Leslie S. Lanes, Louis E. Polakoff and Elaine Polakoff, Harry L. Keays, Ronald Auerbacher, Joan Maresca, Pensco Trust Company, Myra J. Ekrem, and Omni Financial, LLC, and Orbis Financial, LLC (Developers) for the Tract No. 32035 – McVicar Residential Project.

3. Authorize the City Manager to execute the Lien Agreement with Omni Financial, LLC, and Orbis Financial, LLC (Developers) for the Tract No. 32035 – McVicar Residential Project.

4. Authorized the City Engineer to accept the dedications related to Tract Map No. 32035 and direct the City Clerk to transmit to the County Recorder of the County.

1.9 Tract No. 31667 - Boulder Creek Joint Community Facilities Agreement

Authorized the City Manager to execute the Joint Community Facilities Agreement (JCFA) between City of Wildomar, Community Facilities District No. 2017-2 (CFD No. 2017-2) of the Lake Elsinore Unified School District, and Beazer Homes Holdings, a Delaware limited liability company.

1.10 Western Riverside Council of Governments Updated Joint Powers Agreement

Authorized the Mayor to sign the Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments.

1.11 Financial Services Contract for Municipal Consulting Services LLC

Approved and authorized the City Manager to execute a contract with Municipal Consulting Services LLC to provide financial services to the City of Wildomar.

1.12 Service Agreement with County of Riverside for the Grand Ave. Microsurfacing Improvement Project

1. Adopted a Categorical Exemption pursuant to Section 15301(c) of the CEQA Guidelines.

2. Authorized the City Manager to execute a service agreement with the County of Riverside in the amount of \$14,877.40 for construction of the Grand Ave. Microsurfacing Improvements Project.

3. Authorized the City Engineer to approve change orders not to exceed

10% of the agreement amount (contingency).

1.13 Revised Appropriations Limit for FY 2020-21

Adopted a Resolution entitled:

RESOLUTION NO. 2021 - 70
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE REVISED APPROPRIATIONS LIMIT
FOR FISCAL YEAR 2020-21

1.14 Revised Appropriations Limit for FY 2021-22

Adopted a Resolution entitled:

RESOLUTION NO. 2021 - 71
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE APPROPRIATIONS LIMIT FOR FISCAL
YEAR 2021-22

1.15 Award Services Agreement for Annual Grant Writing Services

1. Approved six firms to be on the city's Professional Services Pre-Qualified list for Grant Writing through December 31, 2024; and,

2. Authorized the City Manager to execute a Services Agreement between the City of Wildomar and California Consulting.

1.16 Development Impact Fees – Annual Report as of June 30, 2021

Received and filed the Annual report for the Development Impact Fees for the Fiscal Year Ending June 30, 2021.

2.0 PUBLIC HEARINGS

**2.1 Monte Vista Ranch II Townhome Project (PA No. 21-0045):
City Council review of a Mitigated Negative Declaration, General Plan
Amendment, Change of Zone, Tentative Tract Map (TTM 38155) and a
Plot Plan to construct a 62-unit townhome (for-sale) community**

Mayor Nigg read the title.

Planning Director Bassi presented the staff report.

Mayor Nigg opened the Public Hearing.

Marcus Gomez, resident, provided public comment in opposition of the item.

Robert May, resident, provided public comment in opposition of the item.

Patricia Golden, resident, provided public comment in opposition of the item.

There being no further testimony, Mayor Nigg closed the public hearing.

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Swanson to adopt a Resolution entitled:

RESOLUTION NO. 2021 - 72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH NO. 2021080301), AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE MONTE VISTA RANCH II TOWNHOME PROJECT CONSISTING OF GPA NO. 2021-04, CHANGE OF ZONE NO. 21-0045, TENTATIVE TRACT MAP NO. 38155 AND PLOT PLAN NO. 21-0045 FOR A 62-UNIT TOWNHOME COMMUNITY LOCATED ON NORTHEAST CORNER OF MONTE VISTA DRIVE AND SUMMER SAGE WAY (APN: 367-502-002, 367-502-003, 367-502-004)

MOTION carried 4-0, by the following vote:

YEA:	Moore, Swanson, Mayor Pro Tem Benoit
NAY:	Morabito
ABSTAIN:	None
ABSENT:	None

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Swanson to adopt a Resolution entitled:

RESOLUTION NO. 2021 - 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2021-04 (PA 21-0045) TO CHANGE THE EXISTING LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO HIGH DENSITY RESIDENTIAL (HDR) FOR A 7.93-ACRE SITE LOCATED ON NORTHEAST CORNER OF MONTE VISTA DRIVE AND SUMMER SAGE WAY (APN: 367-502-002, 367-502-003, 367-502-004)

MOTION carried 4-0, by the following vote:

YEA: Moore, Swanson, Mayor Pro Tem Benoit
NAY: Morabito
ABSTAIN: None
ABSENT: None

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Swanson to adopt an Ordinance entitled:

ORDINANCE NO. 209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 21-0045 TO CHANGE THE EXISTING ZONING DESIGNATION FROM C-O (COMMERCIAL OFFICE) TO R-3 (GENERAL RESIDENTIAL) FOR A 7.93-ACRE SITE LOCATED ON NORTHEAST CORNER OF MONTE VISTA DRIVE AND SUMMER SAGE WAY (APN: 367-502-002, 367-502-003, 367-502-004)

MOTION carried 4-0, by the following vote:

YEA: Moore, Swanson, Mayor Pro Tem Benoit
NAY: Morabito
ABSTAIN: None
ABSENT: None

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Moore to adopt a Resolution entitled:

RESOLUTION NO. 2021 - 74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 38155 (PA NO. 18-0034) TO SUBDIVIDE A 7.93-ACRE SITE INTO ONE SIX (6) LOTS FOR CONDOMINIUM PURPOSES TO FACILITATE THE DEVELOPMENT OF A 62-UNIT TOWNHOME PROJECT LOCATED ON NORTHEAST CORNER OF MONTE VISTA DRIVE AND SUMMER SAGE WAY (APN: 367-502-002, 367-502-003, 367-502-004)

MOTION carried 4-0, by the following vote:

YEA: Moore, Swanson, Mayor Pro Tem Benoit
NAY: Morabito
ABSTAIN: None

ABSENT: None

A MOTION was made by Councilmember Swanson seconded by Mayor Pro Tem Benoit to adopt a Resolution entitled:

RESOLUTION NO. 2021 - 76
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING PLOT PLAN/FSPD NO. 21-0045 TO
DEVELOP A 62-UNIT TOWNHOME COMMUNITY WITH RELATED ON-
SITE/OFF-SITE IMPROVEMENTS, SUBJECT TO CONDITIONS, ON A
7.93-ACRE SITE LOCATED ON NORTHEAST CORNER OF MONTE
VISTA DRIVE AND SUMMER SAGE WAY (APN: 367-502-002, 367-502-
003, 367-502-004)

MOTION carried 4-0, by the following vote:

YEA: Moore, Swanson, Mayor Pro Tem Benoit
NAY: Morabito
ABSTAIN: None
ABSENT: None

2.2 Development Impact Fee Update Study (CIP 023)

Mayor Nigg read the title.

Associate Engineer Farag presented the staff report.

Associate Engineer noted a change to Exhibit B Impact Fee Schedule of the Resolution. This change added a line for Animal Shelter.

Mayor Nigg opened the Public Hearing.

Kenneth Mayes, resident, provided public comment in opposition of the item.

Gina Castanon, resident, provided public comment in favor of the item.

Sally provided public comment.

Monty Goddard, resident, provided public comment.

There being no further testimony, Mayor Nigg closed the Public Hearing.

A MOTION was made by Councilmember Morabito seconded by Councilmember Moore to adopt the following Resolution with the change to Exhibit B as noted:

RESOLUTION NO. 2021 - 76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING THE "CITY OF WILDOMAR IMPACT FEE STUDY" AND ESTABLISHING AND INCREASING DEVELOPMENT IMPACT FEES APPLICABLE TO ALL DEVELOPMENT IN THE CITY OF WILDOMAR

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

NAY: None

ABSTAIN: None

ABSENT: None

3.0 GENERAL BUSINESS

3.1 COVID-19 Update

Mayor Nigg read the title.

Community Services Director Torres presented the staff report.

It was the consensus of the City Council to receive and file the report.

3.2 Fifth Amendment to the Franchise Agreement between the City and CR&R

Mayor Nigg read the title.

Project Consultant Riley presented the staff report.

Kenneth Mayes, resident, provided public comment.

A MOTION was made by Councilmember Morabito seconded by Councilmember Moore to approve the Fifth Amendment to the Franchise Agreement between the City and CR&R Incorporated and authorize the City Manager to sign it. This amendment would be effective January 1, 2022.

MOTION carried 4-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit
NAY: None
ABSTAIN: None
ABSENT: Mayor Nigg

3.3 Fifth Amendment to the Franchise Agreement between the City and Waste Management

Mayor Nigg read the title.

Project Consultant Riley presented the staff report.

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Swanson to approve the Fifth Amendment to the Franchise Agreement between the City and Waste Management and authorize the City Manager to sign it. This amendment would be effective January 1, 2022.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg
NAY: None
ABSTAIN: None
ABSENT: None

3.4 2022 Parks and Community Services Special Event Dates

Mayor Nigg read the title.

Community Services Director Torres presented the staff report.

A MOTION was made by Councilmember Moore seconded by Councilmember Morabito to approve the Parks and Community Services special events calendar through 2022.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg
NAY: None
ABSTAIN: None
ABSENT: None

3.5 Agreement for the position of City Manager

Mayor Nigg read the title.

City Attorney Jex presented the staff report.

Resident Kenneth Mayes provided public comment in opposition of the item.

Resident Monty Goddard provided public comment.

A MOTION was made by Mayor Pro Tem Benoit seconded by Councilmember Swanson to approve the attached Employment Agreement between the City of Wildomar and Dan York for the position of City Manager.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

NAY: None

ABSTAIN: None

ABSENT: None

3.6 Appointment of Mayor and Mayor Pro Tem for 2022

Mayor Nigg read the title.

City Clerk Morales presented the staff report.

A MOTION was made by Mayor Pro Tem Nigg to nominate Ben J. Benoit as Mayor for 2022.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

NAY: None

ABSTAIN: None

ABSENT: None

A MOTION was made by Mayor Pro Tem Benoit to nominate Joseph Morabito as Mayor Pro Tem for 2022.

MOTION carried 5-0, by the following vote:

YEA: Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg
NAY: None
ABSTAIN: None
ABSENT: None

3.7 Committees, Commissions, and Boards Appointment for 2022

Mayor Nigg read the title.

City Clerk Morales presented the staff report.

A MOTION was made by Mayor Nigg, seconded by Mayor Pro Tem Benoit to make the following changes to the list of committees, commissions, and boards:

Southern California Association of Governments (SCAG): Remove Ben J. Benoit as the Delegate and replace with Joseph Morabito.

Removed the Autism Task Force from the list.

MOTION carried 5-0, by the following vote:

YEA: Benoit, Morabito, Swanson, Mayor Pro Tem Moore, Mayor Nigg
NAY: None
ABSTAIN: None
ABSENT: None

CITY MANAGER REPORT

Assistant City Manager York presented the Staff Report.

FUTURE AGENDA ITEMS

No future agenda items added.

ADJOURN THE CITY COUNCIL MEETING

There being no further business, Mayor Nigg adjourned the City Council Meeting at 8:37 p.m.

CALL TO ORDER – REOPEN ADJOURNED REGULAR SESSION

The Adjourned Regular Meeting of December 15, 2021, of the Wildomar City Council was conducted in-person at the Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, California, and was reopened and called to order by Mayor Nigg at 8:44 p.m.

City Council Roll Call showed the following:

Members in attendance: Council Member Moore, Morabito, Swanson, Mayor Pro Tem Benoit, Mayor Nigg

Members absent: None

Staff in attendance: Assistant City Manager York, City Attorney Jex, City Clerk Morales, Planning Director Bassi, Administrative Services Director Howell, Project Consultant Riley, Economic Development Director Davidson, Associate Engineer Luna, Development Manager Stadnik, Associate Engineer Farag, Community Services Director Torres and Capital Project Manager Repke.

FUTURE AGENDA ITEMS

Added: Zip Code Unity – Benoit

ADJOURN THE CITY COUNCIL MEETING

There being no further business, Mayor Nigg adjourned the City Council Meeting at 8:45 p.m.

Submitted by:

Approved by:


Janet Morales, CMC
City Clerk


Ben J. Benoit
Mayor