

**MURRIETA CITY COUNCIL MINUTES
ONE TOWN SQUARE
24601 JEFFERSON AVENUE**

**MARCH 2, 2010
6:00 PM REGULAR MEETING
MURRIETA, CA**

CALL TO ORDER: Mayor Pro Tem Randon Lane called the regular meeting to order at 6:00 p.m.

ROLL CALL: Present: Gibbs, Lane, McAllister and Thomasian. Absent: Bennett.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem R. Lane's daughter, Chelsea Bo, led the pledge.

INVOCATION: Pastor Chris Deknatel, Promise Lutheran Church

APPROVAL OF AGENDA

Action: It was moved by G. Thomasian and seconded by D. McAllister to approve the agenda. On roll call the vote was:

AYES: R. Gibbs, D. McAllister, G. Thomasian, and R. Lane

NOES: None

ABSENT: K. Bennett

COMMUNITY REPORT: Murrieta Mesa High School (MMHS) - Delaney Noll reported tryouts were held for the play "Sound of Music" and Shivela middle school students were invited to try out; during college career week, students held a pep rally at Shivela middle school; \$359 in donations were collected for food and water purification tablets to Haiti recovery; the sophomores are preparing for the California exit exam; the spring sports teams are preparing for the upcoming season; and she announced an open house will be held on Monday, March 8 starting at 6:30 p.m.

PUBLIC COMMENTS:

Donald Lambert, Murrieta distributed information regarding medical marijuana research, use, and effects.

Jeanne McClellan, Jesus Christ Latter Day Saints Church, announced their Musical Easter Pageant will be held March 11-14 at the Lakeside Theater with a canned food item being requested for admission, which will be donated to Saint Martha's pantry. She shared that May 8 is "Mormon Helping Hands Day," and the church members will be cleaning up Murrieta Creek and spreading mulch at the Jackson and Nutmeg Park; and "Crystal Apple Awards" to recognize teachers will be on May 23.

DEPARTMENT/COMMISSION ANNOUNCEMENTS:

Library - Director Loretta McKinney announced the Public Library Foundation is now established as a 501c(3) organization and will host a reception on March 19, from 5:00-8:00 p.m. She conveyed that the Library will be closed on Saturday, March 13 due to the "Tour de Murrieta" bike event. She recognized Colby Diuguid, Community Services Department, for his cooperation in including four pages of library information in the spring recreation brochure.

General Plan - Community Development Director Mary Lanier gave an update on the General Plan.

City Manager - City Manager Rick Dudley asked for individuals to contact him to host a Murrieta Connects meeting.

Fire Chief Paul Christman reported Murrieta firefighters rescued a driver stuck in rain-swollen Murrieta Creek in the midst of a powerful storm that passed through the area on February 27. He said the

waterways are very unpredictable and strongly encouraged everyone to stay clear of the crossings that are barricaded or have signs posted.

GOVERNING BODY ANNOUNCEMENTS

Thomasian: Attended meeting regarding the Cowboy Jubilee.
 Attended Regional Conservation Authority Board meeting and encouraged people to visit the web site (www.wrc-rca.org) to sign up for the newsletter.
 Attended New Vision Children's Services dinner theatre fundraiser for Autism awareness.

McAllister: Attended the Southwest Economic Development Corporation Board meeting.
 Was the guest speaker at the Murrieta Hot Springs Women's Club meeting.
 Met with the Fire Fighter's PAC to discuss Murrieta Public Safety policy and solutions.
 Attended the Riverside Transit Agency Executive Board and General Board Meeting.
 Expressed his condolences to the family and friends of Leanna McConnaughey.

Gibbs: Attended a Hospital Forum in Temecula.
 Attended New Vision Children's Services dinner theatre fundraiser for Autism awareness.
 Attended Riverside County Transportation Commission meeting.
 Accepted a "Field of Honor" picture book from the Rotary Club.

Lane: Met with Hasan Ikhata, Executive Director for Southern California Association of Governments.
 Attended the Western Riverside Council of Governments (WRCOG) meeting.

Action: By consensus, a break was taken from 6:37 p.m. to 7:00 p.m.

7:00 PM CONSENT CALENDAR - APPROVAL OF ITEMS C1-C7

C1. Waived Reading of All Ordinance Introductions on this Agenda and Read by Title Only

C2. Minutes

Action: Approved the City Council Minutes of the 4:30 p.m. Closed Session and 6:00 p.m. Regular Meeting on February 16, 2010.

C3. Treasurer's Report - December 2009

Action: Received and filed the December 2009 Treasurer's Report.

C4. Award Civil Design Contract for Torrey Pines Park

Action: Adopted Resolution No. 10-2470 authorizing the execution of a civil design contract to MDMG, Inc., in an amount not to exceed \$66,355 for Torrey Pines Park.

C5. Traffic Signal Controller Cabinet Replacements

Action: Adopted Resolution No. 10-2471 approving the contract with DBX, Inc., in the amount of \$59,773 to provide and install three new traffic signal controller cabinets.

C6. United States Census 2010 - Make Yourself Count

Action: Adopted Resolution No. 10-2472 supporting the United States Census and declaring March, 2010 as Make Yourself Count Month.

C7. Report on Meeting Attendance

Action: Received and filed the report on City Council member meeting attendance.

PUBLIC HEARINGS:

Mayor Pro Tem R. Lane received consensus to move PH2 to be heard first.

Council Member D. McAllister recused himself and left the dais because of a potential conflict of interest due to his employment in the telecommunications industry.

PH2. Extension of Temporary Moratorium on Wireless Telecommunications Facilities

Mayor Pro Tem Randon Lane indicated for the record that this portion of the City Council meeting is being conducted pursuant to California Government Code Section 54953 regarding teleconferencing. Mayor Kelly Bennett is located in Washington, D.C. at Hotel George, 15 E Street, N.W. and is participating by speaker phone. In accordance with the Ralph M. Brown Act, that teleconference location has been identified in the notice and agenda for this meeting. Mayor Pro Tem R. Lane asked that any member of the City Council speak up at this time if such Council Member has not been able to clearly hear Mayor K. Bennett. All Council Members present indicated they were able to hear Mayor K. Bennett clearly. Mayor Pro Tem R. Lane then asked if any Council Member, including Mayor K. Bennett, had any reason to believe based on voice recognition or otherwise, that the person representing herself to be Mayor K. Bennett is not truly so. No Council Member expressed doubt that Mayor K. Bennett was not the party participating by teleconference with the Council Members present here. Public Works Director Pat Thomas updated the Council on the need for the extension of the wireless communication facilities moratorium ordinance to January 20, 2011.

Mayor Pro Tem R. Lane declared the public hearing open; there being no speakers, the public hearing was closed.

Council Member G. Thomasian asked staff to briefly outline the changes being proposed to the municipal code, if health related radio frequency issues will be addressed, and if staff will be looking at limiting the number of cell towers in one location. Council Member R. Gibbs confirmed the City cannot deny an application due to health related issues but can monitor the facility to ensure it is operating within the approved power levels.

Public Works Director Pat Thomas said State and Federal law regarding local regulation of wireless facilities has changed significantly; and the City's Municipal Code, Chapter 16.44.170, which regulates the installation of wireless facilities, was last updated in 1997. The City's regulations need to be updated to provide clear, consistent and uniform guidance to wireless communication service providers, as well as updates to the encroachment permit process. He said the city can determine through the application process the amount of radio frequency emission and then monitor the cell tower(s). If a cell tower or towers goes above this approved frequency, the permit can be revoked.

Action: It was moved by R. Gibbs, seconded by G. Thomasian to adopt Ordinance No. 434-10 extending the temporary moratorium on wireless telecommunications facilities for a period of ten months and fifteen days to January 20, 2011. On roll call the vote was:
AYES: K. Bennett, R. Gibbs, G. Thomasian and R. Lane

NOES: None
ABSTAIN: D. McAllister

PH1. Retail Shopping Center at Clinton Keith and Winchester Roads

City Planner Cynthia Kinser presented the staff report. She said the Planning Commission and staff are recommending approval with the following changes:

- 1) Ordinance shall read “cancellation of Murrieta Hot Springs Agricultural Preserve #2” (not Choachella);
- 2) Resolution for French Valley Crossing - Conditions of Approval, Tentative Parcel Map No. 35036 (TPM-006-2184), Condition No. 23 shall read “CUP 004-062 was adopted/approved December 5, 2006” (not January 5, 2006);
- 3) Resolution approving Conditions of Approval for Conditional Use Permit 009-2866 and Development Plan 004-249, Condition Number 15 shall read “the permittee may request three (3) one-year (1) extensions” (not one (1) year extension);
- 4) Remove Condition No. 176 in its entirety (final map shall be recorded).

Mayor Pro Tem R. Lane declared the public hearing open.

Council Member D. McAllister verified the Environmental Impact Report for the Regency Center commercial project had already been approved, and the design and scope of the French Valley crossing project is an extension and approved compatible use of the Regency commercial project. So the issue before the Council tonight is the cancellation of the conservation contract. City Planner C. Kinser said the overall project is before the Council for approval, but the primary issue is the conservation contract.

Larry Markham, Markham Development Management Group, on behalf of the applicant FV Crossings, concurred with the recommendations and conditions of approval.

Council Member G. Thomasian had the following comments/questions: 1) asked if the cell tower would remain; 2) would the cell tower design change; 3) can the cell tower be incorporated into the building design; 4) is the height of the building restricted due to the flight patterns; 5) expressed concern with the view of building G from Los Alamos area; and, 6) inquired where will the loading and unloading area will be located.

Mr. Markham responded that the cell tower was preapproved and would remain as is but will be camouflaged with landscaping; the applicant has obtained Aviation Land Use Commission and FAA approval for the building heights; unloading and loading will be done off Briggs Road at the back of building G; there is a utility easement that limits changes to the area in back of building G, but landscaping will be added to soften the image; and when Clinton Keith Road is completed, Briggs Road will be closed to through traffic.

Mayor Pro Tem R. Lane asked why condition #58 and #63 were being removed. Mr. Markham said it was to remain consistent with the approvals for the Regency project.

Mayor Pro Tem R. Lane indicated there were no public speakers and closed the public hearing.

Action: It was moved by D. McAllister, seconded by G. Thomasian to adopt Resolution No. 10-2473 approving Tentative Parcel Map 35036 (TPM-006-2184) based on the findings and subject to the revised Conditions of Approval and adopt Resolution No. 10-2474 approving Conditional Use Permit No. 009-2866 and Development Plan 004-249 based on the findings and subject to the revised Conditions of Approval; and introduce an Ordinance setting forth findings and granting tentative cancellation of Murrieta Hot Springs Agricultural Preserve No.

2, Map No. 38A. On roll call the vote was:
 AYES: R. Gibbs, D. McAllister, G. Thomasian and R. Lane
 NOES: None
 ABSENT: K. Bennett

DISCUSSION:

D1. Local Taxpayer, Public Safety and Transportation Protection Act of 2010

Brian Ambrose, Senior Management Analyst, presented the staff report and introduced David Willmon from the League of California Cities.

David Willmon, Regional Public Affairs Manager, League of California Cities, thanked the city for considering this resolution and indicated the coalition is gathering signatures to place the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 on the November 2010 ballot. The coalition needs approximately 1.2 million gross signatures in order to get 694,000 good signatures to qualify. Currently the coalition has collected 764,000 signatures, and the League and coalition are confident this will be on the November 2010 ballot.

Council Member D. McAllister asked Mr. Willmon to summarize the measure.

Mr. Willmon said this measure will protect local taxpayer funds, especially Redevelopment Agency, transportation, and public safety funds and prevent the State from raiding city coffers. The measure will also protect public transit funds so cities will be able to provide public transit in order to reduce vehicle emissions. City Manager Rick Dudley said transportation funds are not used for on-going operating costs, but are used to maintain roads; and delayed maintenance costs more in the long run.

Council Member R. Gibbs supported this resolution, but commented that he did not trust the State and felt cities will always need to be on guard so the State will not continue to steal monies from cities.

Action: It was moved by G. Thomasian, seconded by R. Gibbs to adopt Resolution No. 10-2475 supporting the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.
 On roll call the vote was:
 AYES: R. Gibbs, D. McAllister, G. Thomasian and R. Lane
 NOES: None
 ABSENT: K. Bennett

GOVERNING BODY ACTIONS/COMMENTS

Council Member D. McAllister requested when there are large documents for the agenda packet; he would rather have staff make a master copy for Council to review, instead of individual copies, to save staff time and material costs. There was Council consensus for staff to provide a master copy and/or electronic copy of large documents for review in advance of distribution of the agenda packet.

ADJOURNMENT IN MEMORY OF LEANNA MCCONNAUGHEY

Action: At 8:09 p.m., the meeting was unanimously adjourned on a motion by D. McAllister, seconded by G. Thomasian in memory of Leanna McConnaughey, Murrieta 911 Police Dispatch Operator.

A. Kay Vinson, MMC
 City Clerk