SWORN COMPLAINT FORM
(Form May Be Subject to Public Disclosure)*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission.

Mail the complaint to:

Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

NOTE: *The Fair Political Practices Commission does not enforce or address violations of the Brown Act, the content of campaign communications, residency requirements, the inappropriate use of public funds or resources (including use of uniforms or equipment), placement of campaign signs or materials on public property, or violation of a local campaign rule or campaign ordinance.*

Person Making Complaint

Last Name: Bonge

First Name: Nicholas

Street Address:
536 Briarwood Terrace

City: Ventura State: CA Zip: 93001

Telephone: (805) 797 - 3023

Fax: (805) 644 - 1814

E-mail: nbonge@pacbell.net

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
2015 NOV 24 PM 1:45

*IMPORTANT NOTICE

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the person(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC to discuss the complaint at (916) 322-5660 or toll free at (866) 275-3772.

Person(s) Who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Jane

First Name: Farkas

Committee Name: _____
(only if applicable)

Street Address: 501 Poli Street

City: Ventura State: CA Zip: 93001

Telephone: (805) 654 -7800

Fax: (____) ____-_____

E-mail: jfarkas@sespe.com

Describe, With as Much Particularity as Possible, the Facts Constituting the Alleged Violation(s) and How You Have Personal Knowledge that it Occurred.*

Please see attached letter, incorporated by reference.

***IMPORTANT! Attach copies of any available documentation that is evidence of the violation, (for example, copies of checks, campaign materials, minutes of meetings, etc., if applicable to the complaint.) Note that a newspaper article is NOT considered evidence of a violation.**

Provision(s)/Section(s) of the Political Reform Act Allegedly Violated and When the Violation(s) Occurred: (If specific sections are not known, please provide a brief summary)

1. Government Code Section 87202 - Failure to Report Income on Statement of Economic Interest by an 87200 filer (Planning Commissioner) Violated August, 2015

2. Government Code Section 87100 - Conflict of Interest. Violated October 28, 2015.

# # #

Name and Addresses of Potential Witnesses, Other than Yourself, if Known:

Last Name: _____

First Name: _____

Street Address:

_____

City: _____ State: _____ Zip: _____

Telephone: (____) ____-_____

Fax: (____) ____-_____

E-mail: _____

Last Name: _____

First Name: _____

Street Address:

_____

City: _____ State: _____ Zip: _____

Telephone: (____) ____-_____

Fax: (____) ____-_____

E-mail: _____

###

Last Name: _____

First Name: _____

Street Address:

_____

City: _____ State: _____ Zip: _____

Telephone: (____) ____-_____

Fax: (____) ____-_____

E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ 11/23/2015
(Signature) **(Date)**

Nicholas Bonge
_____
(Please Print Your Name)

Clear Page Print Page

November 23, 2015

Ms. Galena West, Chief
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Dear Ms. West:

Please accept this letter as the attachment to the sworn complaint included with this letter. Please also accept this letter as notification of a request to file a civil action under Government Code Section 91007.

This complaint is made against Jane Farkas, who is a sitting Planning Commissioner in the City of Ventura. There are two identified violations of the Political Reform Act (Act). First is that she failed to disclose a source of income to her on her assuming office Statement of Economic Interests in August 2015. Second is that she violated the Act's conflict of interest provisions on October 28, 2015. Both of these violations are detailed below, with accompanying exhibits in support.

Violation One: Failure to Report Income on a Statement of Economic Interest

Jane Farkas was appointed to the City of Ventura Planning Commission and assumed office on August 6, 2015. As a result, she was required to file an Assuming Office Statement of Economic Interests (SEI). She did, in fact, file her Assuming Office SEI within the required 30 days. However, she failed to disclose income she received from her employer in an amount over $500.

Commissioner Farkas is currently an employee of SESPE Consulting Inc. (SESPE). The evidence to support this is contained in **Attachment A**. This Attachment contains screen shots of the SESPE website which list her as an employee. It also contains her Assuming Office SEI, in which she lists her contact e-mail as Jfarkas@SESPE.com.

As a result, it is clear she has an employee relationship with SESPE that pays her more than $500 per year. Although she is a Government Code 87200 filer and, therefore, is subject to statewide jurisdiction in her filings, it is worth noting that SESPE actually has an office in the City of Ventura and does business in the City. **Attachment B** supports this with screen shots from the company website that show their office address in Ventura (which is actually just a few doors down from City Hall) and projects they have worked on in the City.

Given that this company is in the business of providing consulting work, it provides its clients with a wide range of land use, environmental planning and engineering services, according to its website. Therefore, it is engaged in a business that frequently has business before the City Council and Planning Commission. **Attachment C** is just a sample of meeting minutes from the Ventura City Council where SESPE representatives were advocating on policy and other issues. Many more similar items can be found with a simple internet search.

As a result, the disclosure of this income is more egregious than many other seen by the Commission. Income from companies that have business before the entity upon which the public official serves is very relevant to prevent conflicts of interest and self-dealing. This is precisely what the Act is designed to combat.

It is unknown whether or not Commissioner Farkas has other sources of income that remain undisclosed. But given the seriousness of the undisclosed income from SESPE, it is clear this matter should be fully investigated so the Ventura public has full disclosure of Commissioner Farkas' interests, to which they are entitled.

Violation Two: Conflict of Interest

As you are aware, the Act prohibits a public official from making, participating or influencing a decision in which there is a reasonably foreseeable material financial interest. As the conflict of interest regulations put out by the FPPC have recently changed, the analysis of a conflict of interest now has four steps.

The basic facts, before discussion of each of the steps, are these; Commissioner Farkas was a public official as a member of the Planning Commission. She was an employee of a business entity, SESPE. SESPE derives income from Regent Properties Inc. (Regent). This income was as recent as July, 2014 and most likely ongoing, given the nature of both of their businesses. Regent Properties had a very significant development project (possible total impact on over 700 acres of land) before the City of Ventura Planning Commission. Commissioner Farkas voted in favor of the development. **Attachment D** is a news article describing the controversy surrounding the project and the over six hour planning commission meeting on October 28, 2015. Commissioner Farkas did not report her position with SESPE on her Form 700, which gave the public no immediate knowledge of this potential conflict.

Realizing that indirect interests are more challenging under the conflict of interest analysis, I believe you will find that the facts here warrant investigation. This is particularly true where the interest here was concealed on a Form 700 and the publicly available information suggests a strong relationship between SESPE and Regent Properties Inc. that would no doubt be impacted if one of SESPE's employees voted against one of Regent's biggest projects.

In terms of evidence to support SESPE's relationship with Regent, **Attachment E** shows that on August 14, 2012, the Hemet City Council held a meeting in which Regent Properties and their development team presented the land use concept for a project entitled the Ramona Creek Specific Plan Project. On May 8, 2014, an employee of SESPE, Mike DeVore, presented the Ramona Creek Specific Plan to the Riverside County Airport Land Use Commission. During that presentation, SESPE, represented by Mr. DeVore, spoke on behalf of Regent Ramona Creek, LLC and Regent Inland JV, LLC. (See **Attachment F**)

The California Secretary of State business search database indicates that Regent Ramona Creek, LLC and Regent Inland JV, LLC are active California entities, domesticated in Delaware. Both entities designate Jeffrey Dinkin as the agent for service of process and list the agent's and entities' address as 11990 San Vicente Blvd, Suite 200, Los Angeles, California, 90049. As referenced above, Jeffrey Dinkin is the agent for service of process for Regent Properties and Regent Properties uses the same address as that designated for Regent Ramona Creek, LLC and Regent Inland JV, LLC. (See **Attachment G**)

On June 10, 2014, the Hemet City Council approved the Ramona Creek Project. At that meeting, Mr. Lenny Dunn, Vice-President of Land Development for Regent Properties addressed the City Council. His remarks indicate that Regent Properties was part of the development team for the Ramona Creek Project. (See **Attachment H**: Minutes, Regular Meeting of the Hemet City Council, June 10, 2014.)

Based on the above, it appears that Regent Properties, LLC, Regent Ramona Creek, LLC, and Regent Inland JV, LLC were all involved in the development of the Ramona Creek Project. It further appears that SESPE had a financial relationship with Regent Properties, LLC during the Ramona Creek Project approval period, and that the financial relationship may have extended at least until June 10, 2014.

These are just what is available publicly. It seems clear there is very likely to be other projects in which SEPSE was involved with Regent. The FPPC can use its subpoena and investigatory power to help obtain the full scope of this relationship.

The amended regulations the FPPC adopted appear to be guided towards focusing on decisions where public officials are weighed by competing private interests and public duties. It is exactly those types of situation in which a public official should recuse themselves. Here, Commissioner Farkas could not help but be impacted by the fact that one of her employer's major clients had one of its' biggest projects before her. The situation clearly called for recusal, both ethically in a general sense, and in the legal sense as you can see from the step-by-step analysis below.

Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests? To determine if the financial effect is reasonably foreseeable, apply Regulation 18701. If the answer is no, there is no conflict of interest under the Act. If the answer is yes, proceed to Step Two.

Commissioner Farkas had two financial interests under the Act. First was her income from SESPE under Government Code Section 87103 (c). Second was her position as an employee of SESPE under 87103 (d).

Where a public official's financial interest is a named party in, or the subject of, a governmental decision before the official or the official's agency, the financial interest is deemed to be "explicitly involved" and the financial effect on the official's financial interest is presumed to be reasonably foreseeable. (FPPC reg. 18701(a).) However, as in the present case, there may be circumstances where an official's financial interest is not explicitly involved in the decision and yet the governmental decision's financial effect on the official's financial interest may still be considered reasonably foreseeable. These circumstances are articulated in FPPC Reg. 18701(b).

This regulation identifies a number of "non-exclusive" factors to determine whether a financial effect is reasonably foreseeable where the official's financial interest is not explicitly involved in the decision. Under the facts here, the relevant factors listed in the regulation which indicate reasonable foreseeability in this case, are the following:

- Whether the public official should anticipate a financial effect on his or her financial interest as a potential outcome under normal circumstances when using appropriate due diligence and care. 18701 (b)(2)

- Whether a reasonable inference can be made that the financial effects of the governmental decision on the public official's financial interest might compromise a public

official's ability to act in a manner consistent with his or her duty to act in the best interests of the public. 18701 (b)(4)

- Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on his or her financial interest in formulating a position. 18701 (b)(6)

Commissioner Farkas is an employee of SESPE and SESPE has been engaged by Regent Properties LLC as recently as June 10, 2014. They almost certainly have an ongoing business relationship. SESPE almost certainly has an interest in future business with a big land use development company like Regent for whom it had done work for in past. She was faced with a crucial decision on an extremely large, high-stakes land use project by Regent. She could not have helped but be influenced by these facts.

Under 18701 (b)(2), she clearly knew that how she voted on the project, as an employee of SESPE, could very likely have an impact on future work done by SESPE for Regent. Similarly, under 18701 (b)(4) the significant financial interests at stake for both Regent and SESPE would not have allowed her to act in the best interests of the public. And again under 18701 (b)(6), Commissioner Farkas could not help but weigh the advantages and disadvantages of her decision at the October 28, 2015 Planning Commission hearing to SESPE.

Step Two: Will the reasonably foreseeable financial effect be material? To determine if the reasonably foreseeable financial effect is material, apply Regulation 18702. If the answer is no, there is no conflict of interest under the Act. If the answer is yes, proceed to Step Three.

As discussed above, Commissioner Farkas has a financial interest in SESPE as a source of income and as an employee. And as shown in step one, it was reasonably foreseeable that the decision would have a financial effect. The next question is whether the reasonably foreseeable financial effect of the Planning Commission's decision was material.

The materiality standard for sources of income is found in FPPC Reg. 18702.3. The materiality standard for business entities in found in FPPC Reg. 18702.1

Business Entity:

In 18702.1 the (a) section deals with business entities that have a direct material financial effect. That is not the case here. Rather, this matter falls under the (b) section, for indirect interests. The (b) section states that the financial effect is material if a prudent person with sufficient information would find it is reasonably foreseeable that the decision's financial effect would contribute to a change in the price of the business entity's publicly traded stock, or the value of a privately-held business entity. Examples of decisions that may be applicable include those that:

(3) Increase or decrease the need for the products or services that the business entity supplies; or

. . . .

(5) Decide the location of a major development, entertainment facility, or other project that would increase or decrease the amount of business the entity draws from the location of the project;

Here, SESPE's business is related to land use and relies on companies like Regent, and developments such as the project in question for its existence. The decision to approve this major land use development project for further land use entitlement processing and a general plan amendment increases the need for SESPE's services. Additionally, the decision specifically dealt with the location of the project and complexities regarding land use entitlements. Again, because of the nature of the business in which SESPE engages in, the location of the project and the land use regulations involved can directly impact the amount of business SESPE could derive from the project by providing services to Regent, as it has done in the past.

A prudent person with sufficient information would likely conclude that the Planning Commission's approval of the project could impact on a long-term basis the land use planning and zoning conditions of development activity within Ventura's hillside area. Since SESPE provides services marketed to real estate developers, any relaxation or liberalization of land use development criteria for hillside development potentially benefits SESPE and its customers. Further, the promotion of hillside development creates a financial environment that is pro-development, thereby increasing the need for the types of services that SESPE provides. Finally, the project is by its own description designed to attract high-end home buyers. Presumably, high-end home buyers and their investments would be seeking the type of services provided by SESPE.

Source of Income:

In 18702.3, under section (a) income from a salary is material if the source is a business entity that will be financially affected under the standards as applied to a financial interest in Regulation 18702.1. Given the analysis and facts established in the business entity section above, this materiality standard is met as well.

Step Three: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from its effect on the public generally? To determine if the material financial effect on any of the public official's financial interest is indistinguishable from its effect on the public generally, apply Regulation 18703. If the answer is yes, there is no conflict of interest under the Act. If the answer is no, proceed to Step Four.

A governmental decision's financial effect on a public official's financial interest is indistinguishable from its effect on the public generally if the official establishes that a significant segment of the public is affected and the effect on his or her financial interest is not unique compared to the effect on the significant segment. Here, the public generally isn't a factor and we can proceed to Step Four.

Step Four: If after applying the three step analysis and determining the public official has a conflict of interest, absent an exception, he or she may not make, participate in making, or in any way attempt to use his or her official position to influence the governmental decision. To determine if the public official is "making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision," apply Regulation 18704. If the public official will be called upon to make, participate in the making, or use his or her official position to influence a governmental decision in which he or she has a financial interest as determined under Step One through Step Three, he or she will have a prohibited conflict of interest

Commissioner Farkas voted on the project on October 28, 2015 (see Attachment E for agenda item from meeting). This is clearly a decision under the Act.

Conclusion

As you can see, Commissioner Farkas very clearly violated the Act's provisions related to disclosure of income on her Statement of Economic Interests. There are also strong indications that she had a conflict of interest in her October 28, 2015 decision to approve the Regent project. These indications are certainly significant enough to warrant opening an investigation to determine all the facts and apply the conflict of interest standards.

I am happy to provide any further information I can. Thank you for your attention to this matter.

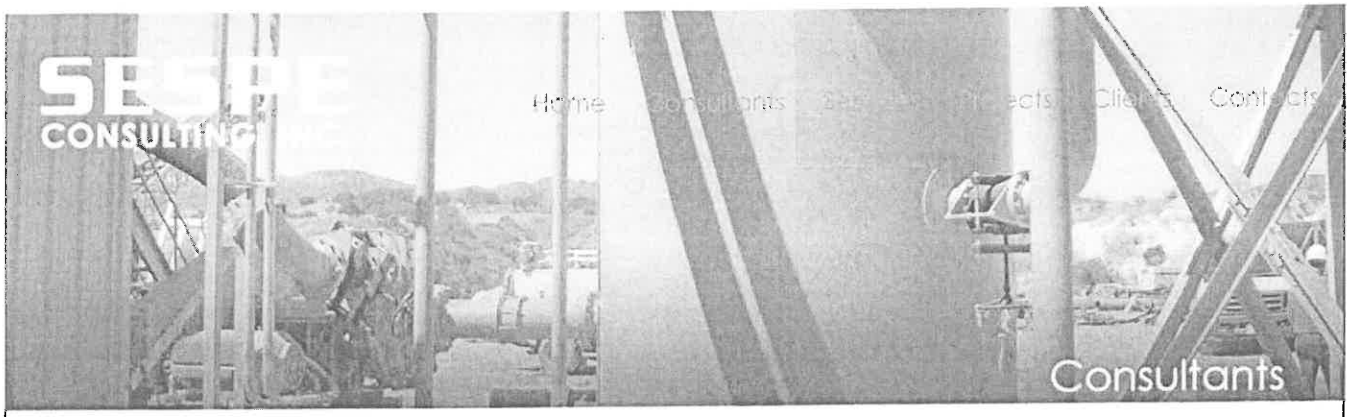
Sincerely,

Nick Bonge

ATTACHMENTS

Attachment A	SESPE Consulting Inc. Website Screenshots re Employee
Attachment B	SESPE Consulting Inc. Website Screenshot re Ventura Address
Attachment C	Ventura City Council Meeting Minutes dated October 28, 2013
Attachment D	Journal Interactive Article dated October 29, 2015 re Ventura Planning Commission Vote
Attachment E	Hemet City Council Meeting re Regent Properties Development
Attachment F	Riverside County Airport Land Use Commission re Regent
Attachment G	Re Jeffrey Dinkin, Agent for Service of Process
Attachment H	Minutes, Regular Meeting of the Hemet City Council, June 10, 2014

ATTACHMENT A



Jane Farkas

Project Manager

Jane is a land use planner specializing in permitting large industrial mining/aggregate-related projects throughout California. CEQA/NEPA, reclamation plans, US Army Corps of Engineers (UACOE), Regional Water Quality Control Board (RWQCB) and related permitting is often required. Jane has taken projects from the conceptual project planning phase through the building permit issuance phase, the culmination of years of work, coordination of exhaustive studies, and public outreach and meetings.

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American Planning Association (APA)
Association of Environmental Professionals (AEP)
Women in Mining (WIM)

Title
We've Moved!
Our Ventura Office has moved to 374 Poli Street, Suite 200. Please update your contact information...

Connect with Us!

Home Consultants Services Projects Clients Contacts Login

SESPE Consulting, Inc. Phone: (805) 275-1515 Fax: (805) 667-8104

Air Permitting - Oil Production

Sespe works on air permitting for an oil production facility in Ventura County. A Ventura County Air Pollution Control District (VCAPCD) permit was obtained for number of wells and related production equipment. Sespe worked with the VCAPCD to allow the facility the maximum amount of operational flexibility without exceeding allowable emission thresholds.

Title

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Industrial SWPPP - Mine Site

Sespe prepared and maintains an industrial SWPPP for a large active mining facility in Ventura County. The SWPPP covers 8 drainage areas, four separate outfalls, multiple industrial operations, and constantly changing terrain. Sespe also assists the facility in filing their storm water annual reports.

Title

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ATTACHMENT B

Sespe is a full service environmental and land use planning firm.

We can help you get your project permitted and assist with your compliance efforts once it is operational.

Our staff includes land use planners who will help you navigate the CEQA, NEPA, and local permitting processes. Our engineers are experienced in air quality (local and Title V, including greenhouse gases), water quality (sewer, storm water, and NPDES), hazardous materials and hazardous wastes. We have a Certified Industrial Hygienist and other safety professionals on staff to help you keep your workforce safe.

We are experienced in a wide variety of industries including construction materials (sand and aggregate mining), manufacturing, oil and gas production, food production, real estate development, and precious metals extraction.

With offices in Ventura, San Diego, and Sacramento we are well positioned to assist your operations in California and the U.S.Our staff members have an average of 20 years of experience, guaranteeing that your project will be handled by a knowledgeable team.

Title

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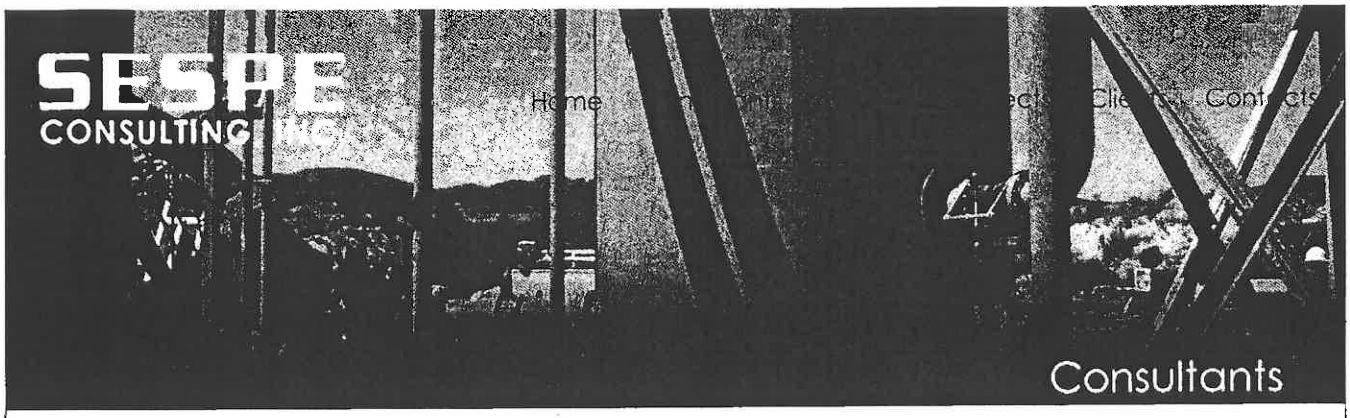

Consultants

John Hecht, PE

Rob Dal Farra, PE

Joe King, PE, CPESC, QSD

Maya Rohr

Sandy Smith

Scott D. Cohen, PE, CIH

Jane Farkas

Project Manager

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Women in Mining (WIM)

More

Doug Mason

Mike Biedebach, CAC

Garrett Zuleger, PE, QSD

Caitlin Beavers

Pearce Swerdfeger, EIT

Guillaume Camus

Graham Stephens

Title

Title
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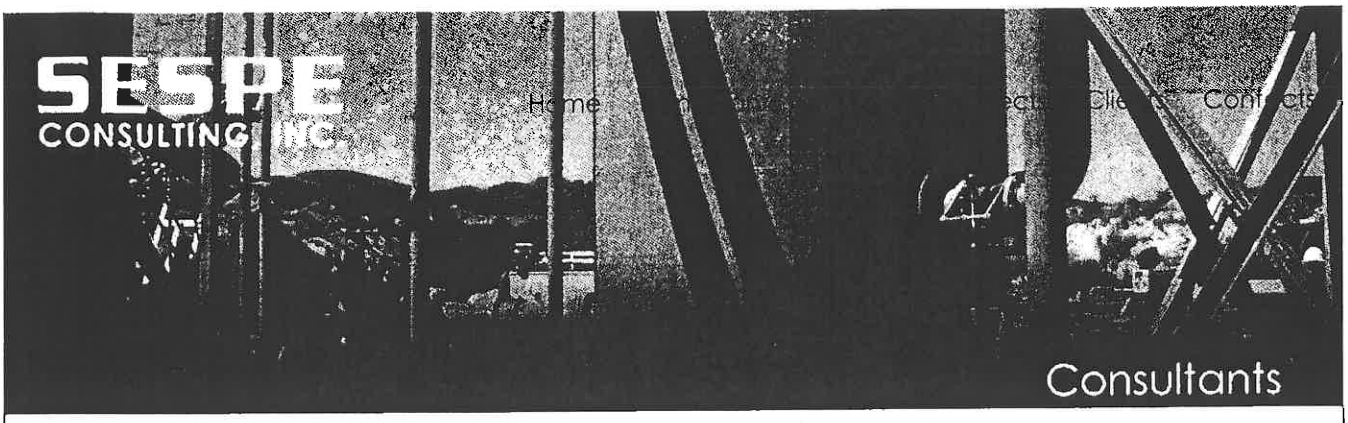

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ATTACHMENT C

CITY OF VENTURA

CITY COUNCIL MINUTES

Mayor Mike Tracy

Cheryl Heitmann, Deputy Mayor
Neal Andrews, Councilmember
Brian Brennan, Councilmember
Jim Monahan, Councilmember
Carl E. Morehouse, Councilmember
Christy Weir, Councilmember

Mark D. Watkins, City Manager
Ariel Pierre Calonne, City Attorney
Cynthia M. Rodriguez, City Clerk

OCTOBER 28, 2013

The San Buenaventura (Ventura) City Council met in regular session in the City Hall Council Chambers, 501 Poli Street, Ventura, at 6:00 p.m.

ROLL CALL

Present: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

Absent: Deputy Mayor Heitmann.

Mayor Tracy presided.

PLEDGE OF ALLEGIANCE

Councilmember Brennan led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor Tracy presented certificates of recognition and pins to Eagle ScoutsTrevor Morgan, Travis Holmes, and Ryan Collins of Troop 103; Eagle Scouts Ian Beamer, Dylan Donovan-Smith, Brandon Adkisson, and Shilo Geair of Troop 128; Eagle Scouts Peter Thomson and Andrew Westlund of Troop 155; Eagle Scouts Joshua Boggs-Helwig, Jonathan H. Ramirez and Eagle Scout Ryan Kielas of Troop 179.

CLOSED SESSION REPORT

City Attorney Ariel Pierre Calonne stated the City Council gave direction by a 6-0 vote to authorize the City Attorney to file litigation against the Mushroom Farm to recover fire suppression costs arising out of the recent compost fires.

In the second matter, the City Council gave direction by a 6-0 vote to authorize the City Attorney to file a cross complaint against Wood Ranch Restaurant in Braly v. City of San Buenaventura, Ventura County Superior Court Case No. 56-2013-0035127-CU-PO-VTA.

CITY COUNCIL COMMUNICATIONS

Councilmember Morehouse spoke about the County of Ventura Senior Summit to be held on November 2, 2013, at California State University, Channel Islands; upcoming Community Memorial Hospital's healthcare reform seminars; Blues at the Beach to be held on November 2, 2013, at San Buenaventura State Beach; his attendance at the Southern California Association of Governments Symposium; and requested that the meeting be adjourned in memory of Rodney Fernandez.

Councilmember Andrews requested that the meeting be adjourned in memory of Rodney Fernandez and Nanci Cone; spoke about the Starlight Supper Club to be held on November 2, 2013, at the Crowne Plaza, and the Black and White Ball to be held on November 9, 2013, at the Oxnard Performing Arts Center.

Councilmember Weir spoke about the efforts to restore the ecosystem of the Ventura River by volunteers from the Hillside Conservancy and the success of the Something Spooktacular Festival held in Downtown Ventura on October 26, 2013.

Councilmember Monahan spoke about the Museum of Ventura County's Night of the Living, Day of the Dead event to be held on November 2, 2013, and his attendance at the Gold Coast Veterans Foundation annual reception.

CITY COUNCIL CONSENT ITEMS

1. **Minutes**

RECOMMENDATION

Approve the minutes of the special and regular meetings of October 14, 2013.

Councilmember Brennan moved to approve the recommendation with an amendment to the minutes of the regular meeting to include receipt of a letter from Jean Getchell under Public Communications. Councilmember Morehouse seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

2. **Ventura River Parkway Trail National Recreation Trail Designation (76)**

RECOMMENDATION

Approve the City's participation as a co-applicant to designate the Ventura River Parkway Trail as a National Recreation Trail through the United States Department of the Interior.

SPEAKERS

Kathy Bremer.

Councilmember Brennan moved to approve the recommendation. Councilmember Morehouse seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

3. **Ventura Water Department Supervisory Control and Data Acquisition Project Consolidation and Budget Adjustment (123)**

RECOMMENDATION

Adjust and increase the 2013-2014 budgets for Water Operations and Wastewater Operations and authorize the Finance and Technology Department to adjust the Wastewater Enterprise Fund 51 and the Water Enterprise Fund 52 for a new Supervisory Control and Data Acquisition Project and appropriate funding to the proper transfers, funds, projects, and accounts.

Councilmember Brennan moved to approve the recommendation. Councilmember Morehouse seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

CITY COUNCIL PUBLIC HEARING

4. User Fees and Rates for Fiscal Year 2013-2014 (31)

RECOMMENDATION

a. Adopt a resolution approving the revised schedule of fees, hourly rates, and equipment charges to be effective December 1, 2013, for General User Fees and January 1, 2014, for Planning, Land Development Construction Permit and Fire Prevention Fees.

b. Amend and replace Resolution 2012-008, adopted on January 30, 2012.

The public hearing was opened.

Affidavits of publication, mailing, and posting were on file in the City Clerk's Office.

SPEAKERS

Staff: Chief Financial Officer Jay Panzica, Community Development Director Jeffrey Lambert, Public Works Director Rick Raives, Chief Building Official Andrew Stuffler, and City Attorney Ariel Pierre Calonne.

Members of the public: Terry Madsen, Clear Source Financial Consulting; Dan Frederickson; Richard Francis; and Helen Yunker.

DOCUMENTS

Emails: Dan Frederickson and Matt Guthrie.

Memorandum.

PowerPoint.

The public hearing was closed.

Councilmember Weir moved to approve the recommendation and adopt **Resolution No. 2013-044** entitled,

> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA ADOPTING A REVISED SCHEDULE OF FEES, HOURLY RATES, AND EQUIPMENT CHARGES FOR VARIOUS CITY SERVICES;**

and directed Staff to:

1. Phase in the right-of-way fee starting at half the amount proposed.
2. Maintain general plan fee at 1% until the scope of update is determined.
3. Maintain existing $1,000 rate for Design Review Committee sign review.
4. Return to Council in 6 months with detailed information on planning and water staff study for fee increases above 25%.

Councilmember Brennan seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Andrews, and Mayor Tracy.

NOES: Councilmembers Morehouse and Monahan.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

CITY COUNCIL FORMAL ITEMS

5. **City Manager's Report – Five-Year Plan/Project: Water Efficiency Update (42)**

RECOMMENDATION

Receive report.

SPEAKERS

Staff: Ventura Water General Manager Shana Epstein and Environmental Specialist Jill Sarick.

Members of the public: Dan Cormode.

DOCUMENTS

Comment Form: Kathy Bremer.

Email: Dan Cormode.

PowerPoint.

The City Council received the report.

6. **Fiscal Impact Model (80)**

RECOMMENDATION

a. Approve the Fiscal Impact Model "Model" for use in evaluating concept projects subject to the recommended prescreens process.

b. Approve the Model for use in evaluating entitlement applications involving potential development agreements or annexations.

c. Authorize the Finance and Technology Department to adjust revenue and expenditure appropriations to reflect receipt of applicant funding for the times a concept project or entitlement application triggers use of the Model.

SPEAKERS

Staff: Community Development Director Jeffrey Lambert, Project Manager Brian Pendleton, Planning Manager Dave Ward, and City Attorney Ariel Pierre Calonne.

Members of the public: Michael Wright, Illuminas Consulting, LLC, and Lorrie Brown.

DOCUMENTS

Memorandum.

PowerPoint (2).

Councilmember Morehouse moved to approve the recommendation. Councilmember Andrews seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

7. **Preliminary Screening Process and Pilot Project (80)**

RECOMMENDATION

a. Review and comment on the project thresholds that would trigger application of the Preliminary Screening tool and the suggested evaluation criteria to apply to the screenings.

b. Direct staff to return to Council by January 2014 to take the following actions:

   1. Revised resolution(s) for General Plan prescreening, including appropriate applicability for Comprehensive Plan (Local Coastal Plan) areas and any necessary language adjustment in the evaluation criteria.
   2. Revision and deletion to the Housing Approval Program.
   3. Ordinance Amendment for Rezone procedures.

c. Review and comment on the sample Northbank/Johnson Drive pilot project against a single proposed screening criteria: Category 2 – evaluation of the land use mix of projects proposed on non-residential or mixed-use areas.

d. Direct staff and applicant to return with formal prescreen of an actual Northbank/Johnson Drive project after the prescreening process and documentation (Item b above) have been adopted.

SPEAKERS

Staff: Community Development Director Jeffrey Lambert, Planning Manager Dave Ward, Associate Planner Maggie Ide, and City Attorney Ariel Pierre Calonne.

Members of the public: Carol Lindberg, Diane Underhill, Rob Talmadge, Phil Ram, Ravello Holdings, Inc., and Sandy Smith, Ravello Holdings, Inc./Sespe Consulting.

DOCUMENTS

Comment Form: Kathy Bremer.

Email: Ed Jefferson.

Petition: Michael Singer.

PowerPoint.

Councilmember Weir moved to approve recommendation d. Councilmember Morehouse seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

Councilmember Andrews moved to defer recommendations a. and b. until after the January policy workshop. Councilmember Brennan seconded. The vote was as follows:

AYES: Councilmembers Brennan, Morehouse, and Andrews.

NOES: Councilmembers Weir, Monahan, and Mayor Tracy.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion failed.

Councilmember Weir moved to approve recommendations a. and b., with the following changes:

1. Recommendation a.:
   A. Replace Section 1 (Residential-Only or Residential Mixed Use Project Design) criteria with criteria reflecting Council's core issue areas:
      - Land Use
      - Parking Adequacy
      - Open Space/Proposed Park Space
      - Water Supply/Demand
      - Number of Residential Units
      - Building(s) Bulk and Massing

   B. Revise Section 2 (Land Use of Non-Residential or Mixed Use Projects) as follows:

      Revise Criteria B-1 to delete stipulated land use percentages of 25% commercial and 75% residential for projects located on Commerce land use designations to instead include Preliminary Screening of all projects on Commerce designated sites.

   C. Revise Section 3 (Neighborhood Adjacency) to reduce qualified Preliminary Screening project size from 2 acres to ½ acre.

D. Add fifth Threshold Section to include any projects with inconsistencies between existing General Plan Land Use Designation and existing Zoning Designation.

2. Recommendation b. 2.:
Revise HAP to defer remainder of HAP design criteria and review to the Planning Commission and Design Review Committee for use during evaluation of formal project applications for projects located outside Development Codes areas.

3. Return to Council on November 4, 2013, with a consent item of the motion for review and approval.

Mayor Tracy seconded. The vote was as follows:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, and Mayor Tracy.

NOES: None.

ABSENT: Deputy Mayor Heitmann.

Mayor Tracy declared the motion carried.

PUBLIC COMMUNICATIONS

SPEAKERS

Members of the public: Will Hartin, Mark Abbe, Erik Nasarenko, and Juliette Chandler, Voices for Justice.

DOCUMENTS

Comment Form: Marilyn Irkliewskij.

ADJOURNMENT

The meeting was adjourned at 11:04 p.m. in memory of Rodney Fernandez and Nanci Cone.

Cynthia M. Rodriguez, MMC
City Clerk

ATTACHMENT D

JOURNAL INTERACTIVE

PRINT THIS

Ventura Planning Commission recommends that hillside development go forward

By Mike Harris

Oct. 29, 2015

After hours of entreaties from supporters and opponents of a proposed luxury hillside housing development, the Ventura Planning Commission recommended Thursday that the City Council allow processing of the project to go forward.

The commission's action is not tantamount to recommending that the council green-light the proposed La Viera development. The panel merely advised the council to approve a "prescreen," thus allowing the developer to submit an application that would go through environmental review and analysis by various city departments.

The council can accept or reject the commission's recommendation at its Nov. 30 meeting. If it accepts it, the project isn't expected to come back before the council for possible approval until the first quarter of 2017, said Jeff Lambert, Ventura's community development director. The council has the final say on the project.

Learn more

Los Angeles-based Regent Properties wants to build 55 single-family, high-end homes with open space and public trails on 215 acres in the hills above Ventura High School, between Lincoln Drive and Hall Canyon Road.

The development would help meet the city's need for more executive housing, Lambert said.

The commission voted 5-1 to recommend that the council allow processing of the project.

Commissioner David Ferrin, who expressed the most concerns about the project, dissented.

"But with better design, I think 55 high quality homes is feasible," he told Regent Land President Daniel Gryczman. "I think you can do it."

Gryczman was pleased with the panel's recommendation.

"We're looking forward to the City Council meeting on Nov. 30 and continuing the process, and creating an even greater project as we move forward," he said.

The commission made its recommendation at the conclusion of a 6½-hour hearing that began at 6 p.m. Wednesday and concluded 12:30 a.m. Thursday. Much of the standing room-only, sometimes impassioned hearing was taken up by public comments.

Cris Sabo, who lives near the project site, urged the commission to recommend that processing of the development begin, saying the luxury housing will boost the city's economy and quality of life.

"Great communities the size of Ventura don't have dozens of tattoo and piercing pagodas, dozens of smoke and vape shops, dozens of massage parlors offering a variety of nefarious services," he said, as opponents of the project groaned. "Great communities attract wealth, attract quality business to the area offering higher paying jobs, are open to smart growth and a well-planned luxury homes development such as La Viera."

But Scott Fish, who said he is moving to Ventura from Venice, told the commission he opposes the project because he sees it as little more than a money grab by an outside developer that will degrade the city's charm and character.

"Ventura is a diamond in the rough — a gem," he said. "And I'm here because I want to see Ventura stay this way. We should not let outsiders come into our community and destroy our lands for a quick buck that they will take outside of the community.

Download today

"They should stay in L.A.," he added. "Let's protect our beautiful landscape because if it's developed, it will be gone forever."

Opponents also argue that Regent's proposal fails to comply with the city's plan regulating development in the hillsides, would deplete strained water supplies and would add traffic to an already congested area.

For decorum's sake, the commission forbade the audience from applauding speakers they agreed with. Instead, audience members were asked to silently wave their hands in the air to show support. The audience largely complied, though at one point, Commission Chair Dan Long admonished project opponents who laughed mockingly at a pro-development speaker who said Ventura needs more executive housing.

Find this article at:
http://www.vcstar.com/news/special/paradise/ventura-planning-commission-recommends-that-hillside-development-go-forward-ep-1344436262-340198371.html

☐ Check the box to include the list of links referenced in the article.

ATTACHMENT E

REGULAR SESSION

7:00 p.m.
City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

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

Roll Call

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

ABSENT: None

Invocation

Invocation was given by Megan Owens, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Eric Vail

City Attorney Closed Session Report

4. Conference with Labor Negotiators
   Pursuant to Government Code section 54957.6
   Agency designated representatives: City Manager Hill
   Employee organization:
   Hemet Fire Fighters Association
   Service Employees International Union (SEIU) General Employees

Wally Hill, City Manager, the City Council received a labor update from the City's Labor Negotiator. There was no addition reportable action.

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

Wally Hill, City Manager, the City Council received a briefing from the City Attorney's Office and gave direction to begin litigation if necessary. There was no addition reportable action.

The City Council conducted the Public Hearings at this time.

City Council Business
Consent Calendar

6. **Receive and File** – Warrant Register
   a. Warrant registers dated May 15, 2014 in the amount of $1,326,227.24 and May 29, 2014 in the amount of $1,224,278.63. Payroll for the period of May 12, 2014

to May 25, 2014 was $663,483.70.

7. **Recommendation by City Clerk** – Resolution Calling November 4, 2014 Municipal Election
   a. Adopt a resolution consolidating municipal election for November 4, 2014 and requesting the County of Riverside conduct the election.
   Resolution No. 4573

8. **Recommendation by City Clerk** – Adopting Regulations for Candidate's Statement
   a. Adopt a resolution adopting regulations for candidates for elective office, pertaining candidate's statements and the costs incurred.
   Resolution No. 4574

9. **Recommendation by Public Works** - Purchase of a CNG Combination Vactor/Jetting Truck for the Storm Drain and Wastewater Divisions
   a. Approve the purchase of a compress natural gas (CNG) fueled combination vactor/jetting truck from Plumbers Depot Inc. of Hawthorne in the amount of $439,574.04; and
   b. Authorize the City Manager to approve a Purchase Order in support of this purchase.

10. **Recommendation by IT** - Replacement of City Desktop Computers
   a. Approve the purchase of 57 new desktop computers from Dell Computer Corporation and authorize the City Manager to approve purchase orders in support of this purchase.

11. **Recommendation by Fire** – Resolution authorizing the Removal of Weeds, Rubbish and Refuse upon Parkways or Private Property
   a. Adopt a resolution declaring that weeds, rubbish, and refuse upon parkways or private property within the City as a hazardous condition and requires the abatement of weeds, rubbish and refuse on properties identified in Exhibit A. At the next regular City Council meeting scheduled for June 24, 2014, a Public Hearing will be set to hear protests and objections to the proposed removal of weeds, rubbish, and refuse. **Resolution No. 4575**

Item No. 10 was removed from the Consent Calendar. **Mayor Pro Tem Milne moved and Council Member Youssef seconded the motion to approve the remaining Consent Calendar items. Motion carried 5-0.**

<u>Item No. 10</u>

Council Member Wright, appreciates the fact that staff negotiated a substantial savings on the computers that have to be replace to the tune of $13,000.

Mayor Smith, expressed concern about the three replacement computers for City Council Members that are not used.

Scott Underwood, IT Supervisor, one is for Council Member Wright, one is for the shared office and the third is possibly Congressman Ruiz's Office.

Mayor Smith, expressed concern with City of Hemet residents paying for Congressman Ruiz's computer and computers for Council Members that are being used.

Mr. Underwood, if we determine that is the case the computer will not be replaced.

Council Member Youssef, concurred that any computer still running Windows XM needs to be replaced.
Mayor Smith, we do need to keep up with technology on computers that are being used.
Mayor Pro Tem Milne moved and Council Member Wright seconded a motion to approve this item as presented. Motion carried 5-0.

Successor Agency Consent Calendar

12. **Recommendation by Community Investment** – Amendment to Contract with RSG, Inc. and a new contract with RSG, Inc.
    a. Approve an amendment to the current contract for an amount not to exceed $10,000; and
    b. Authorize the City Manager and Executive Director to execute the contract amendment with RSG Inc.; and
    c. Approve a new contract for Successor Agency professional services for FY 14-15 and FY 15-16 in an amount not to exceed $75,000 per year ($150,000 total); and
    d. Authorize the City Manager and Executive Director to execute the new contract with RSG, Inc.

Council Member Wright, asked what services RSG, Inc. provides to the Oversight Board and where the money comes from.
John Jansons, Community Investment Director, RSG, Inc. provided professional services as the City's Redevelopment Consultants and now they are helping the City through the dissolution process. Monthly services, financial assistance to our staff, help us with our management and presentation to the oversight board.
Council Member Wright, asked if their services will end when the dissolution process is complete.
Mr. Jansons, after 2016 a Master Oversight Board will be created in Riverside County. It is unclear what staff support will be assigned to that effort. Their expertise and services will be necessary for the next 2 years. The Board meets every month to two months as we go through this process. The State Controller's Office sent an audit team to Hemet. RSG, Inc. and city staff worked collaboratively to get through that process. Part of the dissolution allows up to pay for Administrative Services for this process from the tax increments.
Mayor Smith moved and Council Member Krupa seconded a motion to approve this item as presented. Motion carried 5-0.

Public Hearing

13. **Environmental Impact Report (EA 14-001) for the Ramona Creek Project (Regent Properties)** – Deanna Elliano, Community Development Director
    a. Conduct a public hearing; and
    b. Adopt a resolution certifying the Final EIR, and adopting Mitigation and Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations regarding the environmental effects of the Ramona Creek Specific Plan No. 12-001, General Plan Amendment No. 12-005, and

Tentative Tract Map No. 36510 **Resolution No. 4576**; and

c. Direct the Community Development Director to prepare the Notice of Determination (NOD) concerning certification of the EIR and within five (5) days of project approval, file and NOD with the Riverside County Clerk for posting the appropriate 30-day period.

Deanna Elliano, Community Development Director, thanked Ron Running, Project Manager. Ms. Elliano gave the City Council a powerpoint presentation regarding Ramona Creek Project Item Nos. 13 through 16. Before the City Council is Specific Plan 12-001, General Plan Amendment 12-005, Master Tentative Tract Map 36510 and Final Environmental Impact Report. A joint City Council and Planning Commission work study was conducted on August 14, 2012. Staff prepared the SP, Draft EIR, GPA and TTM. The Draft EIR was circulated from March 12 to May 5, 2014. Planning Commission hearings were conducted on April 1 and May 6, 2014. Riverside County Airport Land Use Commission review was conducted on May 8, 2014. The project is located at a gateway to Hemet with 208+ acres in a key location under single ownership. The General Plan Vision for the project is mixed use. A map showing the existing zoning and the proposed SP was displayed. Land Use mix is: Commercial (43 acres); Village Residential w/Mixed Use Overlay (19.5 acres); Village Residential (14.4 acres); MDR (18.7 acres); LMDR (43.7 acres); potential School; Open Space Corridor (23.8 acres); and Recreation (12.2 acres). The project vision shows a sense of community that includes: communal gathering places; open spaces; parks; trails; active retail, dining, and entertainment; plazas; water features; recreation spine; Ramona Creek corridor; and residential projects. The 535,788 to 760,035 square foot conceptual Commercial Mixed Use District could include: commercial and industrial; lifestyle amenities (active entry road, plaza and water feature); direct link to residential community; retail and entertainment; office or institutional uses; restaurants. Conceptual drawings of the Mixed Use District were displayed. Market study shows the demand for housing and retail. A graph was displayed showing the retail demand versus supply for the combined primary and secondary trade area. The residential will include a mixture of housing types. 788 – 1,077 units maximum. Lower density residential will be located on the north with higher density near mixed use district. Interconnected neighborhoods defined by open spaces. Options will be available for active adults. Potential 12 acre elementary school site overlay. A map of the potential school site was displayed. 37 acres of open space include a recreation spine with passive and active recreation. As well as, the flood control area that will assist with regional drainage solution and includes trails and picnic areas. The recreation spine linked to the mixed use area could include a community green with amphitheater and community center, sports courts, a ball field, open fields, play equipment, picnic areas and trails. The conceptual circulation/mobility plan was displayed. A map was displayed showing the location of the 3 traffic signals at Myers and Devonshire, "A" Street and Florida Avenue, and "B" Street and Devonshire. This will be the first project using the neighborhood electric plan per the 2030 General Plan. Proposed project phasing will be: Ramona Corridor; Recreation Spine; Commercial Area; Myers Phase; Village Mixed Use; Village Residential; MDR; LMDR; and School Overlay. The project includes the following sustainability features per Chapter 4 of the General Plan: pervious paving; bio-swales; recycled water; insulation from 75% recycled materials; Energy Star compliant appliances & fixtures; construction waste reduction. Conceptual design of the minor and major entry monuments along with a proposed location map was displayed. Conceptual residential buildings designs were displayed. Conceptual commercial building designs were displayed. The proposed General Plan Amendment (GPA 12-005) changes the northern 44

acres from Low density residential (2.1-5.0 du/ac) to Low-Medium Residential (5.1-8.0 du/ac) results in the option for 36 additional units for the property. The proposed amendment increases the number of dwelling units in Mixed Use #1 by 573. The proposed amendment decreases the commercial square footage in Mixed Use #1 by 130,000 square foot. GPA 12-005 also adds language to Table 2.3 of the GP to recognize changes in land use mix over time. A map showing the existing land uses was displayed. A map showing the proposed land uses was displayed. The proposed amendments to Table 2.3 of the General Plan were displayed. The project is consistent with the Goals and Policies of the General Plan. The project implements several of the provisions and elements of the new general plan. The proposed general plan amendment is a relatively minor adjustment to the Plan, and is within the anticipated development capacity analyzed in the General Plan EIR. Tentative Tract Map 36510 includes 37 large lots for future subdivision development. Lettered lots will create streets, common areas, open space, and drainage. TTM 36510 establishes the backbone infrastructure for the site. Environmental Impact Report (EIR) addresses the environmental impact associated with implementation of the project and establishes the CEQA clearance analysis for future development projects. Environmental topics analyzed in the EIR are: aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology & soils; hazard & hazardous materials; hydrology and water quality; land use; noise; public service; traffic and utilities. Environmental Mitigation Process identifies environmental concerns and impacts. The developer is required to minimize or eliminate impacts and add mitigation measures as needed or feasible. Any remaining impacts are considered "significant and unavoidable". Project alternatives examined to see if impacts can be further reduced and still meet project objectives. Determination that the Project benefits outweigh the remaining project impacts is included in the Statement of Overriding Considerations. The Draft EIR was circulated for 45-day review on March 21, 2014 with an end date of May 5, 2014. Comments were received. The responses to public comments and the Final EIR were prepared. The Findings of Fact and Statement of Overriding Considerations were also prepared. Comments were received from: Riverside County ALUC; Southern California Edison; City of San Jacinto; Soboba Band; Pechanga Band; Hemet Unified School District; Riverside Transit Agency; and Riverside County Flood Control District. Comments were addressed in the Final EIR. The significant and unavoidable impacts that require a Statement of Overriding Considerations are: air quality (mobile emissions that occur throughout the South Coast Air Quality Basin) and traffic impacts (cumulative traffic impacts at various intersections – occurs both with and without the project that cannot be completely mitigated until funding is secured through build-out of the various projects, CIP and TUMF. The project benefits are: retail, jobs, sales tax and property tax; office and institutional uses; regional drainage solution; open space, recreation, design amenities; pedestrian, bike & NEV connectivity; variety of residential to respond to market; and new gateway for Hemet. The projects positive net fiscal impact is primarily from direct sales tax and property tax. The annual revenue/cost ratio of 2.05 demonstrates the project will have a very positive impact on the City's general fund. Total recurring revenues are $2,342,828.00. Total recurring costs are $1,140,928.00. Total annual recurring surplus is $1,201,900.00. Total annual revenue/cost ratio is 2.05. Staff is recommending that the City Council open the public hearing and take testimony on the Ramona Creek project and Final EIR. Adopt Resolution Bill No. 14-017 certifying the Final EIR, adopting the Mitigation Monitoring & Reporting Program, adopting the Findings of Fact and Statement of Overriding Considerations for Significant Impacts. Approve the GPA 12-005. Adopt Ramona Creek Specific Plan (SP 12-001) and approve Tentative Tract Map (TTM

36510).

Lenny Dunn, Regent Properties, very glad to be here this has been a long road. Mr. Dunn complimented Ron Running, Deanna Elliano and Carole Kendrick all true professionals. All of the City Departments have helped us through the entitlement process. The community sees this project as a benefit. We are still in the beginning of the recovery period of this recession. This project sets itself apart and is critical to the healing of the City as well as the completion of Highway 79. We are anxious to complete this process and move forward with a Gateway to Hemet you will be proud of.

Mayor Smith, 2 or 3 years ago I saw conceptual drawings as a Planning Commissioner. This project is similar to the River in Rancho Mirage. The educational component would make a positive impact on this community. Thank you for coming to Hemet and working with the residents on the west end that will be impacted. You have demonstrated your willingness to be a part of the community.

Council Member Youssef, thanked staff and Regent. This is a successful private/public partnership. I am looking forward to moving this project along.

Council Member Krupa, the more I see the project the more I like it. Council Member Krupa asked Mr. Dunn to tell the City Council about the outreach efforts.

Mr. Dunn, we held meetings with the Community Awareness Committee for Four Seasons and their Board. The Board issued a letter of support for the project. We worked with Robin Lowe representing Hemet West. We meet with the owners of the Hemet Auto Mall businesses. We also met with the new owner of the Tres Cerritos West Project and other surrounding property owners.

Council Member Wright, attended the Planning Commission work study sessions. Council Member Wright thanked Regent Properties for the faith that they have in the community. I see this project as a small Victoria Gardens. Great meetings at ICSC and I'm sure there will more interest. Hemet is a good place to bring a business and get the support of the community. I too am looking forward to this project.

Mayor Pro Tem Milne, thank you for sticking with us. The density changes gave me some heartburn. The letters of support from the community is due to your outreach efforts. Thank you, Hemet is lucky to have you.

Mayor Smith, the vision of this project had to go beyond the borders of this City. It's obvious that you recognized the valley residents that will support this project. This project can be both a gateway to Hemet and a roadblock to keep residents shopping local.

Mayor Smith declared the Public Hearing opened at 7:47 p.m.

Ann Smith, Hemet, spoke in favor of the project. Regent did a spectacular project, I read it. I commend the City for pursuing it. Ms. Smith also recommended that the City Council consider a beautification contest for businesses along Florida Avenue.

Mayor Smith declared the Public Hearing closed at 7:49 p.m.

Mayor Smith, how much over and above does this project satisfy the City's Quimby Act requirement?

Ms. Elliano, the requirement is approximately 11 acres. There are 12.9 in the recreation spine and 23 acres in open space component.

Mayor Smith, thanked Regent for setting that up the retention basin with a recreational and decorative component. Is the creek or river circulated and pumped?

Ms. Elliano, the corridor will function is several ways. It will have some depressions that will retain water defined with slope areas in times of storms. It is all designed to gravity flow to the south portion of the project with a retention basin and water quality basin. Storm flows

will be metered out to not create downstream flooding and to help hydrate the vernal pools. The proposed harvest and reuse of the water, the over flow of water will be used for irrigation. Utilizing these options as well as the infiltration capacity of the entire corridor is a benefit.
Mayor Smith, hopes that the requirement to include pervious pavement is an open door for industry changes.
Council Member Wright, asked about the use of solar in the project.
Ms. Elliano, there are a number of provisions for solar with the commercial and options with the residential as well. The lighting and the signals would be LED.
Mayor Smith, asked about the addition of the Pechanga Indians in the final EIR.
Ms. Elliano, during the preparation of the Draft EIR the Soboba Band was included. During the comment period a letter was received from the Pechanga Band requesting to be included. Basically the Mitigation Monitoring can be done by the Soboba's or the Pechanga's. A disposition agreement will be done to determine which tribe will provide the monitoring.
Mayor Pro Tem Milne, asked for clarification in the difference between low and low medium density lot sizes.
Ms. Elliano, the project is all single family detached with an average low density lot size of 7,000 square foot. Low medium might have some 6,000 or 5,500 square foot lots.
Council Member Youssef, asked about a buffer between the commercial and the residential.
Ms. Elliano, there will be landscaping and a privacy wall on the residential side of "C" Street. Site development reviews will give us a closer look at the time. Ideally there will be such a demand for educational or office.
Council Member Youssef, I saw a letter from RTA requesting a bus stop in the project. However, there is one at Winco. Council Member Youssef asked if there is a need for an additional bus stop.
Ms. Elliano, the routes were identified in the EIR. We assumed that this would be a draw but the decision is left to RTA to determine where they want the bus stops and we try to accommodate them. The bus stop would include a bus bay with benches, decorations and a maintained set back.
Council Member Krupa, asked about the Area 10 and the timeframe that HUSD has to make a determination on the school site.
Ms. Elliano, when we get a map proposal for that the School District can come forward at that time and negotiation with the developer. The decision will have to be made prior to the recordation of that lot on the Master Map.
Council Member Krupa, asked if the completion of Highway 79 and the Metro Link help with the traffic and air quality concerns.
Ms. Elliano, yes that would take traffic off of the surface streets.
Council Member Youssef moved and Council Member Krupa seconded a motion to approve this item as presented. Motion carried 5-0.

14. **Ramona Creek General Plan Amendment No. 12-005 (Regent Properties) -** Community Development Director Elliano
    a. Conduct a public hearing; and
    b. Adopt a resolution approving the General Plan Amendment for 12-005 amending the land use designation for a 44.9± acre site located on the northwest corner of Devonshire Avenue and Myers Street from LDR to LMDR and adjusting the development mix in the West Florida Avenue Mixed Use Area No. 1 for the

Ramona Creek Project. **Resolution No. 4577**

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

15. **Ramona Creek Specific Plan No. 12-001 (Regent Properties)** – Community Development Director Elliano
    a. Conduct a public hearing; and
    b. Introduce, read by title only and waive further reading of an ordinance establishing the Ramona Creek Specific Plan on 208.9± acres located on the northwest corner of West Florida Avenue and Myers Street (APN 448-090-003) as the official zoning and development plan for the property.
    Ordinance Bill No. 14-018

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

The Ordinance was read by title only.

16. **Ramona Creek Tentative Tract Map No. 36510 (Regent Properties)** - Community Development Director Elliano
    a. Conduct a public hearing; and
    b. Adopt a resolution approving Tentative Tract Map No. 36510 to subdivide the site into 37 large numbered lots for future conveyance and development and 49 lettered lots, subject to finding and conditions of approval.
    Resolution No. 4578

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

Recessed briefly at 8:02 p.m.
Reconvened at 8:13 p.m. conducted the Consent Calendar at this time.

Communications from the Public

Melissa Diaz Hernandez, Hemet, expressed concern with outsourcing City services. I don't think the residents understand what that means. The City would have had to pay extra from contractors for assistance during the recent windstorms instead all employees stepped up and helped. Ms. Hernandez noted that the City Council's obligation is to the residents.

Lori VanArsdale, Ramona Bowl, thanked the City Council for their continued sponsorship and help. Statistics show that the Ramona Pageant contributes to the City's tourism. 73.5% came from outside of our valley Tourist from 19 other states came to see Ramona this year. Along with tourist from 5 different Provinces of Canada. The regular snowbirds have to get back before their passports expire or the attendance would be greater. After Ramona, the Bowl is barraged with Graduations, the Memorial Day Service followed by all of the wonderful summer activities. This year we did a survey, the numbers are not complete but a report will be distributed to the City Council upon completion. Preliminary results show very high ratings for our pre-show, outdoor play, gift shop, concessions and or volunteers. There were 687 volunteers this season. The Board is working on a wish list of things that need to get done at the Bowl. The Bowl was the recipient of the Hemet-San Jacinto Chamber of Commerce's "Most Beautiful Business" award after the landscaping was redone. This summer we are proud to announce the return of "Zorro". The Summer Youth Program this year will present

"The Little Mermaid". The Summer Concert series will be held every Thursday night in July. The City's sponsorship helps us get out early in our marketing.
Mayor Smith, asked how the attendance compared historically.
Ms. VanArsdale, attendance this season was 6,100. Less groups in attendance this season with higher box seat sell outs. Most of the survey complaints were the temperature and the sound system which we are working on.
Council Member Krupa, asked who will be playing the Governor in Zorro this season.
Ms. VanArsdale, announced that there is currently a contest on the Bowl's Facebook Page to cast votes for that position. Go online and vote for Chief Brown.

City Council Reports

17. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa
1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)
3. Ramona Bowl Association
4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)
6. Watermaster Board

Council Member Krupa, attended the successful Film Festival on Saturday and Sunday. A number of Hollywood celebrities attended. Next year they are planning on hosting all three days in Hemet. Over 100 films will be played in the valley between the theater, DVAC, the Bowl, the Library and the two Regal Theaters.
Council Member Krupa, attended the meeting at MWD on the waterbond issue. It is irritating that the Northern California communities are not metered considering all of our efforts.
Council Member Krupa, attended the Hemet CAN Planning Session at HUSD. They gave a report of the progress that Hemet CAN has made over the last two years and the program for the next year. A Riverside County Employee in attendance heard me say that it doesn't help that the County will allow smoke shops next door. This employee is an advocate and will try to get Riverside County on board.
Council Member Krupa, attended the Ribbon Cutting for Highway 79. As always, Juan Perez does a great job for Hemet. Well attended ceremony.

B. Council Member Wright
1. Park Commission
2. Planning Commission

Council Member Wright, attended the Planning Commission meeting. A CUP for Buy, Sell and Loan was approved a relocation from Florida Avenue to Lyon Street. Workstudy on the Paseo Development on Santa Fe and Midway which created a lively discussion on mixed uses.

3. Indian Gaming Distribution Fund
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Ramona Bowl Association

Council Member Wright attended the film festival also. Council Member Wright was disappointed in the attendance. The event was developed rather quickly with little marketing. It was an incredible event with key people here supporting it.

C. Council Member Youssef
   1. Western Riverside County of Governments (WRCOG)
   2. Riverside County Transportation Commission (RCTC)

D. Mayor Pro Tem Milne
   1. Library Board

Mayor Pro Tem Milne, acknowledged the $1,000 donation from Dollar General to the library.

   2. League of California Cities
   3. Riverside County Habitat Conservation Agency (RCHCA)
   4. Riverside Transit Agency (RTA)
   5. Riverside Conservation Authority (RCA)
   6. Disaster Planning Commission

Mayor Pro Tem Milne, attended the Highway 79 Ribbon Cutting.
Mayor Pro Tem Milne, attended the Stanford Street and Acacia Street Ribbon cutting
Mayor Pro Tem Milne, attended MSHCP their by-laws haven't been looked at since 1989. They have been re-worked and streamlined a little bit more.
Mayor Pro Tem Milne, invited by the City of Temecula to attend a ground breaking for a special needs only park. At that event the City of Hemet was again given kudos for our Special Needs Registry.
Mayor Pro Tem Milne, thanked the Public Works crews for the work that was completed on her street and praised the City's Vactor/Jetter truck.

E. Mayor Smith
   1. League of California Cities
   2. Riverside County Transportation Commission (RCTC)
   3. Western Riverside County of Governments (WRCOG)
   4. Public Safety Update
   5. National League of Cities
   6. Hemet Community Activities

Mayor Smith, announced the coming of Horizon Solar, Tractor Supply Co., Hobby Lobby and Ramona Creek. Good things are happening in the Hemet.
Mayor Smith, monthly I attend a meeting with local Mayor's. Open forum. We are being watched by others on how we handle our meetings, handle ourselves and our issues.

F. Ad-Hoc Committee Reports
   1. Crime Stoppers Plus Ad-Hoc Committee
   2. West Hemet MSHCP Ad-Hoc Committee
   3. Regent Development Agreement Ad-Hoc Committee

G. City Manager Hill
   1. Manager's Reports
   2. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference, September 3 – 5, 2014 Los Angeles

The City Council appointed Mayor Smith as the Delegate and Council Member Krupa as the Alternate.

Future Agenda Items

There were no future agenda items requested at this time.

Adjournment

Adjourned at 10:04 p.m. to Tuesday, June 24, 2014 at 7:00 p.m.