

MINUTES
REGULAR MEETING OF THE
CANYON LAKE CITY COUNCIL
Wednesday, February 7, 2018
Open Session - 6:30 p.m.

City Council Chambers
31516 Railroad Canyon Road
Canyon Lake, CA 92587

Open Session – 6:30 p.m.

1. Call Open Session to Order

Mayor Warren called the meeting to order at 6:31 p.m.

2. Invocation

Invocation was led by Pastor Emeritus Peter VanDyke.

Flag Salute

Flag Salute was led by Jake Hosking.

3. Roll Call

Present: Council Members Bonner, Ehrenkranz, Haggerty, Mayor Pro Tem Greene, and Mayor Warren.

4. Approval of the City Council Agenda

City Manager Palmer announced that Item 5.4 needed to be added for an update by the Sheriff's Department and that a new, corrected, staff report for Item 10.2, the Mid-Year Budget, was provided.

Moved by Bonner, seconded by Greene to approve the agenda with the amendments announced.

Motion carried 5-0 with Council Members Bonner, Ehrenkranz, Haggerty, Mayor Pro Tem Greene, and Mayor Warren voting aye.

5. Special Presentation and Proclamations

5.1 Chamber of Commerce Announcements

Jim Randel, Past President of the Chamber of Commerce, announced upcoming Chamber of Commerce events and award winners for the year. He went on to discuss the upcoming Golf Tournament.

5.2 Student of the Month – Casey MacDonald

Mayor Warren presented Student of the Month Casey MacDonald with a proclamation from the City Council. Casey MacDonald discussed some of his accomplishments.

5.3 Recognition of Ryan Hosking and Jake Hosking for obtaining the rank of Eagle Scout in the Boy Scouts of America

Ryan and Jake Hosking discussed their projects and the process of obtaining the rank of Eagle Scout.

Mayor Warren went on to recognize Jack Wamsley and Warren ____ for their volunteering and donations to the Veteran’s Day Committee because they were not able to attend the previous Council Meeting to be recognized.

5.4 Update by Sheriff’s Department

Lt. Huskey provided an update to the City Council and community regarding the Sheriff’s Department statistics for December 2017. He also went on to discuss the arrest of a suspect in the recent vehicle thefts and that no additional thefts had been reported since that arrest. He reviewed the arrest for a marijuana grow and honey oil operation in the City.

There was discussion regarding tow fees that the City was paying due to Sheriff Investigation towing. There was additional discussion regarding the City’s ability to recover those costs. The laws regulating marijuana were discussed.

6. Public Comment

Barry Talbot, resident, asked about whether or not Canyon Lake was looking at getting its own zip code.

There was discussion regarding the discussions that had been held with both Canyon Lake and Menifee about dedicated zip codes. The area did not have a dedicated post office for each city, they were serviced by a satellite office and the zip code will not change.

7. Consent Calendar

7.1 Waiver of Reading in Full of all Ordinances by Title Only

7.2 Adoption of Resolution No. 2018-03, Approving Claims and Demands of the City

7.3 City Council Meeting Minutes

7.3.1 January 10, 2018

7.4 Approval of Resolution 2018-05, Changing the name and functions of the City Council Administration, Finance, and Planning Committee

7.5 Receive and File Quarterly Investment Report

7.6 Approve Lease Extension for Additional Library Space with John Regus

Moved by Bonner, seconded by Greene to approve the consent calendar as presented.

Motion carried 5-0 with Council Members Bonner, Ehrenkranz, Haggerty, Mayor Pro Tem Greene and Mayor Warren voting aye.

8. Pulled Consent Calendar Items

There were no pulled consent calendar items.

9. Schedule of Future Events

Mayor Warren announced the schedule of future events are located on the agenda, website and Friday Flyer.

10. Business Items

10.1 Review of Fiscal Year 2016-17 Audited Financial Statements

City Manager Palmer introduced Terry Shea the Finance Director who provided the staff report for the item.

He went on to discuss the debt that the City had dedicated for Measure A funds.

10.2 Review of the Fiscal Year 2017-2018 Mid-Year Budget Review and Projections, and Approval of Proposed Budget Adjustments

Finance Director Shea reiterated that a revised, corrected, staff report had been provided for the item.

He went on to review the process of projecting the revenues and expenditures for the remainder of the year.

The items added to the budget were reviewed. It was stated that the proposed mulch project was an in-house project and would not be managed by Charles Abbott.

Mayor Warren expressed concern that the budget was still not balanced, even with the corrected staff report. She requested additional time to look at the amendments to avoid being in the red at all.

The item would be brought back at the March meeting to allow for additional time for review and to have questions answered.

There was discussion regarding the items that caused the increase in attorney's fees. City Attorney Martyn stated that the work on the cannabis ordinances and Code Enforcement cases caused the increase but were resolved. The other issue that caused an increase was the exceptionally large amount of public records requests that came from John Zaitz. She stated that approximately 100 requests had come from Mr. Zaitz in the past year in addition to a piece of litigation. Those issues alone cost approximately \$22,000 in attorney's fees for the City.

There was discussion regarding the types of public records requests that had been coming in to the City from Mr. Zaitz. It was stated that the costs stated were for attorney fees only and did not include any other staff members' time or costs.

Council Member Haggerty recognized Administrative Services Manager Borja's efforts in saving the City a significant amount of money with the number of grants that he has been able to secure for the City.

11. Public Hearing

11.1 Public Hearing and Adoption of Resolution No. 2018-06, Declaring 21734 Appaloosa Court to be a public nuisance and ordering and authorizing the City Staff to take the necessary steps to cause abatement of that nuisance

The public hearing was opened at 7:26 p.m.

Gina Dickson, Special and Code Enforcement, provided the staff report for the item.

City Attorney Martyn reiterated that Code Enforcement and Special Enforcement staff had documented a series of violations of local building codes and State codes

which made the property uninhabitable. The property had been red tagged and that there was a serious question about whether or not the property should be demolished because there had been no demolition permit pulled by the owner.

She went on to stated that if the City Council declared the property a nuisance, there would be an appeal period where the home owners could comply with the City's requirements to clear up the violations, and after that period the City could take a variety of remedies. City Attorney Martyn reviewed the options for remedies that the City Council could choose.

There was discussion regarding whether or not it would be possible to bring the property back up to code.

There was discussion regarding what would have to be done by the property owners in order to comply with City and State codes.

There was discussion regarding the type of noticing that had occurred up to the point of the Public Hearing. The noticing that would occur after the Public Hearing if the property was declared a nuisance was reviewed.

Cost recovery options for all of the time spent by staff in providing the inspections and notices to date was reviewed.

Nancy Athy, owner of the property, and her son Jay Athy were present. Ms. Athy went on to state that there was a mix-up and that they had tried to fix the property. She stated that when they first purchased the property as a fixer-upper they obtained permits to put on a new roof, new windows, new stucco, a new garage door, and remodeling the kitchen. She went on to say that there had been a big rain storm and there was a leak from the patio into the garage so they had to remove a wall and they found dry rot. They had also found a substandard footing. The substandard footing had been permitted when the building was built. They received a notice that they had to get a building permit when they were removing the wall, which they did obtain. She went on to state that they had received three building permits for the property in the past and hired an engineer to correct the substandard footing. The engineer quit after submitting the prints to the Building Department three different times because he would no longer work with City staff. She went on to state that they did not add any square footage to the home and just took down a wall. Staff inspected the property and notified them of what needed to be corrected. She stated that the Building Department lost their plans. She went on to state that they were delayed and that the Planning Department had also lost their plans. She stated that they went to court and that Code Enforcement agreed in court that they could resubmit the plans without additional charges to get the issues corrected. She went on to state that they resubmitted and were charged again. She stated that after she resubmitted there was a delay, and then the City came and red tagged the property, searched the property and searched her son. She agreed that there were violations on site but that the reason was that the

property was under construction and they were waiting to finish it. She stated that the Building Department was putting up obstacles that were preventing her from getting the house done. She asked that a list of things that needed to be done be submitted to her and she would do them.

Ms. Athy stated that it was getting so difficult that they decided to tear down part of the structure where the bad supports were, and the City stated that they had to have an asbestos inspection, which they did. They then decided it would be too expensive to go through removing the parts of the structure over the substandard supports after the inspection.

She stated that it wasn't her fault that there were substandard supports and that rain had caused them to tear down the wall. She felt that they were not getting any cooperation from the Planning Department. She felt that the City was not helping and was only causing problems. She stated that she was willing to fix the issues but the City was not letting her. She stated they had been to court with the City four times, and that she wanted a refund for resubmitting the plans that she was not supposed to have to pay for resubmitting.

Ms. Athy stated that the property was not that bad and she had done a lot of improvements and there was not much more to do. She repeated that the City was losing their plans and then lying about it, stating that she had received them back. She felt that it was ridiculous that they had to keep doing corrections to the plans.

Jay Athy, the property owner's son, stated that he had called the police on the last City Building Inspector because they lied to him while they were in court with the Canyon Lake Property Owners' Association (POA) who was trying to fine the Athy's. He stated that the POA fines were currently at \$70,000 for the Athy's not being able to work on the house since it was red tagged in 2011. He stated that he had worked with the POA and the City to try to resolve the issue and submitted plans, and that the City and POA schemed together against him. He stated that he was a documentary film maker and had documented evidence that he had showed to the City and the Police. He stated that the City's Attorneys lied and perjured themselves in court. He stated that the City had destroyed his plans. He stated that all of the mischievous stuff that the City and POA was doing to destroy him would come out when they went to court. He stated that the City tried to have him arrested on his own property and he had it on video.

Nancy Athy, property owner, stated that a lot of uncalled for and unnecessary actions had taken place.

Jay Athy, property owner's son, stated that when the City Council acts illegally they are not protected and can individually be sued.

City Attorney Martyn stated that she had no knowledge of what occurred at the POA court hearings, and that they had appealed a citation that was issued to them

in the past by Jean Voshall, Code Enforcement Officer. They were allowed a period of time to submit plans. They had initially submitted plans, and then did not return the plans with the required corrections and were then no longer in compliance. After that point, the property was red tagged. Mr. Athy was staying on the property after the red tag was issued and there was a duly obtained from the court Property Inspection Warrant which was served in order to enter the interior of the property to inspect for various code violations. At that point is when some of the disagreement occurred while Police Officers were present. She went on to state that the court addressed Mr. Athy's ability to remove his property from the location and there was another hearing coming up. She stated that those hearings were unrelated to the public nuisance hearing.

Gina Dickson, Special and Code Enforcement Officer, stated that the public nuisance declaration was to make sure that the property was moved forward and brought into compliance. Compliance was ultimately the goal, but in the time that she had been with the City, the property had not moved forward at all.

Mayor Pro Tem Greene asked for the amount of time that had lapsed from the beginning to where the issue was currently at with the hearing.

Officer Dickson stated that there was a stop work order from the Building Department dated in 2008.

The public hearing was closed at 7:48 p.m.

Mayor Pro Tem Greene stated that 2008 to the current hearing was a significant amount of time with a lot of things that had occurred and that the City needed to make the community safe. It wasn't the intent of the City to cause any ill on anyone, but needed to protect the people that live in the neighborhood.

Moved by Greene, seconded by Ehrenkranz to approve Resolution 2018-06.

Motion carried 5-0 with Council Members Bonner, Ehrenkranz, Haggerty, Mayor Pro Tem Greene and Mayor Warren voting aye.

Staff stated that there was a period of time that the property owner's could come into compliance. If compliance was not reached in that period of time, staff would be returning to the City Council to ask how they would like to proceed with abatement of the nuisance.

It was clarified that the notice to comply would include a list of all of the things that needed to be corrected.

Council Member Haggerty stated that it had been going on for 10 years, and that she would like to see that there is a serious effort to fix the issues.

City Attorney Martyn stated that if corrected building plans were submitted with a licensed contractor involved in the next couple of weeks, and you could see work beginning on the property, it would show a good faith effort. She added that it was not clear to the City that the property was repairable, and it would be up to the owner to decide to attempt repairs or seek a demolition permit. She stated that a demolition permit signed by the property owner with the fees paid would also be viewed as a sign of progress if there was an actual contractor involved.

Council Member Haggerty stated that the timeframe needed to be very specific if there was an attempt at compliance took place to prevent the issue from dragging on again.

12. City Manager Comments

City Manager Palmer stated that Fire Chief Hawkins had been reassigned by CalFire and the County and City currently had an Interim Chief. He would provide information about the replacement when he received it.

City Manager Palmer asked Special and Code Enforcement Officer Dickson to provide comments.

Council Member Bonner stated that it had been mentioned at the Public Safety Committee meeting, but he wanted to mention to the City Council that the Fire Department was still not sending a representative to the Public Safety Committee meeting although the City was contracted with them for a station again and inquired if the City Manager made any progress in getting a representative.

City Manager Palmer stated that he mentioned it to the Fire Department and would be bringing it to their attention again.

Council Member Bonner stated that someone from the Council should be appointed to talk to them if it couldn't be resolved with the City Manager. City Manager Palmer stated that he would invite Council Member Bonner to the next time that he met with the Fire Department.

Officer Dickson stated that staff had located the address of marijuana grow, and an administrative citation had been issued for that in addition to the police actions. An inspection warrant would now be required for Code Enforcement and Building Officials to access and inspect the property. She stated that electricity had been shut off at the location, and a citation and request to inspect the property had been sent. The property owner may then allow a voluntary inspection, without the property owner authorizing inspection a court order would have to be obtained.

There was discussion that although the marijuana was removed from the property, the people were still living in the home and there were Code violations.

Officer Dickson went on to state that the handout regarding State Laws for smoking were distributed to local businesses and would now be provided to new businesses and there were no additional complaints regarding smoking in the shopping center. She stated that it appeared there was now compliance.

13. Committee and Council Reports/Comments

13.1 Council Member Bonner

Council Member Bonner discussed the events and meetings he had attended in December. He went on to discuss updates in transportation and funding. He added that he was disappointed that the Congressman representing Canyon Lake did not want to hold public meetings with the City Council and the residents, and that he only wanted meet privately to avoid getting static from the public. Council Member Bonner stated that if the meeting with the Congressman was not public, he felt that it should be cancelled.

13.2 Council Member Ehrenkranz

Council Member Ehrenkranz discussed statistics from WRCOG and their HERO program. He went on to discuss a presentation by the Morongo Tribe's efforts in firefighting and other charity work done by the tribe. Council Member Ehrenkranz provided information received from Vector Control regarding the Zika Virus and West Nile Virus. He discussed SCAG's new building and that it was in the tallest building west of the Mississippi River, he went on to provide updates received from SCAG.

13.3 Council Member Haggerty

Council Member Haggerty stated that she had a report she had forgotten but would give it in March because it had a lot of information. She reviewed the Rapid Transit Seminar she had attended and the Riverside Transit Agency budget meeting. She stated that the rider numbers had dropped due to families that could not previously afford cars purchasing them now as incomes were going up and there were more jobs available. She discussed the impact on freeway congestion and a marketing program highlighting the time and cost savings by taking public transportation. She went on to discuss how Dial-A-Ride assists house bound and disabled citizens and a new program that the Transit Agency was starting to help people new to using public transportation. She added that she was going to be going to the Senior Center to make a presentation and putting together a flyer about options for transportation.

13.4 Mayor Pro Tem Greene

Mayor Pro Tem Greene discussed the projected population growth in the Los Angeles Basin and how the freeway system was not designed for such a large population. He added that he and Council Member Bonner were in the Finance and Planning Committee and were looking into reeling in costs. He thought there would be a recommendation soon about changing how the City did business to help reel in costs. He stated that the last meeting was not complete until noon, with a break to do the Public Safety Committee meeting. He reviewed the New Mayor and City Council Member Conference he had attended. He added that the Bureau of Land Management lands (BLM) had been brought up in a discussion with the Conservation Agency again. He elaborated on how another City created a two-year budget with community interaction. He thanked the Water District for cases of water donated to the Emergency Preparedness Committee.

13.5 Mayor Warren

Mayor Warren discussed the upcoming Alum Treatments. She discussed a meeting with a local chemistry class regarding the lake's quality and treatments. She discussed efforts to address cyanotoxins in the lake. Mayor Warren provided an update on the Animal Friends of the Valleys and the animal shelter. She asked that an item be put on the agenda in the future regarding a Statewide push for mandatory spay and neuter of animals. She discussed the Move I-15 Through Temecula Valley Task Force, and the new gas tax that was covering some projects to relieve traffic issues. She stated that she enjoyed the opportunity to attend the Student of the Month ceremonies and meeting the students, but she would like to offer the opportunity to the other Council Members if they would like to attend.

Council Member Haggerty discussed the gas tax, and how a previous tax that was supposed to be for transportation had been spent on the train, and this new tax did not specify what the money was to be used for. A new proposal would be coming up that would specify exactly what the money would be going to.

There was discussion regarding transportation funding.

14. Announcements

The next regular City Council meeting that was scheduled for March 7, 2018 at 6:30 p.m. for Open Session.

15. Adjournment

Mayor Warren adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Ariel Hall
City Clerk Dept.