

MINUTES
REGULAR MEETING OF THE
CANYON LAKE CITY COUNCIL
Wednesday, April 6, 2016
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

Open Session was called to order at 6:30 p.m.

2. Invocation

Nancy Horton, a resident, provided the invocation.

Flag Salute

Randall Bonner, a resident, led the flag salute.

3. Roll Call

Present: Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty,
Mayor Brown.

4. Approval of City Council Agenda

Council Member Zaitz began a statement regarding the City's upcoming decision regarding the sustainability of the City and its mandatory service requirements.

Council Member Warren raised a point of order regarding whether his statement was appropriate under approval of agenda.

There was discussion regarding whether or not there could be an agenda amendment.

Council Member Zaitz stated that he wanted to make an amendment to the agenda item 10.3 (regarding possible censure of Council Member Zaitz); he asked to add Dawn Haggerty, Vicki Warren, Jordan Ehrenkranz and Tim Brown to agenda item 10.3 as well.

There was discussion regarding the process of adding an item to the agenda. City Attorney Martyn stated that in order to be added, an issue must have arisen after the

publication of the agenda, and it must be urgent enough to need to be addressed prior to the next meeting.

There then was discussion regarding whether or not the proposed amendment met the legal criteria, and the super-majority vote that was required to add something to the agenda.

Mayor Brown considered Council Member Zaitz's request as a motion and asked for a second to the motion. The motion failed for lack of a second.

Motion: Moved by Council Member Warren, seconded by Council Member Ehrenkranz to approve the agenda as presented.

Motion carried 4-1 with Mayor Brown, Mayor Pro Tem Haggerty, and Council members Warren and Ehrenkranz voting yes and Council Member Zaitz voting no.

5. Special Presentations and Proclamations

5.1 Chamber of Commerce Announcements

Jay Randall, President of the Chamber of Commerce announced upcoming events for the Chamber of Commerce.

5.2 Public Safety Committee/Fire Department Start-up Committee Report

City Manager Palmer provided an update on the Public Safety Committee meeting, and stated that the City officially had notified the County that the City was seeking a one-year extension of the current agreement, and there was a tentative first meeting with the County scheduled for May 12th.

Gary Bradford, a resident, spoke regarding the past ad hoc committee that had looked into police and fire services, and the results that the ad hoc had found. He went on to discuss what had happened in the City since the ad hoc committee provided the report. He stated that he was appalled by some of the statements that the new Fire Department Start-up Committee Chair had made to members of the public and the newspaper because he did not feel that she was knowledgeable based on her statements. He stated that public safety services was the main purpose of local government, and was doubtful that the City was going to be able to afford to continue to provide emergency services. He asked that the City Council do what was necessary to provide the necessary services to the City.

Sean McDonald, a resident, felt the fire consultant's report given to the Council showed that it was possible to start the City's own fire department, and that the costs for CalFire would keep going up. He stated that it was common for cities to have subscription ambulance services, because right now people get a large bill when AMR comes to pick someone up. He stated that the City Council should vote and move on with starting a department. He stated that it was a massive

process to disincorporate, and that it likely wouldn't happen. He discussed the impact on real estate values.

Ted Horton, a resident, stated that he and his family lived in the Longhorn area that is most at risk. He also believed that public safety is the biggest responsibility of the Council, and that the residents approved the Utility User's Tax (UUT) to restore public safety. He indicated that the consultant's report indicated there was enough funding now to restore Station 60. He asked that the Council approach the County to staff Station 60, and then consider another direction.

There was discussion regarding the rules of order.

Council Member Zaitz agreed that the City is not protecting its residents by closing Station 60 and attempting to contract for another year by extending the current contract. He stated that the consultant stated that the City would not have enough money for any fire protection option when the UUT expired. He stated that the City Council needs to decide where the City was going to get the funding and what the City's sustainability was. He stated that where the City was going was keeping the people in danger, and having a fire department that did not have a paramedic was essentially for nothing because 85% of calls are medical related. He went on to state that if the City wanted to have paramedics, the consultant report showed that the only choice was to go with the County to open Station 60.

Mayor Pro Tem Haggerty discussed the increasing costs of staying with the County for fire services. She went on to state that the County would not put anyone in Station 60, and the City Council was looking at alternatives. She went on to discuss the various options the City was looking into.

Council Member Warren stated that the goal since the beginning of the fire issue was to give full protection to the whole City. She went on to discuss the history of the fire issue.

Council Member Ehrenkranz stated that the City Council was doing a lot to work the issue out and was facing a lot of interference.

Mayor Pro Tem Haggerty stated that she did run on the premise of starting a police department and hired a consultant, but since that report the fire issue took precedence. She went on to explain the reasoning behind hiring a consultant for the fire issue.

Council Member Zaitz repeated that no matter which plan in the consultant's fire study, it would not be sustainable without the UUT. He went on to discuss the cost savings of Option 2 in the consultant report, but that there would be no paramedic. He went on to state that the County has not sent a letter indicating that Station 60 would not be opened by the County with a paramedic. He went on to discuss the choices that the City had for fire services.

Mayor Brown discussed the efforts of the City to resolve the fire issue. He extended his best wishes to Chief Hawkins with County Fire who had recently had bypass surgery. He asked that an agenda item be put on the next agenda with milestones for goals moving forward, and discussed that the City Council needed to meet to set goals.

6. Public Comments

Cathy Michener, a resident, asked that the City Council do something to get the dog park processed through the City so it could be completed. Mayor Brown and City Manager Palmer indicated that a response would be made to the resident under City Manager Comments.

Brenda Yanoschik, a property owner, stated that she was frustrated because some Council Members had expressed that they would not even consider disincorporating the City. She went on to provide an example from The Twilight Zone that explained why she was skeptical of the City Council's request that the residents trust the City Council to work out the public safety issue, and stated that she was afraid that the City Council was going to burn the residents with higher taxes in the future. She asked that the Council consider disincorporation at the same time as trying to fix the fire issue.

Mayor Brown asked if staff had followed up on the request at the last meeting to have a representative from the Local Agency Formation Commission (LAFCO) come to a meeting.

Administrative Services Manager Rowe stated that she had contacted his office and he was currently out of the office.

Nancy Horton, a resident, announced that Bob Bohan, a past employee of the City had passed away. She stated that her family was going to be putting in a brick in the Veteran's Memorial to honor him. She also went on to ask that Lieutenant Quinata come up, and then she went on to explain that Lt. Quinata and another officer had been honored at a recent local event for donating softball equipment to a group that was working with special needs children.

Mayor Brown indicated that the end of the agenda showed that the meeting would be adjourned in memory of Bob Bohan, who had passed away.

Jack Wamsley, a resident, congratulated the City Council on their choice of City Manager. He went on to state that some of the bricks in the Veteran's Park were blocked by dirt that had washed over the bricks. He asked that some effort be put into keeping the park in good shape.

Mayor Brown recessed the City Council Meeting at 7:18 p.m.

Mayor Brown brought the City Council Meeting back to order at 7:26 p.m.

7. Consent Calendar

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

7.2 Adoption of Resolution No. 2016-10, Approving Claims and Demands of the City

7.3 Second Reading and Adoption of Ordinance No. 166, Amending Various Sections of Title 10 of the City of Canyon Lake Municipal Code Regarding the Hearing and Appeal Processes for Citation Involving Keeping and Control of Dogs and Cats

Mayor Brown inquired about the process of adopting Ordinance number 166 because there had been changes to it.

City Attorney Martyn clarified that it was appropriate to adopt the ordinance because there already had been first reading of the revised ordinance.

Moved by Haggerty, seconded by Warren, to approve the consent calendar as presented.

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

8. Pulled Consent Calendar Items

There were no Pulled Consent Calendar Items.

9. Schedule of Future Events

Mayor Brown announced that a list of future events was on the agenda.

10. Business Items

10.1 Provide Direction To Staff Regarding City's Entryway Monument Project

Administrative Services Manager Rowe provided a staff report for the item.

There was discussion regarding the cost of the signs, sign posts, and the installation costs.

Travis Montgomery, a resident, asked if there was a company that was closer than Wooden Apple Signs in Massachusetts that the City could order from.

Jack Wamsley, a resident, inquired about why the City would want to spend money on signs when they hadn't solved the problem of whether or not the City would remain a city.

Cathy Michener, a resident, thought it would be great to have the signs up, and that the City should consider doing four signs instead of two signs.

Nancy Carroll, a resident, stated that she hoped the City never disincorporated, and that either of the two sign options would be nice. She felt that the City staff did the homework to make sure it was the right option.

Steve Hipsack, a resident, stated that he spent a lot of years in the sign industry and there were hundreds of good sign manufacturers in California. He went on to state that there should have been a contest of design to get residents to participate in designing the sign and have interaction between the Council and community. He asked if there would be electricity on the signs.

Council Member Zaitz stated there would be ground lights shining on the signs.

There was discussion regarding where the signs would be placed.

Administrative Services Manager Rowe stated that there had been a contest for the design of the signs, and there had been only one participant.

Dorothy Griswald, a resident, stated that the signs presented look appropriate for New England, but the City should look for something that looked more appropriate for Canyon Lake.

Council Member Warren asked if staff could get the name of the sign company Mr. Hipsack had stated. She added that bids were requested and a search was done for companies, and that the design would look appropriate for our community.

There was discussion regarding what staff should be directed to do.

Council Member Zaitz inquired about the follow-up of having Wooden Apple Signs give color to the design that was currently chosen.

Administrative Services Manager Rowe stated that she could not get a color rendering without giving a deposit.

Council Member Zaitz suggested going to a local college's art department to see if students there could come up with a design and rendering.

Mayor Pro Tem Haggerty stated that the point of waiting to do the signs until the issue of remaining a City was solved was a good point. She added that she would rather have the design of the sign from the community than a college. She stated

that the City Council needed to decide whether or not to move forward with ordering the sign or not.

Mike Brofado, a resident, stated that he was in the sign business and he would question the materials the sign was going to be made out of. He discussed the potential materials, and added that sign companies should give conceptual designs and materials for free.

There was discussion regarding the materials proposed.

Joe Walshley, a resident, asked how large the sign was.

Administrative Services Manager Rowe provided the estimated dimensions.

Rob Smith, a resident, stated that he was amazed that the Council had spent more time talking about the sign that had been worked on for years than spent talking about fire and safety. He asked what confidence can the residents have that a Council who works on a sign for four or five years is going to come up with a good plan for the residents' safety.

Mayor Pro Tem Haggerty stated that the residents had no idea how many hours had been put in by the Council on the fire issue. She added that the sign issue has been worked on by more than one Council.

Mayor Brown stated there was no clear direction to staff. He asked for specific direction for staff.

Council Member Ehrenkranz stated that there had been a resident who volunteered to assist with the sign issue. He stated he would appreciate anything that the resident could do to assist the City.

There was discussion regarding direction to staff. The item would be tabled until later in the year once other issues were resolved.

Moved by Council Member Zaitz to table the item to a later date. Mayor Pro Tem Haggerty asked to amend the motion to put in a three-month timeframe.

There was discussion regarding the amendment to the motion.

Council Member Zaitz accepted the amendment to the motion to table the item to the July meeting, motion was seconded by Council Member Ehrenkranz.

Mayor Brown asked if there was any objection to the motion. Motion carried without objection.

10.2 Discussion and possible direction to staff regarding potential ordinance regulating smoking in public places

City Attorney Martyn provided the staff report for the item.

There was discussion regarding who had proposed that the City Council look into the issue.

Mayor Brown asked why the City would try to put in an ordinance for something that the Property Owner's Association (POA) already regulated in their general regulations.

There were no comments in response.

Mayor Brown stated that he did not think it was a good idea to have dual fining agencies.

City Attorney Martyn stated that a City regulation would supersede a rule by the POA.

Council Member Ehrenkranz asked what the City had in place currently.

City Attorney Martyn stated that there were only State laws, the City had a ban on smoking in the Council Chamber, and there were State laws to prohibit smoking in the workplace.

There was discussion regarding the State laws rules, and the jurisdiction of the POA's and the City's regulations.

There was discussion regarding the enforcement of an ordinance if the City adopted one.

Moved by Mayor Brown to take the item off the agenda permanently.

City Attorney Martyn stated that staff understood the direction to remove the item and not work on the issue further.

Mayor Brown asked if there were any objections to the direction given to staff. It was the consensus of the City Council to take the item off the agenda permanently.

10.3 Discussion and possible direction to staff to prepare a Resolution of Censure, or consider other action, to address ongoing violations of the Code of

Conduct by Council Member Zaitz – Presentation by Council Member Warren and Mayor Pro Tem Haggerty

Mayor Brown called a recess at 8:06 p.m. while people picked up the partial verbatim transcript of the March 29, 2016 meeting and the presentation materials provided by Council Member Warren that were passed out at the meeting.

Mayor Brown called the meeting back to order at 8:17 p.m.

Mayor Brown asked that everyone relate their comments specifically to violations of the Code of Conduct and not whether or not they agreed with what a person said.

Mayor Brown called a recess at 8:20 p.m. so City staff could make copies of the Code of Conduct for the public.

Mayor Brown called the meeting back to order at 8:27 p.m.

Mayor Brown reiterated that the issue on hand was the Code of Conduct.

Council Member Warren presented a statement regarding the Code of Conduct violations by Council Member Zaitz.

City Attorney Martyn defined censure at the request of Council Member Warren.

Council Member Warren went on to request that the City Council consider preparing a resolution of censure of Council Member Zaitz, as well as excluding Council Member Zaitz from all matters related to land use in the City, remove Council Member Zaitz from the Planning Committee, and exclude Council Member Zaitz from disincorporation discussions, land use ordinances, and anything to do with Goetz Hill.

There was clarification of what portions of the Code of Conduct Council Member Warren was referring to in her statement.

Mayor Pro Tem Haggerty stated that she would not allow herself to be bullied, and that you cannot allow a bully to continue bullying. She stated that Council member Zaitz's behavior was a pattern.

There was discussion regarding the rules of order.

Council Member Zaitz stated that he thought he had stated the word "lies" and not the word "bullshit" as it was reflected in the verbatim minutes. He went on to state that the verbatim minutes showed that both Council Member Warren and Mayor Pro Tem Haggerty misinformed the people.

Council Member Warren raised a point of order.

There was discussion regarding the rules of order.

Council Member Zaitz went on to explain his reasons for making the prior statement to Mayor Pro Tem Haggerty. He then went on to explain his involvement in proposing that Goetz Hill be purchased by the Regional Conservation Authority (RCA) and approaching Mayor Brown on the issue. Council Member Zaitz explained his reasoning for requesting that LAFCO come to a meeting to make a presentation about disincorporation.

Council Member Warren raised a point of order.

There was discussion regarding the rules of order.

Council Member Zaitz continued to explain his position regarding having LAFCO come to a meeting to refute statements made by other Council Members.

Council Member Warren raised a point of order.

There was discussion regarding the rules of order.

Council Member Zaitz refuted that he had used his Council Comments time to pursue his personal agenda. He went on to state that he had not participated in any land use decisions that affect Goetz Hill.

Mayor Brown discussed his involvement in attempting to get the RCA to purchase Goetz Hill.

There was discussion regarding the order of the discussion on the item.

Brenda Yanoschik, a property owner, commented that she did not feel one of her statements in the verbatim minutes was correct. She went on to state that she felt Council Member Zaitz was listening to the residents at the meeting when he requested a LAFCO presentation.

Sean McDonald, a resident, stated that he felt a lot of time was wasted, and Council Member Zaitz should apologize to Mayor Pro Tem Haggerty. He agreed that the Council Members should have different opinions that should be discussed. He added that he did not feel the word "bullshit" was not such a bad word.

Kathy Mulcahey, a resident, thought that several Council Members' behavior was disappointing and stated that she had been called names by Mayor Pro Tem Haggerty on Facebook. She stated that everyone should be adults and apologize, and accept apologies. She agreed that people could have differing opinions and they should be discussed like adults.

Travis Montgomery, a resident, made a statement regarding Council Member Zaitz's past political views and how there had been residents who had come to the meeting when Council Member Zaitz was appointed to oppose the City Council appointing him based on those past political views.

Council Member Zaitz stated that he would like to see documentation proving that he had voted on land use issues relating to Goetz Hill. He didn't believe there was one. He explained that he had pushed Goetz Hill in the past and explained why he then pursued getting it put in the RCA. He asked for documentation that he violated the Code of Conduct. He added that his concern with the Utility User's Tax (UUT) was whether it was a special or general tax, and that he would apologize to Mayor Pro Tem Haggerty so the Council could move on to more important matters.

Council Member Warren stated that whether disincorporation was viable or not was not the point, it was an example of a violation of the Code of Conduct. She added that she had not heard any reassurances from Council Member Zaitz that the behavior would not continue.

Council Member Ehrenkranz explained why he did not vote during Council Member Zaitz's appointment due to a conflict of interest. He went on to state that he did not agree with Council Member Zaitz's behavior and that he thought the type of language used was not appropriate. He stated "can't we just get along." He discussed the past issues with Goetz Hill and that the Council can't operate unless everyone got along and worked to the same purpose.

Mayor Brown explained his involvement in attempting to have the RCA purchase Goetz Hill, and that he thought it wasn't a bad thing to have LAFCO come make a presentation on disincorporation so that everyone knew the facts. He stated that he did overhear the comments made to Mayor Pro Tem Haggerty and that the comments were over the top and the Council should try to do better even though worse things were said all the time.

Dorothy Walshly, asked if the Council thought that Council Member Zaitz violated the Code of Conduct and that the Council address that directly.

Mayor Brown stated that he did not know of any direct financial interest in Goetz Hill.

Jack Wamsley, a resident, requested that the City Council have LAFCO come do a presentation.

There was discussion regarding scheduling LAFCO to come to a meeting.

Dorothy Walshly, a resident, asked the Council to answer her previous question.

Dorothy Griswald, a resident, thought it was awful that a woman was intimidated by a Council Member and that conduct was not acceptable.

Council Member Warren discussed the disruption caused by Council Member Zaitz's violations of the Code of Conduct and the ongoing behavior. She believed that the Council needed to move forward with a censure because just working it out and apologizing had not been working, and she was not reassured that his behavior would stop.

Moved by Council Member Warren to move forward with a resolution of censure at the next Council Meeting, seconded by Mayor Pro Tem Haggerty.

Mayor Brown stated that he felt the Council was making a mountain out of a mole hill, but he agreed that what was said to Mayor Pro Tem Haggerty should not have happened. He would only support a censure addressing personal attacks and embarrassing each other.

Mayor Pro Tem Haggerty explained the occasions that she felt the Code of Conduct was violated, including undermining majority decisions of the Council.

Council Member Ehrenkranz called for the question.

There was discussion regarding the rules of order.

Mayor Brown announced that there had been a motion to call for the question by Council Member Ehrenkranz, seconded by Council Member Warren.

Motion carried 3-2 with Council Member Zaitz and Mayor Brown voting no.

City Attorney Martyn clarified the rule to call for the question and limiting or terminating discussion.

Administrative Services Manager repeated the motion made by Council Member Warren and seconded by Mayor Pro Tem Haggerty to move forward with a resolution of censure for Council Member Zaitz.

There was discussion regarding the points that would be included in the resolution of censure.

Council Member Warren amended her motion to have the resolution of censure to include the points of personal attacks, embarrassing other members or the organization, and undermining majority decisions of the City Council.

There was discussion regarding the points to be included in the resolution of censure.

Council Member Ehrenkranz again called for the question.

Moved by Council Member Ehrenkranz and seconded by Council Member Warren to call for the question.

Motion carried 3-2 with Council Member Zaitz and Mayor Brown voting no.

Administrative Services Manager Rowe repeated the current amended motion to move forward with a resolution of censure of Council Member Zaitz to include the points of personally attacking other Council Members or the public, embarrassing the City Council or the organization, and undermining majority decisions of the City Council.

Motion carried 4-1 with Council Member Zaitz voting no.

Mayor Brown recessed the meeting at 9:39 p.m.

Mayor Brown called the meeting back to order at 9:45 p.m.

11. City Manager Comments

City Manager Palmer discussed the processing of the dog park plans for the POA.

11.1 Update Regarding Fire Discussions

There was no further update regarding fire.

12. Committee and Council Reports/Comments

12.1 Council Member Ehrenkranz

Council Member Ehrenkranz discussed the meetings he had attended.

12.2 Council Member Warren

Council Member Warren discussed the meetings she had attended and announced that she was appointed co-chair of the Animal Friends of the Valleys board.

12.3 Council Member Zaitz

Council Member Zaitz discussed the meetings he attended and that the RTA had reached a milestone of 1,000 days without a Worker's Comp claim or injury.

12.4 Mayor Pro Tem Haggerty

Mayor Pro Tem Haggerty discussed the meetings she had attended. She requested that the Public Safety Meetings occur quarterly in the evening.

12.5 Mayor Brown

Mayor Brown discussed the meetings and training he had attended.

Mayor Brown asked that there be an agenda item by next month with milestones for where the City was going with the fire issue.

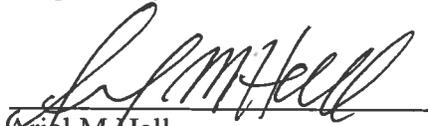
13. Announcements

The next regular City Council meeting was scheduled for May 4, 2016 at 5:30 p.m. for Closed Session and 6:30 p.m. for Open Session.

14. Adjournment

The meeting was adjourned in memory of Bob Bohan, who worked for the City as a Special Enforcement Officer between July 1999 and July 2010, at 10:07 p.m.

Respectfully Submitted,


Ariel M. Hall
City Clerk