

City Of Calimesa
City Council Minutes of Regular Meeting
August 5, 2013

CALL TO ORDER 6:00 p.m. by Mayor Davis.

ROLL CALL: MAYOR DAVIS, MAYOR PRO TEM HEWITT, COUNCIL MEMBER HYATT, COUNCIL MEMBER MCINTIRE AND COUNCIL MEMBER ZANOWIC.

ABSENT: NONE

STAFF: CITY MANAGER ANSTINE, CITY ATTORNEY ENNIS, CITY CLERK GERDES, ACCOUNTING COORDINATOR SIMMONS, PUBLIC WORKS DIRECTOR FRENCH, CITY ENGINEER THORNTON AND POLICE CHIEF PEEBLES.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Chief Peebles.

COMMUNICATIONS FROM THE PUBLIC

Charles Hurt President of the Calimesa Cultural and Performing Arts spoke regarding the Calimesa Cultural and Performing Arts budget and provided an explanation of where and how the monies are spent. He stated that pursuant to accusations made at the last City Council meeting in regards to the Sr. Center and the events held at the center, he wanted to clear up any confusion and assure the Council that the CCPA are good stewards of their monies.

Council Member McIntire thanked Mr. Hurt and the Calimesa Cultural and Performing Arts for all they do for the community and stated that the money given by the City is very well spent.

APPROVAL OF THE AGENDA

MOTION BY COUNCIL MEMBER MCINTIRE, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 5-0 TO APPROVE THE AGENDA AS PRESENTED.

Mayor Davis asked if there were any items to be removed from the consent calendar for discussion. City Manager Anstine requested that Item No. 7 be pulled for discussion. Council Member McIntire requested that Item No. 11 be pulled so that Council Member Zanowic could recuse herself from the item.

CONSENT CALENDAR

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a. *City Council Action Minutes of the Regular Meeting of July 1, 2013.*
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
There are no minutes ready for approval at this time.

3. APPROVAL OF WARRANT REGISTERS.
 - a. *Check Register Report with a total of \$608,644.68 (Check Nos. 27218 to 27300)*
 - b. *July 1, 2013 Council Payroll of \$1,614.75 (Ck Nos. 6374 thru 6378)*
July 3, 2013 Payroll of \$27,909.14 (Ck Nos. 6379 thru 6391)
July 18, 2013 Payroll of \$35,544.23 (Ck Nos. 6392 thru 6409)
August 1, 2013 Council Payroll of \$1,614.75 (Ck Nos. 6410 thru 6414)
August 1, 2013 Payroll of \$29,797.66 (Ck Nos. 6415 thru 6427)
4. WAIVE FULL READING OF ANY PROPOSED ORDINANCES ON THE AGENDA.

This permits reading the title only in lieu of reciting the entire text of the Ordinances. This does not take policy action on the Ordinances or approve or disapprove any Ordinances on the agenda.
5. COUNCIL TRAVEL REPORT.

RECOMMENDATION: *That the City Council move to approve the travel expenses report.*
6. RECEIVE AND FILE PUBLIC SAFETY REPORTS.

RECOMMENDATION: *That the City Council move to accept the Citizen Patrol Volunteer Unit Hours for June 2013.*
8. RESOLUTION OF APPROVAL OF APPLICATION FOR FUNDING FROM THE CALIFORNIA ENERGY COMMISSION'S ENGERGY PARTNERSHIP PROGRAM AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO.

RECOMMENDATION: *That the City Council adopt Resolution No. 2013-27, A Resolution approving an application to conduct an existing facilities energy audit of the Calimesa Fire Station through the California Energy Commission's Energy Partnership program and the execution of a Grant Agreement and any amendments thereto.*
9. PROFESSIONAL CONSULTING AGREEMENT WITH DAVID TURCH AND ASSOCIATES FOR LEGISLATIVE ADVOCACY SERVICES.

RECOMMENDATION: *That the City Council approve the contract with David Turch & Associates for FY 13-14 in an amount not to exceed \$20,000.*
10. RATIFICATION OF A COOPERATIVE AGREEMENT BETWEEN THE CITY OF CAILMES AND THE COUNTY OF RIVERSIDE ECONMIC DEVELOPMENT AGENCY.

RECOMMENDATION: *That the City Council approve ratifying the City Manager entering into an agreement between the City of Calimesa and the County of Riverside Economic Development Agency.*
12. PRELIMINARY APPROVAL OF THE ENGINEERS REPORT FOR LANDSCAPING AND LIGHTING DISTRICT NO. 91-1
RECOMMENDATION: *That the City Council adopt Resolution No. 2013-33, A Resolution of the City Council of the City of Calimesa to initiate proceedings preliminary approval and set the public hearing for the engineer's report for Landscaping and Lighting District No. 91-1 for fiscal year 2013-2014.*

13. INTERNATIONAL CONFERENCE OF SHOPPING CENTERS(ICSI) WESTERN DIVISION CONFERENCE UPDATE.

RECOMMENDATION: *No action is required. Information only.*

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 5-0 TO APPROVE ITEM NO'S 1-6, 8-10 AND 12-13 OF THE CONSENT CALENDAR AS PRESENTED.

Council Member Zanowic recused herself due to a potential conflict of interest of Item No's 7 and 11.

CONSENT ITEMS REMOVED FOR DISCUSSION

7. AGREEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING REAL PROPERTY REGARDING THE PROVISION OF SEWER SERVICE TO THE PLANTATION ON THE LAKE MOBILE HOME PARK

RECOMMENDATION: *That the City Council approve the Agreement and Covenants Conditions and Restrictions affecting real property regarding the provision of sewer service to the Plantation on the Lake Mobile Home Park.*

City Manager Anstine requested that Item No. 7 be pulled to amend the recommendation to add that the Council authorize the Mayor to sign the agreement as soon as the account for Plantation on the Lake is brought current.

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER MCINTIRE, CARRIED 5-0 TO APPROVE THE AGREEMENT AND COVENANTS CONDITIONS AND RESTRICTIONS AFFECTING REAL PROPERTY REGARDING THE PROVISION OF SEWER SERVICE TO THE PLANTATION ON THE LAKE MOBILE HOME PARK AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT AS SOON AS THE ACCOUNT FOR PLANTATION ON THE LAKE IS BROUGHT CURRENT.

11. CALIMESA CHAMBER OF COMMERCE ANNUAL BUDGET

RECOMMENDATION: *No action is required. Information only.*

Council Member McIntire questioned how the cities \$2,000 donation benefits the City.

Chamber Board President Donna Lotz explained that the \$2,000 helps meet the chamber expenses, as well as assisted with the new resident bags that were put together by the chamber.

Council Member Hyatt questioned Ms. Lotz as to who completes the Chambers budget.

Ms Lotz replied that accountant Angela Green completes the budget and keeps the financial records for the Chamber. She added that they have purchased and installed QuickBooks and that the office space is donated to the chamber by the Yucaipa Calimesa News mirror.

Council Member Hyatt questioned whether the budget could be revised to reflect a Fiscal Year operating budget.

Ms. Lotz replied that she would contact the accountant in regards to Council Member Hyatt's questions.

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER MCINTIRE, CARRIED 4-0 TO RECEIVE THE BUDGET SUBMITTED BY THE CALIMESA CHAMBER OF COMMERCE.

CHIEF OF POLICE COMMENTS & REPORTS

Police Chief Peebles reported that there was no major fluctuation in crime over the last month and stated the investigation was still on-going of the Mesa View Middle School electrical thefts. He reported that there were some thefts at the Singleton Heights Construction site, adding that they have someone in custody and they were not acting alone.

FIRE CHIEF COMMENTS & REPORTS

The fire department was not in attendance, no report was given.

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS

Council Member Hyatt reported that he attended a meeting of SCAG on August 1, 2013 and stated that the Perris Metro Link was approved for an extension. He stated that Highway's 14 and 58 would be receiving some improvements. He further reported that he attended a meeting of the WRCOG.

Council Member Zanowic reported that she attended a meeting of the RCTC, stating that the lawsuit with the "Friends of Riverside Hills" had been settled. She further stated that they spoke of the need for CEQA Reform. She reported that she attended a meeting of the RTA, stating that they held a Public Hearing and approved military vets to ride at a discounted rate and that active military, fire and police ride for free. She added that the transportation funds were being held hostage by the State and that the RTA would not receive any funds until the issue is cleared up.

14. **PUBLIC HEARING:** FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2013-1 (JP RANCH) AND DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 2006-3 (JP RANCH) IMPROVEMENT AREA 1

RECOMMENDATION: That the City Council:

- 1. Hold a Public Hearing on the (a) formation of Community Facilities District No. 2013-1 (JP Ranch) (b) levy of special taxes and, (c) issuance of special tax bonds secured by the special taxes.***
- 2. City Council considers the adoption of the following resolutions:***

Resolution No. 2013-28 A Resolution of Formation of the City of Calimesa determining the validity of prior proceedings and establishing the Community Facilities District No. 2013-1 (JP Ranch) and approving the execution and delivery of a Funding, Construction and Acquisition Agreement.

Resolution No. 2013-29 Resolution determining the necessity to incur bonded indebtedness within Community Facilities District No. 2013-1 (JP Ranch), and calling a special election.

3. *Hold Election.*
4. *City Council adopts Resolution No. 2013-30 the Resolution canvassing the results of the election held within Community Facilities District No. 2013-1 (JP Ranch).*
5. *Conduct First Reading by title only of Ordinance No. 326 authorizing the levy of a services special tax and a special tax within Community Facilities District No. 2013-1 (JP Ranch).*

Mayor Davis introduced the item and opened the Public Hearing.

Lyn Gruber of Koppel & Gruber Finance presented the agenda report.

There were no oral protests or comments by the Public.

Mayor Davis closed the Public Hearing.

After Council discussion the following actions were taken:

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-28, A RESOLUTION OF FORMATION OF THE CITY OF CALIMESA DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS AND ESTABLISHING THE COMMUNITY FACILITIES DISTRICT NO. 2013-1 (JP RANCH) AND APPROVING THE EXECUTION AND DELIVERY OF A FUNDING, CONSTRUCTION AND ACQUISITION AGREEMENT.

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN COMMUNITY FACILITIES DISTRICT NO. 2013-1 (JP RANCH), AND CALLING A SPECIAL ELECTION.

Mayor Davis requested that City Clerk Gerdes tabulate the ballots and announce if two-thirds of the votes cast are in favor of such propositions.

City Clerk Gerdes tabulated the ballots and announced that 6 ballots were received with 100% of all 6 ballots a "yes" vote.

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA CANVASSING THE RESULTS OF THE ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 2013-1 (JP RANCH).

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 5-0 TO INTRODUCE FIRST READING BY TITLE ONLY OF ORDINANCE NO. 326, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIMESA AUTHORIZING THE LEVY OF A SERVICES SPECIAL TAX AND A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 2013-1 (JP RANCH). MAYOR PRO TEM HEWITT READ THE TITLE OF THE ORDINANCE FOR THE RECORD.

15. **PUBLIC HEARING:** COMMUNITY FACILITIES DISTRICT NO. 2013-1(JP RANCH) ANNUAL LEVY OF SPECIAL TAXES.

RECOMMENDATION: *That the City Council adopt Resolution No. 2013-34, A Resolution of the City Council of the City of Calimesa acting as the Legislative Body of the Community Facilities District No. 2013-1(JP Ranch) authorizing the annual levy of special taxes for fiscal year 2013/2014.*

Mayor Davis opened the Public Hearing.

Lyn Gruber of Koppel and Gruber Finance presented the agenda report.

There were no oral comments from the Public.

Mayor Davis closed the Public Hearing.

After Council discussion the following action was taken:

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2013-1(JP RANCH) AUTHORIZING THE ANNUAL LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2013/2014.

16. **PUBLIC HEARING:** SPECIAL ASSESSMENTS OF DELINQUENT REFUSE FEES

RECOMMENDATION: *That the City Council:*

- 1. Open the Public Hearing and take public testimony of the proposed special assessments of delinquent refuse fees; and***
- 2. Adopt Resolution 2013-31, A Resolution of the City Council of the City of Calimesa, California, confirming the report of charges to be placed as special assessments for delinquent refuse fees.***

Mayor Davis opened the Public Hearing.

City Manager Anstine presented the agenda report.

There were no oral comments from the Public.

Mayor Davis closed the Public Hearing.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CONFIRMING THE REPORT OF CHARGES TO BE PLACED AS SPECIAL ASSESSMENTS FOR DELINQUENT REFUSE FEES.

17. **PUBLIC HEARING:** SPECIAL ASSESSMENTS FOR WEED ABATEMENT

RECOMMENDATION: *That the City Council:*

- 1. Open the Public Hearing and take public testimony; and***
- 2. Adopt Resolution 2013-32, A Resolution of the City Council of the City of***

Calimesa, California, confirming the report of charges to be placed as special assessments for weed abatement.

Mayor Davis opened the Public Hearing.

City Manager Anstine presented the agenda report.

There were no oral comments from the Public.

Mayor Davis closed the Public Hearing.

City Clerk Gerdes announced that six (6) payments had been received and needed to be removed from Attachment "A". Those removed were numbers 9, 10, 12, 13, 14 and 15. She stated that those would be removed from Attachment "A" of the Resolution prior to being sent to the County for assessment to the property tax rolls.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER MCINTIRE, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-32, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CONFIRMING THE REPORT OF CHARGES TO BE PLACED AS SPECIAL ASSESSMENTS FOR WEED ABATEMENT WITH THE REMOVAL OF NUMBERS 9, 10, 12, 13, 14 AND 15 FROM ATTACHMENT "A".

BUSINESS ITEMS

18. FEASIBILITY STUDY FOR THE CONSTRUCTION OF A NEW LIBRARY AND CITY HALL FACILITY.

RECOMMENDATION: That the City Council approve the City Manager exploring the feasibility of constructing a new Library and City Hall on City owned property at Calimesa Blvd. and K Street and authorizing the City Engineer – TKE Engineering to accomplish the feasibility study.

City Manager Anstine presented the agenda report.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO APPROVE STAFF RECOMMENDATION APPROVING THAT THE CITY MANAGER EXPLORE THE FEASIBILITY OF CONSTRUCTING A NEW LIBRARY AND CITY HALL ON CITY OWNED PROPERTY AT CALIMESA BLVD. AND K STREET AND AUTHORIZING THE CITY ENGINEER-TKE ENGINEERING TO ACCOMPLISH THE FEASIBILITY STUDY.

COUNCIL MEMBERS' COMMENTS & REPORTS

This is the time for additional general comments, announcements, reports on meetings attended at public expense as required by AB 1234, requests of staff, and other issues of concern to Council Members may be presented briefly at this time. The Council may not legally take action on any item presented at this time other than to direct staff to investigate a complaint or place an item on a future agenda unless (1) by a majority vote, the Council determines that an emergency situation exists, as defined by Government Code § 54956.5 or (2) by a four-fifths vote, the Council determines that there is a need for immediate action and the need for action arose subsequent to the agenda being posted as required by Government Code § 54954.2(b).

None

CITY MANAGER COMMENTS & REPORTS

City Manager Anstine reported that he participated with 3 other cities in Riverside County in making a presentation to representatives from Mainland China who were interested in investing in Riverside County. He added that Calimesa was the only city represented from the Pass Area.

RECESS TO CLOSED SESSION

Mayor Davis recessed the meeting at 7:10 p.m. to Closed Session. City Attorney Ennis announced the Closed Session Items.

A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Pursuant to Government Code Section 54957

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(B) Significant exposure to litigation

Number of Cases: One (1) case

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Potential Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of

Government Code Section 54956.9 **Number of Cases:** One (1) case

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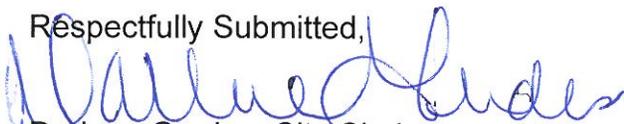
CLOSED SESSION ANNOUNCEMENT

- A. No reportable action.
- B. Council received a report from the City Attorney and accepted the report by a 4-0 vote (Council Member Hyatt was absent).
- C. No reportable action.

ADJOURNMENT

Meeting adjourned at 8:23 p.m. to the Regular meeting of the City Council on Tuesday September 3, 2013, at 6:00 p.m.

Respectfully Submitted,


Darlene Gerdes, City Clerk

Approved by Council:

9/3/13