

City Of Calimesa
City Council Minutes of Regular Meeting
September 3, 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, ACCOUNTING COORDINATOR SIMMONS, PUBLIC WORKS DIRECTOR FRENCH, CITY ENGINEER THORNTON AND POLICE CHIEF PEEBLES.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning Commissioner Mike Barron

COMMUNICATIONS FROM THE PUBLIC

Shelly Maloney, 915 Douglas Street, Calimesa spoke in opposition of the new water tank for South Mesa Water Company that was approved by the Planning Commission. She questioned if Council would place the item on the agenda for discussion. She also presented a petition of signatures of those against the project.

Others who spoke in opposition of the water tank were as follows:

Richard Acuna, Robert Hodey, Mike Ewine and Bill Cover.

City Attorney Ennis explained that the project proposed and applied for by South Mesa Water Company to build a reservoir, was approved by the Planning Commission at a noticed public hearing. He added that there was no appeal submitted of the project and that the project would not be coming to the Council for further approval.

APPROVAL OF THE AGENDA

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER MCINTIRE, CARRIED 5-0 TO APPROVE THE AGENDA AS PRESENTED WITH THE MOVING UP OF ITEM NO. 12 TO BE HEARD PRIOR TO ITEM NO. 8.

Mayor Davis asked if there were any items to be removed from the consent calendar for discussion. There were no items removed for discussion.

CONSENT CALENDAR

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a. *City Council Action Minutes of the Regular Meeting of August 5, 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 \$376,714.45 (Check Nos. 27301 to 27384)*
 - b. *August 15, 2013 Payroll of \$37,322.57 (Ck Nos. 6428 thru 6445)*
August 29, 2013 Payroll of \$29,092.00 (Ck Nos. 6446 thru 6459)
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. AGREEMENT WITH SOCAL CODE SERVICES, INC,
RECOMMENDATION: *That the City Council approve the agreement with SoCal Code Services, Inc., to provide Code Enforcement Services.*
6. 2nd READING OF ORDINANCE NO. 326 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA AUTHORIZING THE LEVY OF A SERVICES SPECIAL TAX AND A SPECIAL TAX.
RECOMMENDATION: *That the City Council conduct second reading by title only of Ordinance No. 326, An Ordinance of the City Council of the City of Calimesa, California authorizing the levy of a services special tax and a special tax.*

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

CHIEF OF POLICE COMMENTS & REPORTS

Police Chief Peebles reported a slight increase in crime in the last month for Calimesa, but still an overall low crime rate. He reminded all of “Crimes of opportunity” which rise at the holiday season, such as unlocked vehicles and items in plain sight. He further reported a hit and run accident at Calimesa Blvd and Ave L, where the traffic light pole was hit. He stated that they received a fraud call in regards to a skimmer device that captures credit card information, adding that it had been placed on a gas pump in town.

FIRE CHIEF COMMENTS & REPORTS

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

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS

Council Member McIntire announced that she attended a reception on August 5th hosted by Assemblyman Brian Nestande and indicated that the major topic discussed was fire safety.

Council Member Hyatt reported that he attended a board meeting of the South Mesa Water Company in regards to the Dollar General project, adding that he felt it was a productive meeting that resulted in a fee reduction. He stated that it is nice to see a spirit of cooperation in the City. He added that Council Member McIntire also attended.

Council Member Zanowic reported that she attended an RCTC meeting where they approved the budget that included Measure A funds. She attended the ribbon cutting of the "Colton Crossing". She attended a meeting of the RTA and took a tour on one of the newly purchased busses, adding that they toured the Perris Transit Center and the Hunter Park Station. She questioned what happens to the old buses and she was informed that they are donated to police and sheriff's departments to use for training purposes.

Mayor Pro Tem Hewitt reported that he attended a Pass Area Water Task Force meeting, adding that they spoke about the need of more water with the growth in the pass area. They further spoke of the possibility of obtaining grants and interconnecting lines between water agencies. He added that Banning Mayor Debbie Franklin spoke of several scenarios, such as forming a JPA or MOU between the pass area agencies in an effort to keep a consistent affordable flow of water to the pass area.

7. **PUBLIC HEARING:** APPROVAL OF THE FINAL ANNUAL ENGINEERS REPORT FOR THE CITY OF CALIMESA CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 91-1.

RECOMMENDATION: That the City Council:

1. ***Open the Public Hearing and take public testimony; and***
2. ***Adopt Resolution 2013-35, A Resolution of the City Council of the City of Calimesa, California, approving the Final Engineers Report for Landscaping and Lighting Maintenance District No. 91-1 for Fiscal Year 2013/2014.***

Mayor Davis opened the Public Hearing.

City Engineer Thornton 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 MCINTIRE, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2013-35, A RESOLUTION OF CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA APPROVING THE FINAL ENGINEERS REPORT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 91-1 FOR FISCAL YEAR 2013-2014.

BUSINESS ITEMS

Pursuant to approval by Council at the beginning of the meeting, Business Item No. 12 was moved up and heard prior to Business Item No. 8.

12. PROPOSED DISSOLUTION OF THE CALIMESA FRIENDS OF THE LIBRARY, REQUEST FOR CITY ASSISTANCE IN DISSOLUTION PROCESS, ALONG WITH PROPOSED DONATION OF FUNDS TO CITY.

RECOMMENDATION: *That the City Council provide direction on whether the City should provide City Staff, legal and financial assistance to the Calimesa Friends of the Library in connection with its dissolution in consideration for the acceptance of a proposed donation of surplus funds (up to \$38,000), and consider new volunteer fundraising arrangements for the Calimesa Library.*

City Attorney Ennis presented the agenda report. City Manager Anstine stated that the Library Commission met at their regular meeting prior to the City Council meeting and were in support of staff recommendations no. 1 and 2.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 5-0 TO APPROVE STAFF RECOMMENDATIONS 1 AND 2 - 1 ASSIST THE FRIENDS IN THE DISSOLUTION OF ITS ORGANIZATION, INCLUDING WITH THE USE OF CITY STAFF IN PREPARING AND FILING REQUIRED PAPERS WITH THE SECRETARY OF STATE AND ATTORNEY GENERAL, AND IN ASSISTING THE FRIENDS IN THE PROCESS OF AMENDING ITS BYLAWS TO PERMIT A DONATION OF FUNDS TO THE CITY, WITH THE UNDERSTANDING, AND ON THE BASIS THAT, THE CITY WOULD BE THE RECIPIENT OF SURPLUS FUNDS FROM THE FRIENDS TO BE HELD IN A SPECIAL ACCOUNT FOR YOUTH LIBRARY SERVICES; AND 2 - DEVELOP RECOMMENDATIONS, WITH INPUT FROM THE FRIENDS AND FROM THE LIBRARY COMMISSION, FOR (A) REVISING THE DUTIES OF THE CITY'S LIBRARY COMMISSION TO BROADEN ITS MISSION TO INCLUDE FUNDRAISING ACTIVITIES; (B) ESTABLISHING AN AD HOC OR STANDING COMMITTEE TO ASSIST IN LIBRARY FUNDRAISING ACTIVITIES; OR (C) A COMBINATION OF BOTH (A) AND (B).

8. DOLLAR GENERAL RETAIL BUILDING REQUEST TO WAIVE DEVELOPMENT IMPACT FEES.

RECOMMENDATION: *That the City Council deny the request to Waive Development Impact Fees; Modify Planning Commission approved site and building design requirements; and Waive Building Permit Issuance Fee.*

City Engineer Thornton presented the agenda report. Damon Porter, Dollar General Representative provided an explanation of their request.

South Mesa Water District General Manager Dave Armstrong and Board Member George Jorritsma spoke on behalf of the South Mesa Water District and in support of the fees established and charged for the Dollar General project, adding that they could not lower the fees any further.

City Attorney Ennis questioned the Conditions of Approval and whether they allow for the Community Development Director to make any changes without going back to the Planning Commission. Community Development Director Guarracino stated that he could go to his office and get the file containing the Conditions of Approval so that a better determination could be made.

Mayor Davis suggested setting the item aside so that Community Development Director Guarracino could obtain the necessary documents and finish the discussion later in the meeting.

Mayor Davis moved on to Business Item No. 9.

9. HOURS OF OPERATION OF CITY OFFICES

RECOMMENDATION: *That the City Council provide direction to staff pertaining to any adjustment, modification or change to the hours of operation of City offices.*

City Manager Anstine stated that Council Member Hyatt requested that the item be brought before the Council for discussion. Council Member Hyatt stated that he asked for the item to be brought for discussion and consideration of the possibility of changing the City Hall work schedule from its current 4/10 schedule to a 9/80 schedule with every other Friday closed, or back to a Monday – Friday 8 hours a day schedule. He stated that the County of Riverside has gone back to a five day a week 8 hours a day work schedule and suggested that the City do the same to be open on Fridays and available to the public and developers. He further stated that when the 4/10 work schedule was established it was for a cost savings to the budget at that time. He added that he felt since the City has taken measures to become more energy efficient, those cost savings have been met.

Donna Lotz, stated that in her experience in Human Resources, extensive research had been completed on the value of a 4-day work week, adding that they found employees to be more productive, sick leave amounts were lowered and overall was a very successful work week schedule.

After Council discussion there was consensus to leave the 4/10 work schedule as is for now and bring the item back for discussion at a later time.

10. ANALYSIS OF CONTRACT WITH THE FAMILY SERVICES ASSOCIATION AND REIVEW OF CERTIFIED AUDIT.

RECOMMENDATION: *That the City Council receive and file the report*

Financial Consultant Al Holliman presented the agenda report.

A power outage occurred at 7:54 p.m. and the meeting was recessed.

Mayor Davis reconvened the meeting at 8:13 p.m.

Donna Lotz, Community Services Commission Chairperson stated that she still had questions on the accounting of the general money, adding that she is shocked that Council doesn't ask what kind of money is raised.

City Manager Anstine stated that he would request a reporting on the Calimesa Senior Center monies and what has been collected.

After Council discussion the report was received and filed.

11. PRELIMINARY FISCAL YEAR 2012-2013 YEAR-END FINANCIAL REPORT
RECOMMENDATION: That the City Council receive and file the Preliminary Fiscal Year 2012-2013 Year-End Financial Report.

Financial Consultant Al Holliman presented the agenda report.

After Council discussion the report was received and filed.

Further discussion on Business Item No. 8:

Community Development Director Guarracino stated that he researched the Conditions of Approval and indicated that the Conditions did give the Community Development Director more discretion, as far as the landscape plans. He added that he did not find sufficient evidence to change the elevation without Planning Commission approval.

After further discussion of Council the following action was taken:

There was Council consensus to direct staff to schedule a special meeting of the Planning Commission and consider the requirement of the 10-day notice of public hearing.

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO REDUCE THE APPLICATION FEE IN HALF FOR DOLLAR GENERAL'S REQUEST TO RETURN TO THE PLANNING COMMISSION FOR AMENDMENTS.

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).

Council Member Hyatt reported that the Smiles for Seniors held their annual Senior Bowling Tournament, adding that it was a good turnout and they gave away prizes.

Mayor Pro Tem Hewitt thanked Police Chief Peebles for his report on the City and thanked staff for attending a difficult meeting, adding that there are many issues ahead to deal with in a noble way.

Council Member Zanowic announced that she attended an EDA luncheon and stated that Larry Smith, Hemet Council Member, asked for support of a 60 MPH speed limit in Lambs Canyon on Highway 74. City Attorney Ennis stated that the item could be placed as a consent item on a future agenda.

Council Member McIntire announced that she attended the Smiles for Seniors Bowl-a-

thon, adding that it was lots of fun and a good turnout. She announced that several Council Members would be going to Sacramento for the Annual League of California Cities Conference.

Mayor Davis thanked Police Chief Peebles for his report. He stated that he spoke with the Fire Chief and indicated that there are some hot spots in Calimesa and urged everyone to exercise caution during these dry times of the year.

CITY MANAGER COMMENTS & REPORTS

City Manager Anstine questioned whether any members of Council would like to attend the Riverside State of the County event. Council Member Hyatt stated that he would attend and Council Member McIntire indicated she may attend and that she would let staff know.

RECESS TO CLOSED SESSION

Mayor Davis recessed the meeting at 8:47 p.m. to Closed Session. City Attorney Ennis announced the Closed Session Items.

A. 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:** Three (3) cases

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(B) **Number of Cases:** Two (2) cases

CLOSED SESSION ANNOUNCEMENT

- A. Direction was given to the City Attorney with no reportable action.
- B. This item was not discussed.

ADJOURNMENT

Meeting adjourned at 9:55 p.m. to the Regular meeting of the City Council on Monday September 16, 2013, at 6:00 p.m.

Respectfully Submitted,



Darlene Gerdes, City Clerk

Approved by Council:

9/16/13