

City Of Calimesa
City Council Minutes of Regular Meeting
October 21, 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, ASSISTANT CITY ATTORNEY GREYSON, CITY CLERK GERDES, ACCOUNTING COORDINATOR SIMMONS, COMMUNITY DEVELOPMENT DIRECTOR EVANS, CITY ENGINEER THORNTON AND POLICE CHIEF PEEBLES.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Paul Zanowic.

COMMUNICATIONS FROM THE PUBLIC

Mary Nosal, 371 Flordason, Calimesa spoke in regards to the 4th Street Community Park project and inquired as to when the construction of the park would begin and how long it would take to complete.

Dennis Pennekamp, COP Commander announced that the Calimesa Citizen on Patrol received an award at the Annual Citizen on Patrol Conference for the COP Vehicles as the "Best in Show".

APPROVAL OF THE AGENDA

MOTION BY MAYOR PRO TEM HEWITT, 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. No items were pulled for discussion.

CONSENT CALENDAR

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a. *City Council Action Minutes of the Regular Meeting of October 7, 2013.*
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
 - a. *There are no minutes ready for approval at this time.*
3. APPROVAL OF WARRANT REGISTERS.
 - a. *Check Register Report with a total of \$319,547.00 (Check Nos. 27469 to 27505)*
 - b. *October 10, 2013 Payroll of \$29,575.24 (Ck Nos. 6501 thru 6513)*

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. AWARD OF CONTRACT FOR A SUBCONTRACTOR FOR LEAD-BASED PAINT AND ASBESTOS TESTING & CONSULTING SERVICES.

RECOMMENDATION: *That the City Council award the contract can enter into an agreement with Lead Tech Environmental to provide Lead-Based Paint and Asbestos Testing & Consulting Services for the City's HOME Program.*

7. 4th STREET COMMUNITY PARK – AUTHORIZATION TO AWARD CONTRACT

RECOMMENDATION: *That the City Council:*

1. Authorize the City Manager to execute contract with Hamel Contracting in the amount of \$1,911,689.28 for construction of the 4th Street Community Park Improvements.
2. Authorize the City Manager to execute minor contract change orders within a ten percent contingency of the contract in the amount of \$191,168.93.
3. Authorize staff to transfer an additional \$50,000 from Park Improvement Development Impact Fee (Fund # 39) to the project.

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

Greg Hamel of Hamel Contracting introduced himself to Council as the awarding contractor for the 4th Street Community Park Project, stating that he is excited about the project and looks forward to working with the City.

CHIEF OF POLICE COMMENTS & REPORTS

Police Chief Peebles reported that the department has had an officer at the Mesa View Middle School, speaking about bicycle safety. He added that a Bicycle Safety Day was being planned for the future and that they were looking for bicycle helmet donations. He further reported that due to the Halloween holiday coming up, the department, pursuant to the Calimesa Municipal Code, has contacted all the registered sex offenders in the City to remind them of the code regulations that they must adhere to of no exterior lighting and/or decorations and that they are not to open the door to trick-or-treaters. He added that the deputies will be in the area to follow-up.

FIRE CHIEF COMMENTS & REPORTS

Fire Chief Gregg 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 the RCA where they discussed a Nexus study for development fees. He further reported that he attended a meeting in Mentone where they discussed the possibility of incorporation and stated that Senator Emmerson was in attendance as well.

Council Member Zanowic reported that she attended a meeting of the RCTC where they discussed the taking of properties by eminent domain to add 4 new lanes on the 91 freeway. She further reported that she attended the Banning State of the City and the League of California Cities Golf Tournament on October 14th.

Mayor Pro Tem Hewitt reported that he attended the Banning State of the City Event.

BUSINESS ITEMS

8. AMENDMENTS TO THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION; and ORDINANCE NO. 327 - AN ORDINANCE OF THE CITY OF CALIMESA AMENDING THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION, AND AMENDING THE CALIMESA MUNICIPAL CODE; and REACTIVATION OF THE COMMUNITY SERVICES COMMISSION; and OVERSIGHT OF SENIOR CENTER OPERATIONS.

RECOMMENDATION: That the City Council:

- (1) Introduce first reading by title only, Ordinance No. 327 - An Ordinance of the City of Calimesa Amending the Powers and Duties of the Community Services Commission, and Amending the Calimesa Municipal Code; and
- (2) Reactivate the Community Services Commission for the purposes of: (a) having the Commission appoint two of its members to meet with a two-member ad hoc committee of the City Council to continue with mediation efforts as directed by the City Council, and (b) permitting the Commission to later act upon other mediation related solutions as determined and directed by the City Council and when specified by City staff; and (c) subsequently, the Commission would be permitted to work on and discuss other matters of business at the conclusion of the mediation discussion and upon reaching an understanding and acceptance by the Commission members of the scope and parameters of the Commission's authority.

City Manager Anstine presented the agenda report.

Mike Simon, Community Services Commissioner stated that he met with the mediator and is comfortable with the recommendation. He suggested that the 2 newest members of the Commission be selected as the two members to serve on the ad-hoc committee.

Paul Zanowic, Calimesa Chamber of Commerce Director requested that Council Member Hyatt recuse himself from the item, as he felt it was a conflict of interest for him to participate in the discussion, due to the fact that his wife, Brenda Hyatt

was the chairperson of the Sr. Advisory Committee.

Assistant City Attorney Greyson stated that Council Member Hyatt was not required to recuse himself in this instance as there is no financial conflict in this matter.

Councilmember Hyatt suggested that the following language be added to the last line of Section 2B of the Ordinance: "when requested by the City Council or the City Manager.

After Council discussion the following actions were taken:

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER MCINTIRE, CARRIED 5-0 TO INTRODUCE FIRST READING BY TITLE ONLY ORDINANCE NO 327, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA AMENDING THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION AND AMENDING THE CALIMESA MUNICIPAL CODE WITH THE AMENDED LANGUAGE IN SECTION 2B AS SUGGESTED BY COUNCIL MEMBER HYATT.

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 4-1(COUNCIL MEMBER ZANOWIC VOTED NOE) TO REACTIVATE THE COMMUNITY SERVICES COMMISSION FOR THE PURPOSES OF: (A) HAVING THE COMMISSION APPOINT TWO OF ITS MEMBERS TO MEET WITH A TWO-MEMBER AD-HOC COMMITTEE OF THE CITY COUNCIL TO CONTINUE WITH MEDIATION EFFORTS AS DIRECTED BY THE CITY COUNCIL, AND (B) PERMITTING THE COMMISSION TO LATER ACT UPON OTHER MEDIATION RELATED SOLUTIONS AS DETERMINED AND DIRECTED BY THE CITY COUNCIL AND WHEN SPECIFIED BY CITY STAFF; AND (C) SUBSEQUENTLY, THE COMMISSION WOULD BE PERMITTED TO WORK ON AND DISCUSS OTHER MATTERS OF BUSINESS AT THE CONCLUSION OF THE MEDIATION DISCUSSION AND UPON REACHING AN UNDERSTANDING AND ACCEPTANCE BY THE COMMISSION MEMBERS OF THE SCOPE AND PARAMETERS OF THE COMMISSION'S AUTHORITY.

Council Member Zanowic stated her reason for voting no on Item 8 (2), stating that she was not in agreement with some of the items on the mediation process list provided by the mediation consultant.

9. REVIEW OF THE CURRENT CITY COMMISSIONS AND THEIR PURPOSE AND DUTIES AS ESTABLISHED IN THE CALIMESA MUNICIPAL CODE.

RECOMMENDATION: That the City Council review the purpose and duties of the established City Commissions and provide direction to staff as appropriate.

City Clerk Gerdes presented the agenda report.

Chris Elliott, Public Works & Safety Commission Chairperson spoke in support of the Commission and their work with the Mobile Home Park Emergency Preparedness Program, stating that it will be important when a real emergency occurs.

Mike Simon, 10961 Desert Lawn Drive, Calimesa stated that when he was part of

the Public Works and Safety Commission the Mobile Home Park Emergency Preparedness Program was in place, adding that the Commission was going to follow-up with the parks of their compliance and give assistance to the street maintenance department.

Council Member Zanowic stated that she would like to see the commissions be kind to others, be good leaders and inviting to those who may want to be commissioners.

Council Member Hyatt suggested that the Community Services Commission and the Trails, Open Space & Beautification Commission be merged into one Commission.

Council Member Hyatt made a motion to remove some of the Historical duties from the Community Services Commission. The motion was seconded by Council Member McIntire. After further Council discussion, Council Member Hyatt withdrew his motion.

The following are the actions taken by the Council:

There was consensus of the Council to eliminate the Housing Advisory Appeals Board.

The Council concurred with staff that no changes would be made to the Planning Commission and Mobile Home Rent Stabilization Board.

The Council concurred that the Library Commission would stay as established with future language amendments to address the duty of fundraising and possible sub-committees.

There was City Council consensus to eliminate the Public Works and Safety Commission and consolidate its functions with either another existing commission or a newly created commission. In connection with that proposed action, the City Council requested that staff clarify who or which entity would take over and enforce the Mobile Home Park Disaster Preparedness Program.

There was also discussion of the possible merging of the Community Services Commission and the Trails, Open Space and Beautification Commission. The City Council requested that the item be brought back for further discussion by the City Council.

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 announced that he attended the Annual Festival of Baskets fundraiser at the Sr. Center, adding that the attendance was down, but the funds were good. He further announced that he attended the League of California Cities Riverside Division Golf Tournament and a meeting of the ad-hoc budget committee, stating that

he was impressed with where the city is going. He suggested for discussion at a future meeting, the creation of an ad-hoc finance sub-committee. He further announced that he attended the Calimesa Street Fair, adding that it was well done and the weather was perfect.

Council Member Zanowic announced that the street fair was great with perfect weather and they had a good committee. She added that In and Out would be at the April 12, 2014 street fair. She thanked Captain Pebbles and his staff for their work at the street fair. She announced the Calimesa Chamber of Commerce Casino Night that would be held on November 2nd at the Fascination Ranch, adding that tickets could be purchased at the chamber.

Council Member McIntire announced that she attended the Street Fair, adding that it was a nice event. She further announced that Joyce Serriani came through her surgery and is doing well.

Mayor Davis announced that the Friends of the Library and Library Commission would be holding their Book and Bake Sale on Saturday, October 26th at the Sr. Center. He thanked the COP and the Police Department for their work at the Street Fair.

CITY MANAGER COMMENTS & REPORTS

None

ADJOURNMENT

Meeting adjourned at 7:25 p.m. to the Regular meeting of the City Council on Monday November 4, 2013, at 6:00 p.m.

Respectfully Submitted,


Darlene Gerdes, City Clerk

Approved by Council:

11/4/13