

City Of Calimesa
**City Council Minutes of the Regular Meeting of
October 16, 2017**

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

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

ABSENT: COUNCIL MEMBER MOLINA.

MOTION BY MAYOR PRO TEM DAVIS, SECONDED BY COUNCIL MEMBER CLARK, CARRIED 4-0 TO EXCUSE THE ABSENCE OF COUNCIL MEMBER MOLINA.

STAFF: CITY MANAGER JOHNSON, CITY ATTORNEY ENNIS, CITY CLERK GERDES, PUBLIC WORKS DIRECTOR ASKEW, CITY ENGINEER THORNTON, COMMUNITY DEVELOPMENT DIRECTOR DE MANINCOR, KEITH GARDNER, PLANNER, AND POLICE CHIEF PEMBERTON.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Daron Dixon.

PRESENTATIONS – *Viewing of the newly purchased 2016 Fire Engine.*

Fire Consultant Jock Johnson announced that the new Fire engine purchased from E-One has arrived and is parked out front for all to view. He introduced Matthew Groth of E-One who made a presentation of a plaque to the Mayor that included a drawing of the newly purchased engine. Mayor Hewitt invited all outside to view the engine and called for a recess at 6:05 p.m.

Mayor Hewitt reconvened the meeting at 6:15 p.m.

COMMUNICATIONS FROM THE PUBLIC

Marlene Davis, 9487 Dale Mesa Drive, Calimesa apologized for her emotions when she spoke during public comment at the last meeting. She then spoke regarding the Warehouse Project that would be voted on by the County Board of Supervisors on October 17, 2017 and questioned whether the City did it's "due diligence" in submitting their comments to the County. She further questioned a rumor that the City of Calimesa was planning to annex the project into the City.

Darron Dixon, resident on West Avenue L, Calimesa spoke regarding information he received from residents that according to the City, West Avenue L is a private street. He questioned whether that was the case.

Charles Hurt spoke on behalf of the Calimesa Cultural and Performing Arts Association, stating that they had a successful concert year with 500 to 600 more attending this year than last. He announced the Sr. Thanksgiving Dinner would be held on November 17, 2017. He further announced the Sr. Christmas Dinner would be held on December 15, 2017. He further announced that they would be holding an event with Santa at Tractor Supply from 2:00 – 4:00 pm prior to and in conjunction with the Christmas Parade. He reported that he met with the new owner of the Calimesa Country Club on September 23, 2017, stating that they have received a commitment to hold the Concerts on the Greens next year at the Country Club and that there would be a change in the food service available at the concerts with additional BBQ items available.

Mike Barron, 670 W Avenue L, Calimesa spoke on behalf of PASSCOM and requested support of \$500.00 from the City. He further spoke about the Ham Radio Club and the need to install an antenna that was removed in the past.

Mayor Hewitt suggested that the item be placed on a future agenda for discussion.

APPROVAL OF THE AGENDA

MOTION BY MAYOR PRO TEM DAVIS, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 4-0-1-0(COUNCIL MEMBER MOLINA WAS ABSENT) TO APPROVE THE AGENDA AS PRESENTED.

Mayor Hewitt asked if there were any items to be removed from the Consent Calendar for discussion. Mayor Hewitt requested that Item No. 6 be removed to allow for a separate vote.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Council will act upon them at one time without discussion. Any Council Member or staff member may request removal of an item from the Consent Calendar for discussion.

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a) ***City Council action minutes of October 2, 2017 regular meeting.***
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
 - a) ***Community Services Commission Meeting minutes of August 2, 2017***
 - b) ***Community Services commission Meeting minutes of September 6, 2017***
 - c) ***Planning Commission Meeting Minutes of September 11, 2017.***
3. APPROVAL OF WARRANT REGISTERS.
 - a. ***Check Register Report with a total of \$ (Check Nos. 31501 to 315)***

**b) October 1, 2017 Council Payroll of \$1,707.75
October 5, 2017 Payroll of \$25,777.02**

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. TRAVEL EXPENSES

RECOMMENDATION: *That the City Council move to approve the Travel Expenses Report for September 2017.*

7. HOLIDAY MEETING SCHEDULE OF THE CITY COUNCIL AND CONSIDERATION OF THE CLOSURE OF CITY HALL THE WEEK OF 12/26/17 THRU 12/28/17.

RECOMMENDATION: *That the City Council approve the cancellation of the January 2, 2018 Regular City Council meeting and consider the closure of City Hall the week of 12/26/17 – 12/28/17 for the Christmas Holiday.*

MOTION BY COUNCIL MEMBER CLARK, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 4-0-1-0(COUNCIL MEMBER MOLINA WAS ABSENT) TO APPROVE ITEMS 1 – 5 AND 7 OF THE CONSENT CALENDAR AS PRESENTED.

CONSENT ITEM REMOVED FOR DISCUSSION

6. 2ND READING ORDINANCE NO. 353 – AN ORDINANCE OF THE CITY OF CALIMESA PROHIBITING ALL COMMERCIAL CANNABIS ACTIVITY (BOTH MEDICAL AND ADULT-USE) EXCEPT FOR DELIVERIES OF MEDICAL CANNABIS, MAKING RELATED MUNICIPAL CODE AMENDMENTS, PROHIBITING OUTDOOR CULTIVATION, AND ALLOWING INDOOR CANNABIS CULTIVATION CONSISTENT WITH STATE LAW, AND MAKING ENVIRONMENTAL FINDINGS IN SUPPORT THEREOF.

RECOMMENDATION: *That the City Council conduct 2nd reading by title only and adopt, Ordinance No. 353 - An Ordinance of the City of Calimesa prohibiting all commercial cannabis activity (both medical and adult-use) except for deliveries of medical cannabis, making related municipal code amendments, prohibiting outdoor cultivation, and allowing indoor cannabis cultivation consistent with state law, and making environmental findings in support thereof.*

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY MAYOR PRO TEM DAVIS, CARRIED 3-1-1-0(MAYOR HEWITT VOTED NO AND COUNCIL MEMBER MOLINA WAS ABSENT) TO APPROVE ITEM 6 OF THE CONSENT CALENDAR AS PRESENTED.

CHAMBER OF COMMERCE REPORT

Chamber President Lotz reported that the State of the City was a very successful event, adding that she had received many positive comments. She stated that 128 were in attendance and that the City did a wonderful job. She announced that Tri-focus Management and WD Fascination Ranch held a "Texas Hold'em" fundraising event for the scholarship fund, stating it was a great success. She reported that all focus is now on the Christmas Parade, adding that the next meeting would be held on October 17, 2017 at 5:00 p.m. She stated that posters and banners would be up in November and that the Senator, Congressman and County Supervisor would be in the parade as well. She announced that Kathy Houlihan was in the hospital and not doing well, adding that she would be going into hospice tomorrow. She stated that everyone's thoughts and prayers are with her and her family. She announced the "Rock the Paws" event that would be held on October 20, 2017 at WD Fascination Ranch.

CHIEF OF POLICE COMMENTS & REPORTS

Police Chief Pemberton stated that he had nothing to report at this time.

FIRE CHIEF COMMENTS & REPORTS

Fire Chief Smith was not in attendance. No report was given.

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS

This is the time for comments, announcements and/or reports on meetings attended at public expense as required by AB 1234.

Council Member Clark reported that he attended a meeting of the RTA Budget and Finance Committee where they adopted the budget.

Council Member Hyatt reported that he attended a SCAG meeting and talked about grant monies that are available to cities. He provided Council with a copy of 3rd Quarter Sales Tax Revenues, stating that Calimesa is on the positive side.

PUBLIC HEARINGS

8. **PUBLIC HEARING:** MESA VERDE -- SPECIFIC PLAN AMENDMENT SP-13-01, TENTATIVE TRACT MAP 33931, AND DEVELOPMENT AGREEMENT 16-02 FOR MESA VERDE, A 1,493-ACRE PROJECT CONSISTING OF 3,650 TOTAL PROPOSED DWELLING UNITS, - 46.5 ACRES OF MIXED-USE DEVELOPMENT AND A MINIMUM OF 250,000 SQUARE FEET (UP TO 350,000 SQUARE FEET) OF COMMERCIAL DEVELOPMENT, 519-ACRES OF NATURAL OPEN SPACE, 56.2-ACRES OF PUBLIC PARK SITES AND PRIVATE RECREATIONAL FACILITIES, 28.3-ACRES OF PUBLIC INSTITUTIONAL USES INCLUDING A TOTAL 2 SCHOOL SITES (TWO NEW), 23.1 MILES OF TRAILS AND PASEOS, AND 87.5- ACRES OF

ROADS, LOCATED WEST OF THE INTERSTATE 10 FREEWAY OFF OF SANDALWOOD ROAD BETWEEN 7TH STREET AND THE CITY'S WESTERN BOUNDARY, AND BETWEEN THE GARDEN AIR WASH AND THE CITY'S NORTHERN BOUNDARY.

RECOMMENDATION: That the City Council adopt the following resolutions and introduce the following ordinances by separate roll call votes:

1. **Adopt Resolution No. 2017-37 – Approving an Addendum to the Final Environmental Impact Report (SCH# 2004071045) and a revised Mitigation Monitoring and Reporting Program for amendments to the Mesa Verde Project.**
2. **Introduce Ordinance No. 355 – An Ordinance of the City Council of the City of Calimesa adopting the amended Mesa Verde Specific Plan (SP-13-01) for the 1,493-acre area located South of the City limits, West of Interstate 10, and North of the Garden Air Wash.**
3. **Adopt Resolution No. 2017-38 – Approving Revised Tentative Tract Map No. 33931 to subdivide approximately 1,493 acres for the Mesa Verde Project.**
4. **Introduce Ordinance No. 356 – An Ordinance of the City Council of the City of Calimesa approving a Development Agreement (DA 14-01) between the City of Calimesa and Mesa Verde Re Ventures, LLC for the Mesa Verde Project in a 1,493-acre area located South of the City Limits, West of Interstate 10, and North of the Garden Air Wash.**

Mayor Hewitt opened the public hearing at 6:46 p.m.

Planner Keith Gardner presented the agenda report with a power point presentation. Developer Paul Kim provided a power point presentation and expressed his concerns of the condition number 4.27 and the fair share costs of the bridge construction and requested additional language.

Public Testimony:

Darron Dixon submitted a letter addressing his concerns of road cross-sections, the emergency access road, walkable paths, 7th Place and County Line Road, Interchanges and secondary access.

Donna Lotz, Chamber President spoke in support of the Mesa Verde Project, stating that the Chamber members are happy how the project has come together.

Joyce McIntire expressed her concerns of the trails proposed in the project, stating that the trails need to connect within the city's trails system.

Mayor Hewitt Closed the public testimony.

Council Member Hyatt spoke regarding Paul Kim's concerns of the construction costs of the bridge and fair share with other developers. He expressed the need for a fair share study.

After further discussion Mayor Hewitt called for a recess at 9:03 p.m. to allow the City Attorney and City Manager to construct some language amendments for Condition No. 4.27 of the Conditions of Approval.

Mayor Hewitt reconvened the meeting at 9:33 p.m. City Attorney Ennis announced that staff would need to bring the language back to the next meeting to allow additional time to construct the most appropriate language and to include discussion with the developers.

After additional Council discussion the following motion was made and resulted in a 2-2 tie vote with Council Member Molina being absent:

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER CLARK, CARRIED 2-2-1-0(MAYOR HEWITT AND MAYOR PRO TEM DAVIS VOTED NO AND COUNCIL MEMBER MOLINA WAS ABSENT) TO CONTINUE THE PUBLIC HEARING TO THE NOVEMBER 6, 2017 MEETING AND DIRECT STAFF TO BRING BACK THE LANGUAGE AMENDMENT FOR CONDITION NO. 4.27

Pursuant to Council Rules of Procedure, if a tie vote results at a time when less than all the member of the City Council are present, then the matter is automatically continued to the agenda of the next regular meeting of 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 Clark announced that he, along with other members of Council and staff, toured the CR&R Anaerobic Digester Plant in Perris, adding that he learned a lot and enjoyed the tour. He thanked City Manager Johnson and staff for the State of the City event, adding that it was a great time.

Mayor Hewitt announced the "Rock the Paws" event that would be held at WD Fascination Ranch on October 20, 2017.

CITY MANAGER COMMENTS & REPORTS

None

RECESS TO CLOSED SESSION

City Attorney Ennis announced the closed session item and stated that the time frame to appeal the Court’s decision of the AVMGH Three-Golden Palms Limited Partnership vs City of Calimesa case had expired and nothing was filed with the Court by the Park Owner or his Attorney. He thanked Council, staff and Amy Greyson and Ginetta Giovinco of the City Attorney’s office and the Mobile Home Rent Stabilization Board for their efforts and hard work. Mayor Hewitt recessed the meeting to Closed session at 9:45 p.m.

CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9

Name of Case: AVMGH Three-Golden Palms Limited Partnership V. City of Calimesa – Superior Court Case No. RIC1600278

CLOSED SESSION ANNOUNCEMENT

A. The trial court decision was upheld by lack of appeal and the case has concluded.

ADJOURNMENT

Meeting adjourned at 9:57 p.m. to the Regular Meeting of the City Council on Monday November 6, 2017, at 6:00 p.m.

Respectfully Submitted,



Darlene Gerdes, City Clerk

MOTION BY COUNCIL MEMBER HYATT, SECOND BY COUNCIL MEMBER CLARK, CARRIED 3-0-1-1(COUNCIL MEMBER MOLINA ABSTAINED AND MAYOR HEWITT WAS ABSENT) TO APPROVE THE MINUTES OF OCTOBER 16, 2017 REGULAR MEETING AS PRESENTED.

APPROVED November 6, 2017