

*City Of Calimesa*  
**City Council Minutes of Regular Meeting**  
April 17, 2023

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

**ROLL CALL:** MAYOR DAVIS, MAYOR PRO TEM HEWITT, COUNCIL MEMBER CERVANTEZ, COUNCIL MEMBER MANLYAND COUNCIL MEMBER MOLINA.

**ABSENT:** NONE.

**STAFF:** CITY MANAGER KOLBOW, ASSISTANT CITY ATTORNEY KEARNS, CITY CLERK GERDES, FINANCE DIRECTOR REID, CITY ENGINEER THORNTON, PUBLIC WORKS ENGINEER SHAKIR, FIRE CHIEF O'CONNELL AND SHERIFF CAPTAIN SALAS.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Council Member Cervantez.

**COMMUNICATIONS FROM THE PUBLIC**

*Anyone wishing to address the Council on any item within the Council's jurisdiction that is not on the agenda may do so at this time. This is not a time for City Council discussion of non-agenda items. After receiving public comments, Council Members, or staff, after being recognized by the Mayor, may briefly respond to statements made by the public or questions posed by the public. In addition, Council Members may ask questions for clarification or make a referral to staff for factual information to be reported back to the Council at a later meeting.*

Marlene Davis, 9487 Dale Mesa Drive, Calimesa spoke in opposition to the Birtcher North Logistics Center on the Stearns property located between Sharondale and Rancho Calimesa Mobile Home Park, stating that the elderly are forgotten and not considered. She further stated that logistics projects are not good for this area as trucks create dangerous conditions and that commuters need to be considered as well. She commented that the Birtcher's have been around 80 years, they are wealthy, powerful and to fight them would be like David and Goliath.

John Ohanian, 37105 Wildwood View Drive, Yucaipa expressed his concerns of recent comments and statements made at prior meetings and on social media, stating they are not right and need to be cleared up. He stated that his development team has been working on his project since 1986, prior to Calimesa becoming an incorporated city. He further stated that his team assisted in creating the vision and mission statements of the city and allocated over 1,600 acres of open space. He further expressed his concerns of the attacks against the City Council and Mayor Davis, adding that Mayor Davis has no dealings with the Oak Valley project, explaining that Cunningham Davis Corporation works with Southern California Edison building substations and has never worked for Oak Valley Partners. He further stated that Mayor Davis does not show bias and that he is offended by the comments made against the Mayor. He concluded his comments stating

that he is available to talk to anyone and will provide the truth regarding his project if they want to have a constructive conversation.

Ron Roy, 35667 Hogan Drive Beaumont Ca, spoke regarding his opposition to warehouse projects in the City stating that the City Council has a disconnect of what warehouses bring to the community. He expressed his strong opinion that the greatest mistake was made in approving the Oak Valley Town Center Project in 2020 and 2022, as they exceed the maximum warehouse size cap. He further stated that the project was mischaracterized as a business park. He spoke about the sensitive receptors and their need to be protected from the noise, big rigs, and poor air quality.

### **APPROVAL OF THE AGENDA**

**MOTION BY COUNCIL MEMBER MOLINA, SECONDED BY MAYOR PRO TEM HEWITT, 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 Kolbow requested item no 8 be pulled from the Consent Calendar.

### **CONSENT CALENDAR (Items 1 – 10)**

*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 a regular meeting of April 3, 2023.***
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
  - a) ***Parks, Trails & Community Services Commission minutes of a regular meeting of March 1, 2023.***
  - b) ***Planning Commission minutes of a regular meeting of February 13, 2023.***
3. APPROVAL OF WARRANT REGISTERS.
  - a) ***Check Register Report with a total of \$1,020,086.46 (Check Nos. 40100 to 40223)***
  - b) ***April 13, 2023 Payroll of \$101,239.77.***
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 EXPENSES.

***RECOMMENDATION: That the City Council move to approve the Council Travel Training and Meeting/Mileage Expenses Report through March 31, 2023***
6. TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2023.

***RECOMMENDATION: That the City Council receive and file the Investment Report for the month ended February 28, 2023.***

7. ADOPTION OF RESOLUTION NO. 2023-16 APPROVING A CPI RATE INCREASE BY CR&R, INCORPORATED EFFECTIVE JULY 1, 2023.

**RECOMMENDATION: That the City Council adopt Resolution No. 2023-16, A Resolution of the City Council of the City of Calimesa, California, Approving a CPI rate increase by CR&R, Incorporated effective July 1, 2023**

9. ACCEPTANCE OF TR 30386 LOT E AND FIRST AMENDMENT TO AGREEMENT FOR LANDSCAPE SERVICES BETWEEN THE CITY AND INLAND EMPIRE LANDSCAPE.

**RECOMMENDATION: That the City Council:**

- 1) **Accept the landscape improvements for maintenance in Lot E and the adjacent drainage V-ditch of Tract 30386 in Community Facilities District 2013-1 – JP Ranch, and**
  - 2) **Approve the First Amendment to the Agreement for Landscape Maintenance Services between the City of Calimesa and Inland Empire Landscape, authorize the Mayor to execute the agreement, and direct the City Manager to take all actions necessary to implement the First Amendment.**
10. RESOLUTION NO. 2023-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA APPROVING PROPOSED BOUNDARY MAPS FOR CERTAIN ASSESSMENT DISTRICTS TO BE FORMED IN RESPECT OF THE DEVELOPMENT PROJECTS KNOWN AS OAK VALLEY TOWN CENTER, SUMMERWIND, EPC AND MESA VERDE.

**RECOMMENDATION: That the City Council adopt Resolution No. 2023-17, a Resolution of the City Council of the City of Calimesa approving proposed boundary maps for certain assessment districts to be formed in respect to the development projects known as Oak Valley Town Center, Summerwind EPC, and Mesa Verde.**

**MOTION BY COUNCIL MEMBER MOLINA SECONDED BY COUNCIL MEMBER MANLY, CARRIED 5-0 TO APPROVE ITEM NO'S 1-7 & 9-10 OF THE CONSENT CALENDAR AS PRESENTED.**

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION**

8. AGREEMENT WITH THE YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT TO IMPLEMENT A SUMMER FEEDING PROGRAM IN CALIMESA.

**RECOMMENDATION: That the City Council approve the Agreement for Summer Feeding Program with the Yucaipa-Calimesa Joint Unified School District.**

City Manager Kolbow presented the agenda report.

Council Member Molina expressed her excitement of the Summer Feeding Program coming back to the park this summer and introduced Ann Van Damme,

Director of Child Nutrition Services for the Yucaipa/Calimesa Joint Unified School District. Director Van Damme also expressed her excitement of the Summer Feeding Program and looked forward to working with Council Member Molina and the City of Calimesa at the 4<sup>th</sup> Street Park this summer.

**MOTION BY MAYOR DAVIS, SECONDED BY COUNCIL MEMBER MOLINA, CARRIED 5-0 TO APPROVE THE AGREEMENT FOR SUMMER FEEDING PROGRAM WITH THE YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT.**

**CHAMBER OF COMMERCE REPORTS**

Tony Phillips, Chamber Board Vice President presented the Chamber report as follows: April Chamber breakfast was held April 11, 2023 at the Haus Bistro with Chad Bianco as the guest speaker, he added that it was a successful event with many in attendance. He announced the May Chamber Breakfast would be held on May 9<sup>th</sup> at Kafé Royale. He further announced the Annual Scholarship Tea that would be held on May 25, 2023 at the Edward Dean Museum in Cherry Valley. Tickets are \$30.00 and may be purchased on the Chamber's website. He further announced the "Multi Chamber Mixer" for Wednesday, April 19, 2023 sponsored by the Beaumont Cherry Valley Park and Recreation District. He reported 2 new members, 8 renewals and a total membership of 147. He provided the Council with a new pamphlet created by the Chamber promoting Chamber membership.

**POLICE CHIEF COMMENTS & REPORTS**

Captain Salas reported 263 calls for service April 3<sup>rd</sup> – April 16<sup>th</sup>, reporting 34 traffic citations, 8 misdemeanor thefts, 3 burglaries, 6 felony thefts, 6 domestic violence calls, 3 unattended deaths, 2 battery's, 3 stolen vehicles with one recovered.

**FIRE CHIEF COMMENTS & REPORTS**

Fire Chief O'Connell reported 495 calls for service year to date, with 347 of those calls being medical aid, 7 fires and 99 public assistance calls. He reported that the Annual Weed Abatement Program continues to be in progress with possibly additional inspections due to the amount of vegetation this year. He announced that the department would be conducting Wildland Fire Training this week.

**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 Molina reported that she attended an RTA Budget and Finance Committee meeting on April 5<sup>th</sup> where they talked about replacement and repair of bus shelters and discussion of bus stop amenities. She announced a pilot program occurring currently in San Jacinto and Hemet and hopes to bring the pilot program to Calimesa in the future. She further reported that she was just appointed to and attended a SCAG Transportation Committee meeting on April 6<sup>th</sup>. She stated her plans to seek appointment to the Committee again next year. She announced the SCAG Annual

Conference that would take place May 4<sup>th</sup> and 5<sup>th</sup> in Palm Springs and that she would be attending as the voting delegate for Calimesa.

Mayor Pro Tem Hewitt reported that she attended the WRCOG Admin & Finance Committee meeting on April 12<sup>th</sup> where they received an update on the 2022 Fee Analysis and discussed the Budget and the possibility of raising membership dues. She stated her opposition to the increase in membership dues. She stated that they discussed the various WRCOG programs and the possibility of dissolving the Fellowship Program. She ended her report stating that the meeting ran long and the budget discussion would continue to the next meeting.

## **BUSINESS ITEMS**

### 11. LETTER OF OPPOSITION FOR SENATE BILL 423.

***RECOMMENDATION: That the City Council approve the attached letter of opposition to Senate Bill (SB) 423 and authorize the Mayor to sign the letter on behalf of the City.***

City Manager Kolbow presented the agenda report.

After Council discussion the following action was taken:

**MOTION BY COUNCIL MEMBER MOLINA, SECONDED BY COUNCIL MEMBER, CERVANTEZ, CARRIED 5-0 TO APPROVE THE LETTER OF OPPOSITION TO SENATE BILL (SB 423) AND AUTHORIZE THE MAYOR TO SIGN THE LETTER ON BEHALF OF THE CITY.**

### 12. CALIMESA LIBRARY PROJECT UPDATE.

***RECOMMENDATION: That the City Council receive and file the Calimesa Library Project Update.***

Deputy City Manager/City Clerk Gerdes presented the agenda report.

No formal Council action was required, the report was received and filed.

### 13. UPDATE TO THE CITY COUNCIL POLICIES AND PROCEDURES FOR COUNCIL MEETINGS AND THE POLICIES AND PROCEDURES FOR CITY COMMISSIONS, COMMITTEES AND BOARD MEETINGS.

***RECOMMENDATION: That the City Council:***

- 1. Adopt Resolution No. 2023-18, A Resolution of the City Council of the City of Calimesa adopting updated Council Policies and Procedures for Council Meetings and Related Functions and Activities and repealing and replacing Resolution No. 2008-38 in its entirety.***
- 2. Adopt Resolution No. 2023-19, A Resolution of the City Council of the City of Calimesa adopting updated Policies and Procedures for the conduct of City***

***Commissioners, Committee Members and Board Members and repealing and replacing Resolution No. 98-26 in its entirety.***

Assistant City Attorney Kearns presented the agenda report.

After Council discussion the following action was taken:

**MOTION BY COUNCIL MEMBER MANLY, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 5-0 TO ADOPT RESOLUTION NO. 2023-18, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA ADOPTING UPDATED COUNCIL POLICIES AND PROCEDURES FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES AND REPEALING AND REPLACING RESOLUTION NO. 2008-38 IN ITS ENTIRETY AND; ADOPT RESOLUTION NO. 2023-19, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA ADOPTING UPDATED POLICIES AND PROCEDURES FOR THE CONDUCT OF CITY COMMISSIONERS, COMMITTEE MEMBERS AND BOARD MEMBERS AND REPEALING AND REPLACING RESOLUTION NO. 98-26 IN ITS ENTIRETY.**

**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 Molina announced that she attended a Zoom meeting of the League of California Cities Executive Committee of the Riverside Division and announced the next Riverside Division Meeting on May 8<sup>th</sup>, hosted by the City of Lake Elsinore with a baseball game, dinner, and a chance to network with members of the legislation. She further announced the Memorial Day Event that would be held at Desert Lawn Cemetery on May 29, 2023.

Council Member Cervantez commended Council Member Molina for her efforts working with the School District for the Summer Reading Program

Mayor Pro Tem Hewitt thanked Assistant City Attorney Kearns and former City Attorney Kevin Ennis for teaching the AB 1234 Ethics Training on April 11<sup>th</sup>. She reminded all of tax day April 18<sup>th</sup>.

Mayor Davis spoke regarding damage to equipment on his property that included approximately \$6,000 in damage to a tractor.

**CITY MANAGER COMMENTS & REPORTS**

City Manager Kolbow announced the CR&R sponsored Clean up and Earth Day Event that would be held on Saturday April 22, 2023 from 8:00 am to Noon at the Mesa View Middle School, he stated that staff has been working hard to get ready for the event and

commended them for their efforts. He Further announced the Land Use Joint Workshop of the Planning Commission and City Council on Saturday, April 22, 2023 at 1:00 p.m. at the Norton Younglove Senior Center, adding that the workshop will be live streamed as well. He further announced that the Draft EIR for the Overlay Zone is posted on the website for review and comments are due May 15, 2023.

### **RECESS TO CLOSED SESSION**

Assistant City Attorney Kearns announced the Closed Session Item and Mayor Davis recessed the meeting to Closed Session at 7:04 p.m.

### **CLOSED SESSION ITEMS**

#### **A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: APN 410-030-049, 410-030-050, 410-030-051 and 410-030-052, South Side of County Line Road, 79.78 feet west of 3<sup>rd</sup> Street Calimesa, CA City Negotiators: Will Kolbow. Negotiating Parties: Billy W. Simmons and Monte Vista Medical Center.

Under Negotiations: Price and Terms for acquisition of property by City

#### **B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 301 West County Line Road, Calimesa, CA City Negotiators: Will Kolbow. Negotiating Parties: 7-Eleven Inc., A Texas Corporation

Under Negotiations: Price and Terms for acquisition of property by City

#### **C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 – Number of Cases: One (1) case

#### **D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

### **CLOSED SESSION ANNOUNCEMENT**

- A. No Reportable Action
- B. No Reportable Action
- C. No Reportable Action
- D. No Reportable Action

### **ADJOURNMENT**

Meeting adjourned at 8:14 p.m. to the Regular Meeting of the City Council on Monday May 1, 2023 at 6:00 p.m.

Respectfully Submitted,



Darlene Gerdes, City Clerk

MOTION BY COUNCIL MEMBER MOLINA, SECONDED BY COUNCIL MEMBER CERVANTEZ, CARRIED 4-0 (MAYOR PRO TEM HEWITT WAS ABSENT) TO APPROVE THE MINUTES OF APRIL 17, 2023, REGULAR MEETING AS PRESENTED.

