

City Of Calimesa
City Council Minutes of Regular Meeting
August 21, 2023

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

ROLL CALL: MAYOR PRO TEM HEWITT, COUNCIL MEMBER CERVANTEZ,
COUNCIL MEMBER MANLY AND COUNCIL MEMBER MOLINA.

ABSENT: MAYOR DAVIS

There was Council consensus to excuse the absence of Mayor Davis.

STAFF: CITY MANAGER KOLBOW, CITY ATTORNEY BARROW, CITY
CLERK GERDES, FINANCE DIRECTOR REID, CITY ENGINEER
THORNTON, PUBLIC WORKS DIRECTOR MONSON, FIRE CHIEF
O'CONNELL AND SHERIFF CAPTAIN PETERSON

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Fire Chief O'Connell

COMMUNICATIONS FROM THE PUBLIC

Pursuant to the Brown Act, this is the opportunity for members of the public to directly address the Council on any item within the Council's subject matter jurisdiction. Please note that this is also the time in which members of the public may address the Council on any item on the Consent Calendar. This is not the 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.

There were no public comment speakers in attendance. However, one public comment was sent via email to the City Clerk, who provided printed copies to the City Council. The email was received from Marlene Davis, 9487 Dale Mesa Drive, Calimesa who wrote regarding her opposition to the Birtcher Project and their proposed logistic center, as well as her opposition to warehouses in the City that would bring many big rig trucks and traffic congestion.

APPROVAL OF THE AGENDA, CONSENT CALENDAR AND WAIVER OF FULL READING OF ORDINANCES

- This is the time for the City Council to notify the public of any changes to the agenda; such as removal of an agenda item, rearrangement of the agenda, postponement of an agenda item or continuance of an item to a future meeting. This is also the time for the City Council to remove items from the Consent Calendar for individual consideration. Waiver of full reading of ordinances does not take policy action or approve or disapprove any ordinances on the agenda, it simply means that the entire text of the ordinance will not be read.

Mayor Pro Tem Hewitt asked if there were any necessary changes to the agenda or any items to be removed from the Consent Calendar for discussion. City Manager Kolbow stated that there was a need to add a business item to the agenda as the need to consider the item arose after the posting of the agenda and there was a need to take immediate action on the item. There were no items removed from the Consent Calendar for discussion.

MOTION BY COUNCIL MEMBER MOLINA, SECONDED BY COUNCIL MEMBER CERVANTEZ, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT) TO ADD BUSINESS ITEM NO. 10 TO THE AGENDA.

The agenda as amended and the consent Calendar were approved by the following action:

MOTION BY COUNCIL MEMBER CERVANTZ, SECONDED BY COUNCIL MEMBER MANLY, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT TO APPROVE THE AGENDA WITH THE ADDITION OF BUSINESS ITEM NO. 10 AND THE CONSENT CALENDAR AS PRESENTED.

CONSENT CALENDAR (Items 1 – 6)

The following items on the Consent Calendar are routine and customary items and are enacted by a single motion, with the exception of items previously removed during “Approval of the Agenda” for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a) ***City Council action minutes of the regular meeting of August 7, 2023.***

2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
 - a) ***Planning Commission action minutes of a regular meeting of 7/10/2023.***
 - b) ***Parks, Trails & Community Services Commission action minutes of regular meeting of 6/7/2023.***

3. APPROVAL OF WARRANT REGISTERS.
 - a) ***Check Register Report with a total of \$393,287.36(Check Nos. 40716 to 40780)***
 - b) ***August 1, 2023 Council Payroll of \$1,683.75***
August 3, 2023 Payroll of \$100,384.69

4. COUNCIL TRAVEL EXPENSES.

RECOMMENDATION: That the City Council move to approve the Council Travel Training and Meeting/Mileage Expenses Report through July 31, 2023.

5. RESOLUTION TO ESTABLISH POLICY DELEGATING PUBLIC ENTITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIMESA RISK MANAGER AS AUTHORIZED BY GOVERNMENT CODE SECTIONS 910, ET SEQ.

RECOMMENDATION: That the City Council:

 - a) ***adopt Resolution No. 2023-47, a Resolution of the City Council of the City of Calimesa, California establishing a policy which delegates public entities claims handling responsibilities to the Calimesa Risk Manager as authorized by Government Code Sections 910, et seq, and***

 - b) ***Reject Claim CRD No. 202306-20925508 – Cari McCormick vs California Public Employee’s Retirement System.***

6. SUMMERWIND COMMONS – OFFER OF DEDICATION FOR APN 413-270-021.

RECOMMENDATION: That the City Council authorize City staff to accept and record the offer of dedication for the grant deed to APN 413-270-021.

CALIMESA CHAMBER OF COMMERCE REPORTS

Tony Phillips, Chamber Vice President provided the Chamber report as follows: A successful August Chamber Breakfast was held on August 15, 2023. CR&R will speak at the September 12, 2023 breakfast. Chamber and city staff continue with the planning of the Annual State of the City Community Event that will be held on October 7, 2023 at Mesa View Middle School. A scholarship fundraiser “Night at the Races” will be held in October at the Plantation on the Lakes, with Woody’s BBQ catering the meal. Christmas Parade planning continues and will be held on Saturday, December 2, 2023 at 5:30 p.m., stating the event is free to enter. He announced 8 new members, 11 renewals and a total membership of 140.

BUSINESS ITEMS

7. ANNEXATION OF CERTAIN PROPERTY TO (A) CITY OF CALIMESA COMMUNITY FACILITIES DISTRICT NO. 2018-1 (SUMMERWIND TRAILS) AS ANNEXATION NO. 2 (ADDING IMPROVEMENT AREA NO. 3) AND (B) CITY OF CALIMESA PUBLIC SERVICES COMMUNITY FACILITIES DISTRICT NO. 1 (LAW ENFORCEMENT, FIRE, PARAMEDIC AND PARK MAINTENANCE SERVICES) AS ANNEXATION NO. 4; AND DESIGNATION OF FUTURE ANNEXATION AREA FOR SAID CFD NO. 1.

RECOMMENDATION: That the City Council:

1. ***Adopt Resolution 2023-48, a Resolution of Intention to annex the commercial portion of Summerwind Commons development into City of Calimesa Community Facilities District No. 2018-1 (Summerwind Trails) as Annexation No. 2 (adding Improvement Area No. 3) and setting a public hearing for October 2, 2023.***
2. ***Adopt Resolution 2023-49, a Resolution of Intention to annex Summerwind Commons development into City of Calimesa Public Services Community Facilities District No. 1 (Law Enforcement, Fire, Paramedic and Park Maintenance Services) as Annexation No. 4 and Designating Future Annexation Area for CFD No. 1, and setting a public hearing for October 2, 2023.***

City Manager Kolbow presented the agenda report and introduced Maryanne Goodkind from Norton Rose Fulbright who was available to answer any questions of the Council.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER MANLY, SECONDED BY COUNCIL MEMBER CERVANTEZ, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT) TO ADOPT RESOLUTION 2023-48, A RESOLUTION OF INTENTION TO ANNEX THE COMMERCIAL PORTION OF SUMMERWIND COMMONS DEVELOPMENT INTO CITY OF CALIMESA COMMUNITY FACILITIES DISTRICT NO. 2018-1 (SUMMERWIND TRAILS) AS ANNEXATION NO. 2 (ADDING IMPROVEMENT AREA NO. 3) AND SETTING A PUBLIC HEARING FOR OCTOBER 2, 2023 .

MOTION BY COUNCIL MEMBER MANLY, SECONDED BY COUNCIL MEMBER MOLINA, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT) TO ADOPT RESOLUTION 2023-49, A RESOLUTION OF INTENTION TO ANNEX SUMMERWIND COMMONS DEVELOPMENT INTO CITY OF CALIMESA PUBLIC SERVICES COMMUNITY FACILITIES DISTRICT NO. 1 (LAW ENFORCEMENT, FIRE, PARAMEDIC AND PARK MAINTENANCE SERVICES) AS ANNEXATION NO. 4 AND DESIGNATING FUTURE ANNEXATION AREA FOR CFD NO. 1, AND SETTING A PUBLIC HEARING FOR OCTOBER 2, 2023.

8. SELECTION OF A NEW NAME FOR THE 4TH STREET PARK.

RECOMMENDATION: That the City Council review and consider the list of names as recommended by the Parks, Trails, and Community Services Commission, and voted on through a community survey completed through the City's website, and then do one of the following:

1. ***Select a name based on the results of the Community Survey, or***
2. ***Select a name of the City Council's choosing, or***
3. ***Make no selection and provide direction to staff..***

Public Works Associate Engineer Shakir presented the agenda report.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER CERVANTES, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT) TO APPROVE THE RENAMING OF THE 4TH STREET PARK TO MOUNTAINVIEW PARK.

9. CALIMESA CREEK STAGE III – INITIAL STUDY (IS)/MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP).

RECOMMENDATION: That the City Council approve Resolution 2023-50, a Resolution of the City Council of the City of Calimesa, California approving the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) for the Calimesa Creek Stage III Project.

City Engineer Thornton presented the agenda report.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER CERVANTEZ, SECONDED BY COUNCIL MEMBER MOLINA, CARRIED 4-0-1-0 TO ADOPT RESOLUTION 2023-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA APPROVING THE IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE CALIMESA CREEK STAGE III PROJECT.

10. RESOLUTION NO. 2023-51 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY IN THE CITY OF CALIMESA ISSUED BY THE CITY’S DIRECTOR OF EMERGENCY SERVICES ON AUGUST 20, 2023 AS A RESULT OF TROPICAL STORM HILARY.

RECOMMENDATION: That the City Council adopt Resolution No. 2023-51, ratifying the Proclamation of Local Emergency in the City of Calimesa issued by the City’s Director of Emergency Services on August 20, 2023 as a result of Tropical Storm Hilary

City Manager Kolbow presented the agenda report and commended the Public Works Crew for their hard work over the weekend and through the storm. He announced that Deputy Fire Marshall Rodriguez opened the EOC and thanked the members of staff that came in to work the EOC. He stated that he declared an emergency for the City and the emergency proclamation needed to be ratified by the City Council through the adoption of a Resolution.

After Council discussion the following action was taken:

MOTION BY COUNCIL MEMBER MANLY, SECONDED BY COUNCIL MEMBER CERVANTEZ, CARRIED 4-0-1-0(MAYOR DAVIS WAS ABSENT) TO ADOPT RESOLUTION NO. 2023-51 RATIFYING THE PROCLMATION OF LOCAL EMERGENCY IN THE CITY OF CALIMESA ISSUED BY THE CITY’S DIRECTOR OF EMERGENCY SERVICES ON AUGUST 20, 2023 AS A RESULT OF TROPICAL STORM HILARY.

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS/CONFERENCES

This is the time for 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 Manly thanked those who attended the Summerwind Park Grand Opening event, stating he was happy to see them there.

Council Member Molina stated that the Summerwind Park Grand Opening was phenomenal and thanked staff for their hard work, adding it is a beautiful park.

Council Member Cervantez stated that the Summerwind Park Grand Opening was a fun event, stating it's a great park and it was fun to see kids and families spending time together. He further gave a "shout-out" to staff for their hard work.

Mayor Pro Tem Hewitt stated that the Summerwind Park is so cool and thanked all staff for caring for their city.

CITY MANAGER COMMENTS & REPORTS

City Manager Kolbow announced that the new Ladder Fire Truck had arrived and that it was out front of the Sr. Center for viewing. He provided an update on the 5th and Countyline Road intersection, stating that the delay is due to electric poles that need to be relocated by SCE. He further stated that SCE has provided a completion date of December 2023 for the relocation to be completed. He further stated that both Cities of Calimesa and Yucaipa are working to find a safe way to create a partial opening while waiting on SCE. He added that it is illegal to enter past road closed signs and that it's only open to local residents, but that many are still driving through the closed signs.

CLOSED SESSION ITEMS

City Attorney Barrow announced the Closed Session items and Mayor Pro Tem Hewitt adjourned to Closed Session at 6:35 p.m.

A. 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

B. 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**

CLOSED SESSION ANNOUNCEMENT

- A. Direction was given with no further reportable action.
- B. Direction was given with no further reportable action.

ADJOURNMENT

Meeting adjourned at 7:01 p.m. to the Regular Meeting of the City Council on Monday September 18, 2023 at 6:00 p.m.

Respectfully Submitted,

Darlene Gerdes, City Clerk

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER CERVANTEZ, CARRIED 4-0-1-0(COUNCIL MEMBER MOLINA WAS ABSENT) TO APPROVE THE MINUTES OF AUGUST 21, 2023, REGULAR MEETING AS PRESENTED.
APPROVED: September 18, 2023

