

MINUTES

**SPECIAL MEETING OF THE CITY COUNCIL
ELECT
OF THE CITY OF EASTVALE
Wednesday September 1, 2010
6:30 P.M.
6080 Hamner Ave. Suite 100
Eastvale, CA 91752**

1. *CALL TO ORDER:*

The Special meeting of the City Council Elect was called to order at 6:30 p.m. by Chairman Rush

2. *ROLL CALL:*

Present: Chairman Rush, Council Members Elect Bootsma, DeGrandpre, Howell and Welch

Staff Members Present: Interim City Manager Van Nort, Interim City Attorney Cavanaugh, Interim Finance Director Terry Shea, Municipal Director Michael Kashiwagi, Interim City Clerk Judy Haughney

3. *PLEDGE OF ALLEGIANCE:*

The Pledge of Allegiance was led by Chairman Rush

4. *PRESENTATIONS/ANNOUNCEMENTS:*

Interim City Attorney John E. Cavanaugh reported that the City Council Elect met in Closed Session at 6:00 p.m. regarding lease negotiations under Real Property Negotiations Government Code Section 54956.8 and took input from staff and that official action would be taken under Agenda Item 10.B.

5. *PUBLIC COMMENT:*

Hal Justice noted that a high school football player had been injured and that the Fire Station was busy on another call. He noted that it took a truck from Norco 15 minutes, if not more, to get to the school. He added that when the truck arrived they had difficulty in finding where they were supposed to enter the school grounds. He requested that the City Council Elect work out the Mutual Agreements between the stations in a better manner.

John Kopp requested that copies of the minutes be provided in draft form, via the website, prior to the City Council meetings and at the same time that the Agenda is distributed to the City Council Elect.

6. *APPROVAL OF MINUTES:*

A. Approval of the minutes of the meeting held August 4, 2010

Council Member Elect Welch requested clarification regarding his comments under New Business Item C, 2nd paragraph. He noted that he was talking about the software and not the company. It was also noted by Chairman Rush that Council Member Elect Howell had voted no on item 8.D.

The minutes of the August 18, 2010 Special Meeting of the City Council Elect were approved as corrected.

Motion: Welch/Second: Bootsma

Ayes: Rush, Bootsma, DeGrandpre, Howell, Welch

Noes: None

Abstain: None

Absent: None

7. CONSENT CALENDAR:

There were no Consent Calendar items

8. PUBLIC HEARINGS:

There were no Public Hearings

9. NEW BUSINESS:

A. Consideration of Law Enforcement Proposal by Riverside County Sheriff's Department

The item was presented by Riverside Police Captain Danny Feltenberger. Captain Feltenberger noted that on behalf of Sheriff Stan Sniff and the entire Riverside County Sherriff's Department it was his pleasure to present the proposal for the City of Eastvale. He gave an overview of the presentation, noting that he would be serving as the first Chief of Police for the City of Eastvale. He added that Lt. Jason Horton would serve as the liaison for the City. He then gave contact information for both he and Lt. Horton.

Captain Feltenberger: 951-955-2620 (office) 951-906-9691 (cell)
dfeltenb@riversidesheriff.org

Lt. Horton: 951-955-2612 (office)

Capt. Feltenberger proceeded with the presentation and noted that California Government code 57384(a) requires all new cities to maintain pre-existing or increased levels of service after incorporation. He then noted the total calls for service in 2009 and added that it did not include traffic collisions or citations these were strictly response calls.

Chairman Rush inquired whether the difference in the response time had anything to do with staffing. Captain Feltenberger responded that they are taken over a period of time and added that this is information

that cities want to know. He stated that they are a good barometer or baseline. He added that it was his personal opinion that quality of service was more important than response times unless it was a priority one call. He stated that this was information that City's want to know, but they really do not mean that much.

He then went on to explain the existing services in the City and the benefits of contracting with the Sheriff's Department, being identity, indemnification, economy of scale and more specialized services. He then stated that the City council would need to choose a design for the shoulder patches and a logo for the cars. He passed around patches from each contract City. He reviewed the economic benefits to the City of Eastvale and the included baseline services. He noted that the contract included 19.5 positions and 94 service hours per day.

Council Member Elect Welch inquired as to what was meant by productive hours. Captain Feltenberger responded that it refers to a dedicated person/position and takes into account vacation and training time. It is the hours that "boots are on the ground". Captain Feltenberger then gave an overview of the transition costs and the full year costs. He noted that the City would only be paying for that part of the station that is dedicated to Eastvale. He explained that there were additional sources of revenue for the City including booking fees which could produce approximately \$35,000 per year. Council Member Elect Welch inquired regarding the overtime rate and if that was time and a half per item with support of it was a separate figure. Captain Feltenberger responded that overtime hours would cost the City much less than regular hours. He added that there were 273 days in the transition period. He stated that the total cost for the transition period would be \$3.8 million dollars and the cost for an entire year would be \$5.1 million dollars for baseline services. Council Member Elect Welch inquired as to how this compares to the Comprehensive Fiscal Analysis (CFA). Captain Feltenberger responded that this contract maintains 26 positions and 19.5 deputies and that the prorated cost would be paid back to the County over a period of 5 years.

Captain Feltenberger then gave an overview of the traffic options. The options include contracting the service from the Sheriff's Department or continuing service with the California Highway Patrol (CHP). He pointed out the benefits of contracting with the Sheriff's Department as being consistency, as it was better to have the service under one roof. He added that the CHP was incident driven and that they service a very wide area. He pointed out the benefit of having dedicated traffic officers in that collateral duty to patrols would negatively impact response times. He added that dedicated traffic enforcement and CSO's can occur at incorporation or at a later date. Council Member Elect De Grandpre asked if the dedicated traffic officer would also be available for other things. Captain Feltenberger responded yes.

Patrol officers patrol 24/7 and can handle collisions and tickets, but their primary duty is to respond to calls, but they do not have the expertise of a traffic officer. Council Member Elect Welch pointed out that if we stayed with the CHP this would not be the case. Captain Feltenberger responded that they cannot get statistics from CHP because their service area is wider than the City. He added that it would be a quandary to have both agencies responding in the City, but it would be possible. He noted that the cost for traffic would be \$178,000 for the transition period. Council member Elect De Grandpre inquired as to when the traffic officers would be on patrol. Captain Feltenberger responded that they would be on patrol when they are needed the most. He added that they would be responsive to issues and be wherever the need was greatest. Council member Elect Howell inquired to the cost of one traffic officer. Captain Feltenberger responded that the cost was very similar to the patrol officer cost of \$128.19. The cost for a traffic officer would be \$109.71. Chairman Rush inquired as to what would happen when the traffic officer was off for 2 weeks, would the traffic duties fall on the patrol officers. Captain Feltenberger responded that the Sheriff's Dept. is very large and can share resources. Council Member DeGrandpre noted that if the City had a dedicated traffic officer that would not preclude a patrol officer from doing traffic. Captain Feltenberger noted that was correct. He added that all deputies would be trained prior to October 1st and would have the ability to investigate traffic collisions. Council Member Elect Howell inquired as to whether the cost of training was included. Captain Feltenberger affirmed that it was included in the total cost. Captain Feltenberger concluded with his recommendation. He noted that this is a brand new City with no idea as to what the revenues will be. He noted that to remain conservative it was his recommendation for one traffic officer. He noted that the City would want a radar unit at a cost of \$3500. Council Member Elect Howell inquired as to whether there was a maintenance fee for the radar unit. Captain Feltenberger responded no there was not cost for maintenance. Council Member Elect requested that there be discussion regarding the CFA. Interim City Manager Van Nort responded that the cost of the contract is restrictive in that it must sustain the existing level of service. He added that the cost is higher than the CFA indicated and that if the City Council Elect chose to add a traffic officer it would be even more. He pointed out that traffic is a major issue and that is why they looked at the option of adding a traffic officer. He noted that the cost would be paid out over 5 years at the rate of 3%. He added that in April the Council will be asked to review the contract and decide whether to maintain the service at current levels, increase it or decrease it. He stated that after reviewing the information he felt strongly that the Council needed to consider adding the traffic officer. He stated that the amount of the contract was 8%-9% higher than the

CFA. Council Member Elect Welch inquired if Interim City Manager Van Nort had asked for an explanation regarding the increase. Interim City Manager Van Nort responded that he had taken it at face value. Council Member Elect Welch inquired as to the increase. Interim City Manager Van Nort responded that that is the cost that all cities are paying. Captain Feltenberger also noted that the cost would probably be less, but felt that he wanted the Council Elect to have a true feeling of what to expect. There was a general discussion regarding the difference in the amount for services in the CFA and the actual cost of the contract. It was pointed out that after the City incorporated in October the Sheriff's Dept. would keep accurate records and be able to have a much more accurate figure based on actual statistics.

Council Member Elect Howell inquired as to whether the City would need to sign a new contract at that time. Captain Feltenberger noted that the City was under no requirement to sign an agreement, although he recommended entering into an agreement for the transition services as a model for the next fiscal year. Council Member Elect Welch noted that he was not asking for answers that Captain Feltenberger had nothing to do with. He noted that a 1% increase, above inflation had been assumed and this was considerably higher. This was done by the financial consultants and it was woefully short. He pointed out that the numbers had come from the Sheriff's Department. Captain Feltenberger noted that many things had changed since this was done and the State had pulled back many fees. Council Member Elect Welch inquired if this included the area west of the I-15, area 3, which was not part of the incorporation and if that was why there was an increase in the patrol hours. Captain Feltenberger noted that that was why there were odd hours. Some areas crossed lines and encompass actual City boundaries. Council Member Elect Welch inquired as to the percentage of calls that would come back to the City and not the County. Captain Feltenberger noted that citations and tow revenue would come back to the City. Chairman Rush stated that the difference has to do with the methodology of the CFA and changed circumstances. Council Member Elect Howell noted that the numbers were given to them by the Sheriff's Department. Council Member Elect DeGrandpre noted that in the proposal it states that the vehicles are County owned and maintained but that the City would be responsible to pay the insurance. Captain Feltenberger noted that that referred to a city owned motorcycle. If the City owns the motorcycle the City would be responsible for the insurance. He added that all County owned vehicles are maintained by the County. Council Member Elect De Grandpre questioned how the zones would be determined. Captain Feltenberger noted that the 3 existing zones were still there, and they would be cut in half so that ultimately there would be six zones and this would be based on calls for service. Council Member Elect Welch inquired that if the City purchased a motorcycle

then the City would be responsible for maintenance. Captain Feltenberger affirmed and noted that it would be about \$6,000 per year. It was recommended that the City Council Elect direct staff to work with the Riverside County Sheriff's department to formulate a contract.

Public comment:

Irene Long noted that there was not an SRO (School Resource Officer) included in the proposal. Captain Feltenberger responded that SRO's are paid for by the School District and not the City. She then noted that the cost to place the logo on the vehicles was estimated at \$400 per vehicle and was concerned that the deputies would be using the same vehicles over and over again with no break for maintenance. Captain Feltenberger explained that there would more than 4 vehicles.

Rob Medrano offered commendation for work recently done on a murder case. He also noted that he was concerned regarding work ethic and who would have a say in what a deputy worked on. He added that they needed to be efficient and pick personnel carefully. Interim City Manager Van Nort noted that he had met with the County Executive team and the Sheriff's Department and was informed that Captain Feltenberger would be performing the interviews himself.

Toni Alario noted the City's liability and indemnification in regards to police brutality and civil rights violations and added that this was outside the scope of the department. She was concerned that if such a case were to occur they would go after the City and the County.

Dave Welch noted that there was not anything regarding Community Oriented Policing or Neighborhood Watch, but added that he was glad to see traffic being considered.

Dickie Simmons noted that speed surveys were done by the County and had not been passed on to the City. He also added that he works in Los Angeles and they have to have surveys done on the streets. He wanted to make sure that this was done as part of the proposal.

Interim City Attorney Cavanaugh noted that a City can be sued for anything and a contract will not prevent that. Interim City Manager Van Nort commented that if the Council Elect is in support that they direct staff to draw up a contract with the Sheriff's Department with the addition of one traffic officer.

The City Council Elect directed staff to work with the Sheriff's Department to draw up a contract with the

addition of one traffic officer and to bring it back to the City Council after incorporation.

Motion: Rush/Second: De Grandpre

Ayes: Rush, Bootsma, DeGrandpre, Howell, Welch

Noes: None

Abstain: None

Absent: None

B. Presentation Regarding the Ralph M. Brown Act

The item was presented by Interim City Attorney John e. Cavanaugh. Interim Attorney Cavanaugh began the presentation by giving an overview of the Brown Act noting that it is commonly known as the California Open Meeting law and sometimes the Sunshine Act.

Council Member Elect Welch left the Council Chambers at 8:05 and returned at 8:09.

City Attorney Cavanaugh noted that the Brown Act covers meetings of any legislative body, but does not apply to the private sector. He gave an explanation of what constituted a meeting and a quorum and noted the acceptable exceptions. He gave an example of what might be considered a serial meeting and stressed that the purpose is that the purpose of the Brown Act is that City business be open and public. He added that meetings of the City council must be held within the City limits with a few exceptions.

He gave a brief overview of the posting of Agendas noting that minutes of all meetings are required and the public's ability to tape, photograph or record meetings as long as there was no disruption of the meeting. He noted the Council's role during public comment and stressed that although they may briefly respond it was not required.

Chairman Rush left the Council Chambers at 8:21 and returned at 8:24.

City Attorney Cavanaugh gave a brief overview of closed session and the associated requirements and what might constitute a Brown Act violation and the remedies for a violation.

He concluded by noting that the Council needs to be aware that when responding to Public Comment that they be careful in not responding to items that are not on the Agenda.

There was no public comment.

C. Presentation regarding Draft City Council Rules of Decorum

Interim City Attorney Cavanaugh began by stating that this item was something to discuss and deliberate. He noted that this would be a document with flexibility and would evolve. He added that this item would be on the October 1st Agenda for approval.

Chairman Rush thanked Council Member Elect Welch for asking for this item. Council Member Elect Howell asked for clarification regarding number 9 on page 5 regarding a public request for staff comment. Interim Attorney Cavanaugh stated that comments should be directed to the City Council and not to staff. He also noted that it is typical to have Agendas ready for distribution on the Friday prior to the City Council meeting.

Public Comment:

John Kopp noted several items in the rules of decorum including the role of the City Attorney, making the speaker request forms available at City Hall prior to the Council meetings, the order of Old and New Business on the Agenda and that he had difficulty finding the materials prior to the meeting and wondered if they could be made available at the same time as the City Council receives their materials.

Council Member Elect Howell inquired if it was possible to adopt the rules prior to the October 1st meeting. Interim City Attorney Cavanaugh responded yes and if they were approved they would be ratified at the October 1st meeting. Council Member Elect Howell inquired how it would be possible to keep the public informed of the rules. Interim Attorney Cavanaugh replied that they could be put on the back of the Speaker Request forms.

D. Consideration of Tax Anticipation Loan with the County of Riverside

Interim City Manager Robert Van Nort introduced the item and noted that he was asking the Council to consider this item as there was no regulation regarding the receipt of

revenue by the City. He noted that the first revenues would be limited and the City would have bills to pay. He added that if the City was established and had a credit rating they could have issued bonds. He noted that he anticipated the note would be paid by April 2011. He recommended approval of the item.

There was no Public Comment

The City Council Elect approved authorizing the Interim City Manager to work with the County of Riverside to bring back a note agreement.

Motion: Welch/Second: Rush

Ayes: Rush, Bootsma, DeGrandpre, Welch, Howell

Noes:

Abstain: None

Absent: None

10. OLD BUSINESS ITEMS:

A. Approval of Deputy City Clerk Job Description

Interim City Manager Van Nort noted that the job description was now very comprehensive and recommended adoption adding that the City needed to get started with recruitment. He noted that he had already received several resumes from very qualified people. He added that he would like the Council to consider appointing two members to the review committee. Council Member Elect Welch requested that the sentence indicating that the Deputy City Clerk would be the first contact for the community be removed.

There was no public comment.

The City Council Elect approved the Deputy City Clerk Job Description as amended

Motion: Rush/Second: Howell

Ayes: Bootsma, DeGrandpre, Howell, Welch, Rush

Noes: None

Abstain: None

Absent: None

B. Approval of City Offices Lease Agreement

Director for Municipal Services Michael Kashiwagi, Interwest Group noted that the City Council elect had met in Closed Session regarding this item. He noted that the terms had been discussed and gave an overview of the points of the agreement. He pointed out that this was for Suite 103 and noted that the lease would run from October 1, 2010 until July 31, 2011 with a 6 month option to renew. The total cost would be \$2.71 sq. ft. The City would be allowed to begin preparing the site 7 days prior to the 1st. He noted that staff recommended approval of the Letter of Intent.

Council Member Elect Welch noted that he was aware that staff had worked very hard on this item to get the best terms. He added that he was not thrilled, but also acknowledged that he was aware there were limited options.

There was no public comment.

The City Council Elect approved the Letter of Intent

Motion: Rush/Second: Howell

Ayes: Bootsma, DeGrandpre, Howell, Welch, Rush

Noes: None

Abstain: None

Absent: None

C. Consideration of Council Meeting Location

Interim City Manager Van Nort introduced the item and noted that he had prepared a memo for this item that had been distributed prior to the meeting. He noted that he did an onsite walk with the Superintendent of the Corona-Norco USD and noted there were a number of conflicts with holding meetings at the High School. He then noted that at Rosa Parks Elementary there is a small stage and a meeting room in the back where the Council may hold Closed Session. He added that there is a sound system at the school, but it may need some upgrades. He recommended that the City Council Elect approve meeting at Rosa Parks Elementary for the meetings scheduled beginning September 22 and 29.

Chairman Rush inquired of the cost. Interim City Manager responded that the cost was less at Rosa Parks than at the High School. He added that it would be \$50 per hour or approximately \$400 per month. Council member Elect Welch added that based on district policy the theater comes with a premium. Chairman Rush inquired if the district would set up and take down. Interim City Manager Van Nort responded that the janitor will set up and take down and there is a room that the City can use for storage. Council Member Elect Bootsma noted that the elementary school has benches. Interim City Manager Van Nort responded that he would be looking for some stackable chairs that may be more comfortable.

Public comment:

Julie Pavone inquired if the City had thought about using the Jr. High's basketball room.

Interim City Manager Van Nort responded that these were the sites recommended by the school district. Council Member Elect Welch noted that the Jr. High basketball room comes with a higher rate than the basic rate.

The City Council Elect approved the use of Rosa Parks Elementary School for future Council meetings

Motion: DeGrandpre/Second: Bootsma

Ayes: Bootsma, DeGrandpre, Howell, Welch, Rush

Noes: None

Abstain: None

Absent: None

D. Sub Committee Report-Inauguration Committee

Chairman Rush introduced the item and noted that he would defer the item to Council Member Elect Howell as he was unable to attend the meeting. He noted that they walked the High School grounds, which is a beautiful facility for the event, and were escorted by a booster club member. He noted that fundraising is continuing and that they are continuing to seek volunteers. He added that the ceremony would start at 6:30 pm and end around 9:00 or 9:30 pm. He noted that there would be 2 stages, one for the ceremony and one for the entertainment. Council Member Elect Howell informed that the entertainment for the evening would be a band called the Legendary Mustangs and that this was Supervisor Tavaglione band. She noted

that they want to open the event up to a lot of different groups in the City. Chairman Rush noted that they had set the recognition hierarchy for the sponsors and were coordinating the rules for the logo contest. Council Member Elect Howell noted that the logo contest information was already on the website and being distributed. Chairman Rush asked Interim City Manager Van Nort to follow up with the Police Department and Fire Department regarding their participation.

Public comment:

John Kopp noted that he did not have an opportunity to speak at the meeting held at the Corona-Norco USD and was glad that there was going to be a band. He noted that a high school football game was being held on the same day as the inauguration and wondered if it could be moved to a weekend day to make it more convenient for people to attend. Chairman Rush noted that the day is already set so as not to interfere with the Fall Festival. Mr. Kopp then stated that he had an affinity for a Compass Rose and had designed a City logo using that as the basis. He noted that with the E on the left it could be the beginning of Eastvale.

11. COUNCIL COMMUNICATIONS:

Council Member Elect Howell noted that she needed to start discussions with the Police Department and Fire Department regarding the cost and who would be responsible for the payment for the inauguration. She noted that the committee had discussed doing a charitable event at the inauguration and had decided on Toys for Tots. She wanted to make sure that they had the patches and would like a fire truck displayed.

Council Member Elect Welch wished Max Wagner a Happy Birthday and agreed with Mr. Medrano in thanking the Sheriff's Department for acting swiftly on the recent cases. He then requested an Agenda Item regarding a Purchasing Policy.

Council Member Elect Bootsma thanked the Inauguration Committee for all of its hard work.

11. CITY MANAGER'S REPORT:

Interim City Manager Van Nort requested that the City

Council Elect consider appointing two members to the Banking (RFP) Committee and to the Personnel/Recruitment Committee.

Chairman Rush inquired as to what the recruitment time line was. Interim City Manager Van Nort responded that there would be a two week filing period, the first interviews would be a panel of City Clerk's or Finance people, the panel would give their recommendation of the top 4 or 5 candidates. He noted that we were probably looking at mid October before someone was hired. He added that in reviewing the salary range it was right in the ballpark.

12. CLOSED SESSION:

There was no Closed Session

13. ADJOURNMENT:

The meeting was adjourned at 9:24 p.m. by Chairman Rush.