

MINUTES
REGULAR MEETING OF THE
CITY COUNCIL
OF THE CITY OF EASTVALE
Wednesday October 27, 2010
6:30 P.M.
Rosa Parks Elementary School
13830 Whispering Hills Drive
Eastvale, CA 92880

1. CALL TO ORDER:

Chairman Rush called the Regular City Council meeting to order at 6:32 p.m.

2. ROLL CALL:

Present: Council Members Howell, Bootsma, Mayor Pro-Tem DeGrandpre,
Mayor Rush

Absent: Council Member Welch

Staff Members Present: Interim City Manager Van Nort, Interim City Attorney
Cavanaugh, Municipal Services Director Interwest Group Michael Kashiwagi,
Planning Director Eric Norris, Building Inspector Tony Elmo, David Hogan,
Doug Van Gelder, Demetrius Williams and Interim City Clerk Judy Haughney

3. PLEDGE OF ALLEGIANCE:

Chairman Rush led the Pledge of Allegiance.

4. PRESENTATIONS/ANNOUNCEMENTS:

4.1 Interim City Manager Robert Van Nort introduced Ariel Berry, who will be the Deputy City clerk. Ms. Berry will be the first employee of the City of Eastvale. He noted that she is a resident of Eastvale and has been employed by the City of Adelanto. Her start date will be November 8, 2010.

4.2 Mayor Rush announced that he would be presenting two Proclamations on November 16th at a reception honoring Sharon Martinez and Bill Hedrick, who are both members of the Corona-Norco unified School District Board of Education. The two will be retiring after 13 years and 22 years respectively.

5. PUBLIC COMMENT:

Max Wagoner noted that although he was not a fan of government and was opposed to Cityhood he would support the City in any way that he could. He noted that the City of Wildomar would be taking over their cemetery and added that the City of Eastvale has JCSD. He inquired if the City would be considering its own Parks and Recreation department and its own sewer department. Mayor Rush noted that the City currently did not have a sewer district.

John Kopp noted that he had prepared a statement that he would be submitting. He noted that one of the agenda items was to consider a code of conduct and regulations. He noted that three of the Council members had received contributions and that the donors would come before the City. He added that two of the four Council Members present at the meeting had received campaign contributions from Lewis. Interim City Attorney Cavanaugh noted that there was no conflict regarding any contributions that the Council may have received and hearing items that may involve the particular donors.

Derek Lopez noted that he was there representing Jackie Sullivan of In God We Trust. He noted that currently there are 75 cities in California and 150 cities nationwide that are participating, by displaying the motto. He added that there have been no legal challenges. He noted that if Eastvale considered and passed the item they would be the first city to do so in Riverside County. Mayor Rush noted that currently the City is meeting in temporary facilities.

6. APPROVAL OF MINUTES:

6.1 Approval of the minutes of the Special Meeting of the
City Council Elect held September 22, 2010

**Motion by Bootsma Second by DeGrandpre to approve the minutes of
September 22, 2010.**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

6.2 Approval of the minutes of the Special Meeting of the
City Council Elect held on September 29, 2010

**Motion by Bootsma Second by DeGrandpre to approve the minutes of
September 29, 2010.**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

6.3 Approval of the minutes of the Special Meeting of the
City Council held on October 1, 2010

**Motion by DeGrandpre Second by Bootsma to approve the minutes of
October 1, 2010.**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

Interim City Manager Van Nort noted that there were additional items that needed to be added to the agenda. He noted that there were 2 items; one was an Ordinance in reference to the Sales and Use Tax. This item would be amending the effective date and was required by the Board of Equalization. The second item was a resolution in support of Proposition 22.

Interim City Attorney Cavanaugh noted that the two items had come up after the posting of the agenda and that in order to add them to the agenda it required a unanimous vote of the City Council. He requested that the Ordinance regarding the Sales and Use Tax be placed under old business and the Resolution regarding Proposition 22 be placed under New Business.

**Motion by Bootsma Second by DeGrandpre to add two items to the
agenda; an Ordinance regarding Sales and Use Tax and a Resolution
regarding Proposition 22.**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

7. *CONSENT CALENDAR:*

Mayor Pro-Tem DeGrandpre requested that item 7.3 be pulled for further discussion.

The balance of the Consent Calendar was approved by the following action:

**Motion by Howell Second by Bootsma to approve the Consent Calendar as
presented**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

7.3 Approval of the Warrants in the amount of \$114,599.00

Mayor Pro-Tem DeGrandpre inquired as to whether the Finance Committee had met and approved the Warrants. Council Member Howell affirmed that the Finance Committee had met and had gone through every receipt and approved the Warrants. It was noted by Interim City Manager Van Nort that the receipts were available for the other Council Members review.

Motion by DeGrandpre Second by Howell to approve the Item 7.3 of the Consent Calendar

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

8. PUBLIC HEARING ITEMS:

8.1 Consideration of Resolution 10-38 approving Conditional Use Permit 3660 for the off-premises sale of alcoholic beverages from a 14, 576 square foot CVS Pharmacy located at the southwest corner of Archibald Avenue and Schleisman Road and known as Assessor's Parcel Number 144-060-039. The applicant is: The Enclave Holding Co.

Introduced by: Dave Hogan, Planner

Planning Director Eric Norris noted a new shopping center at the corner of Archibald and Schleisman that would have a CVS Pharmacy. He noted that the applicant would like to sell alcoholic beverages. He pointed out that based on the census tract numbers the City Council needed to make a finding of Public Convenience and Necessity (PCN). He added that staff had provided the Council with the staff report that would have gone to the County of Riverside Planning Commission, but since the City's incorporation it was now being heard by the City Council.

Mayor Rush opened the public hearing at 6:55 p.m.

John Kopp noted that he was curious as to whether the applicant was CVS or Lewis and noted a possible conflict.

Planning Director Norris noted that the application runs with the land not the applicant. Mayor Rush requested the Attorney to respond since the issue of a conflict had been brought up. Interim City Attorney Cavanaugh noted that the only time that a contribution would be considered a conflict was if it was an independent contribution. Campaign contributions did not constitute a conflict.

Albert Holt inquired if the approval of the application pertained to any entity or just that segment of land. Planning Director Norris responded that the application was specific to that land and that store and added that anyone else would also need to submit an application.

Mayor Rush closed the public hearing at 7:00 p.m.

Motion by DeGrandpre Second by Howell to approve Resolution 10-38 approving Conditional Use Permit 3660 for the off-premises sale of alcoholic beverages from a 14, 576 square foot CVS and making a finding of Public Convenience and Necessity.

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Abstain: None

Absent: Welch

9. NEW BUSINESS ITEMS:

9.1 Consideration of Ordinance Number 2010-09 regarding Personnel and Resolution Number 10-37 approving Employee Schedule of Holidays, Vacation, Sick Leave and a Cafeteria Plan. Introduced by: Interim City Manager Robert Van Nort

Interim City Manager Van Nort introduced Intern Demetrius Williams who would make the presentation. Intern Williams gave an overview of the proposed benefits including staggered vacations based on years served, sick leave of 96 hours per year and 11 holidays. He noted that a cafeteria plan was being recommended with a monthly allotment of \$1500. He added that the Finance Committee had requested additional information which was provided in the agenda packets. Regarding retirement he went on point out that his research indicated that 2.7% at 55 was the most predominant amount offered by cities in Riverside County.

Council Member Howell noted that she had gone over all of the numbers, but pointed out that the City does not have a budget. She noted that the City cannot start out high and then go low. She noted that she was aware of what other cities were doing, but noted that they had made their decisions prior to the economic downturn. She noted that she would like the Council to consider the same amounts as Menifee and Corona. These amounts were \$1500 for management and \$1300 for general employees. Intern Williams noted that every city contributes toward retirement on behalf of their employees. He noted that the cafeteria plan offered is offered with pre-tax dollars and the employee has the ability to contribute. He noted that the city is not providing the goal to attract the best employees. Mayor Rush inquired regarding if the Council adopts the proposal who it would affect and if the City had those classifications. Interim City Manager Van Nort responded that although the City does not have those classifications now, they would in the future. He noted that currently the City has 2 employees, but would have a City Manager and department heads in the future. Mayor Rush inquired if the current employee level would be at \$1300. Interim City Manager Van Nort confirmed. Mayor Rush noted that he respects the idea of staying competitive, but pointed out that the item could be revisited. He noted that he agreed with Council Member Howell to start in a more incremental manner. Council Member Bootsma indicated that he thought 96 hours of sick time was too much. Interim City Manager Van Nort pointed out that it equates to 1 day per month, but that in the proposed policy employees could buy the time back. Council Member Bootsma inquired if it was at full value. Interim City Manager Van Nort responded that it would be at 50%. Mayor Pro-Tem DeGrandpre noted that at \$1500 the amount puts the City up with everyone else. He recommended changing the amount to \$1250.

Mayor Rush called for public comment.

Max Wagoner noted that private citizens are getting very angry. He noted that private company employees receive 3-5 days of sick leave and 6 holidays. He noted that he hoped that the Council would look at this closely.

(Inaudible) noted that she would not agree to pay Cadillac or Rolls Royce prices.

Albert Hall noted that he felt the cafeteria plan needed to be lower. He felt that should be \$10-\$13. He also noted that he felt vacation

should be 7 days and that the Council should consider personal time.

Mayor Rush noted that there were significant issues with the policy and that Council Member Welch was not present to contribute his thoughts. Council Member Howell noted that this was a big challenge. She added that she would like the best for the people, but added that she was not willing to pay the rates of the other cities. She added that the employee needed to pay their share of the proposed retirement rate of 2% at 60. She added that she was comfortable with the cafeteria amount of \$1250 per month. Mayor Pro-Tem DeGrandpre concurred. He added that he agreed that employees should have the Friday after Thanksgiving and Christmas Eve, but could not see 3 additional floating holidays. He also felt that the sick leave should be at 90 hours per year. Mayor Rush suggested continuing the item until the next meeting. Interim City Manager Van Nort encouraged the Council to make a motion on the item, explaining that the City's new employees would be starting very soon. He also noted that if the Council wished to continue the item that the benefits be made retroactive so that the new employees would be covered. Mayor Pro-Tem DeGrandpre indicated that he would like to move forward with the item. Council Member Bootsma indicated that he would like to wait until the next meeting.

Motion by Howell Second by Rush to continue the item until the next Council meeting being held on November 17, 2010

Ayes: Howell, Bootsma, Rush

Noes: DeGrandpre

Abstain: None

Absent: Welch

9.2 Consideration of Resolution 10-36 in support of Business Friendly practices.

Introduced by: Eric Norris, Planning Director

Planning Director Norris indicated that this item had been requested by Southern California Association of Governments (SCAG). He noted that staff had made one minor change regarding the 4th principle.

Mayor Rush called for public comment.
There was no public comment.

Motion by Howell Second by Bootsma to approve Resolution 10-36 in support of Business Friendly practices.

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Absent: Welch

Abstain: None

9.3 Consideration of Ordinance 2010-08 regarding adoption of the State of California Building Code.

Introduced by Tony Elmo, Building Inspector

Building Inspector Elmo provided the presentation for the item. He noted that this was the basis and would grow as the City grows. He gave an overview of how the codes work and noted that there were a lot of projects coming forward. He noted that they have been working with the BIA (Building Industry Association). He then gave an overview of the new fire sprinkler requirement for all new residential development beginning on January 1, 2011. Mayor Rush inquired if there had been any consideration to begin inspections of single family residences for the sprinklers. Inspector Elmo indicated that inspections would be for multi family homes currently. He noted that currently there is a 5 year program for recertification of sprinklers for multi-family homes, however he had not heard of a program for single family residences. Mayor Rush called for a motion to set the public hearing for the next meeting on November 17, 2010.

Motion by Howell Second by Bootsma to set the item for public hearing on November 17, 2010

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Absent: Welch

Abstain: None

9.4 Consideration of Resolution 10-39 declaring support of Proposition 22; The Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Introduced by: Interim City Manager Robert Van Nort

Interim City Manager Van Nort noted that this item had been requested by Mayor Pro-Tem DeGrandpre.

Mayor Pro-Tem DeGrandpre noted that this item was very important. He acknowledged that it was very close to the election, but felt it was important that the City of Eastvale show its support.

Mayor Rush called for public comment.
There was no public comment.

**Motion by DeGrandpre Second by Howell to approve Resolution 10-39
declaring support of Proposition 22**

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Absent: Welch

Abstain: None

10. OLD BUSINESS ITEMS:

10.1 Consideration of Ordinance 2010-10 establishing a
Bradley Burns Sales and Use Tax to be administered by the State
Board of Equalization

Introduced by: Interim City Attorney John Cavanaugh

Interim City Attorney Cavanaugh noted that this item amended the
effective date from 10-1-10 to 1-1-11.

There was no public comment.

Motion by Bootsma Second by Howell to approve Ordinance 2010-10

Ayes: Howell, Bootsma, DeGrandpre, Rush

Noes: None

Absent: Welch

Abstain: None

11. COUNCIL COMMUNICATIONS:

Mayor Pro-Tem DeGrandpre noted that there was a cell tower being
put in at Herada Park. He noted that it had been approved prior to
the City incorporation, but added that the City should be aware prior
to installation. He noted that JCSD was running the parks and

inquired if it was possible for them to come to the City Council to give a presentation on the water and sewer and what their goals are. Mayor Rush noted that he had found a news article that indicated that the first building code was adopted in 1947.

12. CITY MANAGER'S REPORT:

Interim City Manager Van Nort noted that the City had received communication from the Mosquito Abatement Board and that they were requesting that the Council appoint a member to their board.

Planning Director Eric Norris introduced Chris Guccione as their new intern.

13. CLOSED SESSION:

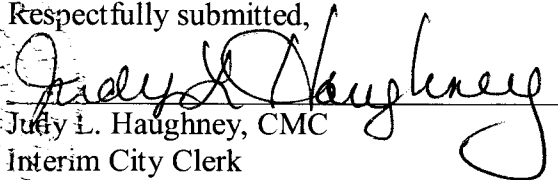
There was no Closed Session.

14. ADJOURNMENT:

Mayor Rush requested that the meeting be adjourned in Memory of Danny Bogart who had been a resident of Eastvale since 2002.

Mayor Rush adjourned the meeting at 7:51 p.m. in memory of Danny Bogart

Respectfully submitted,


Judy L. Haughney, CMC
Interim City Clerk