

For further information on an agenda item, please contact the City at 12363 Limonite Ave. Suite 910, Eastvale, CA 91752

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE
Wednesday October 10, 2012
6:30 P.M.

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. **CALL TO ORDER:** 6:30 p.m.
2. **ROLL CALL/INVOCATION /PLEDGE OF ALLEGIANCE:**

Council Members - Ike Bootsma, Ric Welch, Adam Rush
Mayor Pro Tem – Kelly Howell
Mayor - Jeff DeGrandpre

Invocation led by Pastor Rick Morris from the Crossings Church.

3. **ADDITIONS/DELETIONS TO THE AGENDA:**

4. **PRESENTATIONS/ANNOUNCEMENTS:**

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

There are no presentations.

5. **PUBLIC COMMENT/CITIZEN PARTICIPATION:**

This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form", available at the side table. The completed form is to be submitted to the City Clerk prior to being heard. Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.

6. **CONSENT CALENDAR:**

Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. Public comment is limited to two (2) minutes each with a maximum of (6) minutes.

- 6.1 **Minutes – September 26, 2012 Regular Meeting.**

Recommendation: Approve the minutes from the regular meeting on September 26, 2012.

6.2 **Acceptance of Subdivision Improvements for Tract 28742, MBK Homes – Project 11-0215.**

Recommendation: Accept as complete the Subdivision Improvements for the following subdivision, direct staff to file a Notice of Completion, and adopt Resolution No. 12-48, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE
ACCEPTING THE SUBDIVISION IMPROVEMENTS FOR PROJECT 11-0215
(TRACT 28742) MBK HOMES

7. **PUBLIC HEARINGS:**

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

There are no public hearings.

8. **OLD BUSINESS ITEMS:**

*Public comment will be called for each item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed you may not further speak on the matter unless the City Council requests further clarification of your statement. **Public comment is limited to two (2) minutes with a maximum of six (6) minutes.***

8.1 **Amendment to Scavenging Ordinance.**

Recommendation: Consider and hold first reading of Ordinance No. 2012-13, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE,
CALIFORNIA, REPEALING ORDINANCE NO. 2012-07 AND
ESTABLISHING A PROHIBITION ON SCAVENGING FROM AND
TAMPERING WITH PUBLIC CONTAINERS TO THE EASTVALE
MUNICIPAL CODE

9. **NEW BUSINESS ITEMS:**

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. **Public Comment is limited to two (2) minutes with a maximum of six (6) minutes.***

9.1 Appointment to Public Safety Commission.

Recommendation: Staff recommends that the City Council discuss and ratify Mayor Pro Tem Howell's appointment to the Public Safety Commission.

10. COUNCIL COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

This is an opportunity for the Mayor and City Council Members to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.

11. CITY MANAGER'S REPORT:

12. CLOSED SESSION:

There are no Closed Session Items.

13. ADJOURNMENT:

The next regular meeting of the Eastvale City Council will be held on October 24, 2012 at 6:30 p.m. at Rosa Parks Elementary School.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

UPCOMING AGENDA ITEMS

The following topics/items are planned for upcoming agendas. Please watch our website, www.eastvaleca.gov, for final City Council Agendas. Final agendas are posted 72 hours in advance of the meetings and are also posted on our website with the accompanying reports. Please note that the wording for topics listed below may change once the final agenda is submitted. Please keep in mind that all topics listed below are tentative.

October 2012

- Residential Foreclosure Ordinance
- Contract with Riverside County for Code Enforcement Support Services
- Council Reimbursement Policy
- Technological Resources and Electronic Communications Policies
- Proclamations for Red Ribbon Week and Pancreatic Cancer Month
- Agreement with Jurupa Community Services District for Landscaping in the Public Right-of-Way

November 2012

- City Wide Fee Study Contract
- Municipal Code Adoption
- Conflict of Interest Code Update
- Presentation of Pavement Management Program

POSTING STATEMENT:

I, Ariel Berry, Assistant City Clerk or my designee hereby certify that a true and correct, accurate copy of the foregoing agenda was posted October 4, 2012, seventy-two (72) hours prior to the meeting per Government Code 54954.2, at the following locations:

Eastvale City Hall 12363 Limonite Ave. Suite 910
Rosa Parks Elementary School 13830 Whispering Hills Drive
Eastvale Library 7447 Cleveland Avenue
City of Eastvale Website, www.eastvaleca.gov

Ariel Berry
Assistant City Clerk

MINUTES
REGULAR MEETING OF THE CITY COUNCIL,
OF THE CITY OF EASTVALE
Wednesday, September 26, 2012
6:30 P.M.

Rosa Parks Elementary School 13830 Whispering Hills Drive

1. CALL TO ORDER: 6:30 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE/INVOCATION:

Council Members present: Council Members Bootsma, Welch, Rush, Mayor Pro Tem Howell and Mayor DeGrandpre.

Staff Members present: City Manager Jacobs, City Attorney Cavanaugh, Public Information Officer Nissen, Police Captain Feltenberger, and Assistant City Clerk Berry.

The Pledge of Allegiance was led by Council Member Rush.

3. ADDITIONS/DELETIONS TO THE AGENDA:

City Manager Jacobs announced that staff needed to add a Closed Session Item, Conference with Real Property Negotiator pursuant to Subdivision (B) of Section 54656.8, Property: Potential Fire Station Sites, Negotiating Parties: City of Eastvale, Under Negotiation: Site Location and Viability. As well as an Old Business Item to address a letter to be sent to the Ontario Airport Joint Powers Authority.

4. PRESENTATIONS/ANNOUNCEMENTS:

4.1 Presentation by Riverside County Transportation Commission on the State Route 91 Corridor Improvement Project. - **PRESENTED**

5. PUBLIC COMMENT/CITIZEN PARTICIPATION:

Dickie Simmons, a resident, reminded the City of the upcoming Town Hall meeting on October 23, 2012 at 6:30 p.m, as well as the 5K/10K to be held at Roosevelt High School on October 13th.

6. CONSENT CALENDAR:

6.1 **Minutes – September 12, 2012 Regular Meeting.**

Recommendation: Approve the minutes from the regular meeting held September 12, 2012.

6.2 **Policy for Consideration of Requests for City Proclamations, Endorsements, Resolutions, Certificates, City Tiles and Letters of Support or Opposition for Causes, Policies, Legislation, Groups, Individuals and Other Matters.**

Recommendation: Approve City Council Policy.

6.3 **Amendment to Lease Agreement with Lewis Operating Group for Additional Space for City Hall Operations.**

Recommendation: Approve lease agreement with Lewis Operating Group.

6.4 **Conflict of Interest Code – Biennial Notice.**

Recommendation: Receive and File.

6.5 **Emergency Operations Plan.**

Recommendation: Authorize staff to submit the Emergency Operations Plan for certification by the County of Riverside’s Office of Emergency Services and the State of California.

6.6 **Approval of Warrant Demand Schedule.**

Recommendation: Approve the payment of the warrants (check numbers 11016 to 11032, 11036 to 11084 and wire numbers W000048 to W000049) in the amount of \$1,624,640.71 and payroll in the amount of \$105,172.84.

6.7 **Approval of Warrant Demand Schedule – Council Related Items.**

****PULLED BY COUNCIL MEMBER BOOTSMA FOR DISCUSSION****

Recommendation: Approve the payment of the warrants (check numbers 11033 to 11035 and 11085 to 11086) in the amount of \$864.06.

Motion: Moved by Rush, seconded by Howell to approve the Consent Calendar with the exception of Item 6.7.

Motion carried 5-0.

Council Member Bootsma presented concerns about the charges on Item 6.7. There was discussion among the Council and staff was directed to prepare a Reimbursement Policy.

Motion: Moved by Bootsma, seconded by Welch to approve the item as presented.

Motion carried 4-0-1, with Council Member Rush abstaining.

7. **PUBLIC HEARINGS:**

There were no public hearings.

8. **OLD BUSINESS:**

8.1 Letter to Ontario Airport Joint Powers Authority.

Recommendation: Council reviews and authorizes staff to send letter.

City Manager Jacobs gave a staff report.

Motion: Moved by Rush, seconded by Welch to approve sending the letter on City Letterhead containing all the Council Members' names, signed by the Mayor.

Motion carried 5-0.

9. NEW BUSINESS ITEMS:

9.1 Amend Western Riverside Council of Governments Joint Powers Agreement to include PACE Services.

Recommendation: Approve the Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Permit the Provision of PACE Services statewide.

City Manager Jacobs provided a staff report. Barbara Spoonhour with WRCOG discussed the program.

Motion: Moved by Rush, seconded by Howell to approve the item as presented.

Motion carried 5-0.

9.2 Appointment to Public Safety Commission.

Recommendation: Staff recommends that the City Council discuss and ratify Council Member Bootsma's appointment to the Public Safety Commission.

Council Member Bootsma nominated Robert Johnson to be appointed to the Public Safety Commission.

Motion: Moved by Welch, seconded by Rush to ratify the appointment of Robert Johnson.

Motion carried 5-0.

9.3 Update On and Discussion of AB1098 – Vehicle License Fee Revenue.

Recommendation: Verbal Discussion on the issue.

City Manager Jacobs provided an update on the subject.

There was discussion on the possible strategies the City could pursue to attempt to re-instate the revenue source. The City Attorney was to look into whether a closed session to discuss the strategy was legal. Staff was instructed to send letters of thanks to the individuals who assisted the City in getting AB1098 to the Governor's desk.

10. COUNCIL COMMUNICATIONS:

Council Member Bootsma thanked the Public Information Officer for her hard work at the International Conference of Shopping Centers.

Council Member Welch announced the Fall Festival on October 5-7, 2012 and the 5K/10K Run at Roosevelt High School on the following weekend.

Mayor Pro Tem Howell thanked the Law Enforcement and Fire Fighters' Association for their cigar event, and asked for a report to be sent to the City Council on the outcome of the International Conference of Shopping Centers event in San Diego.

Council Member Rush also thanked LEAFF for their cigar event and stated that he had attended a lengthy workshop on the I-15 corridor.

Mayor DeGrandpre concurred with the previous statements and thanks LEAFF for their event.

11. CITY MANAGER'S REPORT:

None

12. CLOSED SESSION:

The City Council opened closed session at 7:09 p.m. to address the following items:

12.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO SUBDIVISION (B) OF SECTION 54656.8:

Property: Potential Fire Station Sites

Negotiating Parties: City of Eastvale

Under Negotiation: Site Location and Viability

The City Council convened closed session at 7:30 p.m. with no reportable action taken.

13. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:30 p.m.

**CITY OF EASTVALE
CITY COUNCIL
AGENDA SUBMITTAL**

MEETING DATE: October 10, 2012

SUBMITTED BY: George Alvarez, City Engineer

**SUBJECT: ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 28742,
MBK HOMES - PROJECT 11-0215.**

REQUESTED ACTION:

Accept as complete the Subdivision Improvements for the following subdivision and direct staff to file a Notice of Completion the subdivision:

- **Tract 28742, MBK Homes - Rivermist (Project 11-0215)**

BACKGROUND:

The subdivider has entered into a Subdivision Improvement Agreement with the County of Riverside (predecessor to City of Eastvale) to complete the subdivision improvements for the above-mentioned projects.

The City's public works staff, in conjunction with the County's transportation inspection group, has completed their inspections of this project and is recommending that this project be accepted at this time. Upon acceptance, the project automatically enters into a one-year warranty period as required within the Subdivision Agreement.

Upon acceptance, the County Transportation Department (holders of the bonds) will release the improvement securities related to this project in accordance with the Subdivision Improvement Agreement as follows:

Security to be Released	Time of Release
Faithful Performance Security	After Council Acceptance
Payment Security	120 Days After Council Acceptance provided no claims have been filed.
Warranty Security	365 Days after Council Acceptance; provided that all warranty issues are satisfied.

DISCUSSION:

Tract 28742 is located in the southeast quadrant of the Citrus Street/Cobble Creek Drive intersection and includes 106 residential units. The map for this subdivision and the placement of initial securities occurred in April 2005.

Copies of the site map is attached for your use.

FISCAL IMPACT:

The costs associated with the maintenance of the City's infrastructure will be paid for from Gas Tax and Measure A funds.

ATTACHMENTS:

1. Resolution 12-48
2. Tract 28742, MBK Homes - Rivermist (Project 11-0215) site map

RESOLUTION NO. 12-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE
ACCEPTING THE SUBDIVISION IMPROVEMENTS
FOR PROJECT 11-0215 (TRACT 28742) MBK HOMES**

BE IT RESOLVED AND ORDERED that the City Council of the City of Eastvale hereby accepts the completed required subdivision improvements subject to the conditions of the Subdivision Improvement Agreements for the following project:

- **Tract 28742, MBK Homes - Rivermist (Project 11-0215)**

BE IT FURTHER RESOLVED AND ORDERED that the City Council of the City of Eastvale, hereby directs staff to file a Notice of Completion for each subdivision listed.

PASSED, APPROVED AND ADOPTED this 10th day of October, 2012.

Jeff DeGrandpre, Mayor

Attest:

Ariel Berry, Assistant City Clerk

Approved as to form:

John E. Cavanaugh, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel Berry, ASSISTANT CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Resolution Number 12-48 was duly and regularly adopted by the City Council of the City of Eastvale at a REGULAR meeting held the 10th day of October, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Assistant City Clerk, Ariel Berry



City of Eastvale
 11-0215
 Tract 28742

RIVERMIST

Tract 28742
 106 SFDs
 Sales Opening 4/1/06

Plan	Sq Ft	Units
1	2,657	13
2	2,911	21
3	3,190	16
3X	3,190	18
4	3,694	12
4X	3,925	26

CITY OF EASTVALE
CITY COUNCIL
AGENDA SUBMITTAL

Meeting Date: October 10, 2012

SUBJECT: CONSIDERATION OF ORDINANCE NO. 2012-13: REPEALING ORDINANCE NO. 2012-07 AND ESTABLISHING A PROHIBITION ON SCAVENGING FROM AND TAMPERING WITH PUBLIC CONTAINERS

REQUESTED ACTION: Recommend Approval

CONTACT: John Cavanaugh, City Attorney

BACKGROUND:

The City participates in revenue sharing with the solid waste haulers. Revenues that are not collected because of scavenging are lost to the City and lost to the solid waste hauler which increases the cost to operate. The City does not receive credit for waste diversion when its recyclables are taken and recycled elsewhere. Without credit for recyclables the City is then less likely to meet the current AB939 standard of 50% diversion. Recent legislation has now increased the target level of 75% diversion of solid waste from landfills by 2020. CalRecycle formerly, California Integrated Waste Management Board (CIWMB), has levied penalties ranging from \$5,000.00 to \$82,800.00 on municipalities for failure to implement effective diversion plans.

DISCUSSION:

The City has received numerous complaints from residents and business owners within the City regarding individuals and groups of people who scavenge for recyclables and other items of value placed in trash/recyclable containers.

Enforcement of the ordinance will take a collective approach from Code Enforcement, Neighborhood Watch, Citizens on Patrol, and Eastvale Police Department. Violation of the ordinance constitutes an infraction resulting in fines of up to \$500.00. Prior Ordinance No. 2012-07 did not include the requisite penalty provisions for violation of that Ordinance; consequently, law enforcement was not able to effectively issue citations. This proposed Ordinance provides for a graduated level of penalties for each violation.

The City is in the process of finalizing its comprehensive Municipal Code. The Chapter and Section numbers within the proposed ordinance will be integrated into the final Municipal Code.

BUDGET (or FISCAL) IMPACT: N/A

Recommendation:

Hold first reading of Ordinance 2012-13.

Attachments:

Ordinance No. 2012-13

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, REPEALING ORDINANCE NO. 2012-07 AND ESTABLISHING A PROHIBITION ON SCAVENGING FROM AND TAMPERING WITH PUBLIC CONTAINERS TO THE EASTVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF EASTVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER XX.XX IS ADDED TO THE EASTVALE MUNICIPAL CODE TO READ AS FOLLOWS:

“PROHIBITION ON SCAVENGING FROM AND TAMPERING WITH PUBLIC CONTAINERS”

Sections:

<u>Xx.xx.010</u>	Definition
<u>Xx.xx.020</u>	Prohibition on Scavenging from and Tampering with Public Containers
<u>Xx.xx.030</u>	Enforcement

Xx.xx010. Definition.

Scavenging: removal of solid waste or recyclables from an area for the purpose of converting the solid waste or recyclables.

Xx.xx.020. Prohibition on Scavenging from and Tampering with Public Containers.

A. It shall be unlawful for any person to do any of the following:

1. Scavenge from, tamper with, move, steal, tip, deface, or destroy any solid waste collection container, or the contents thereof;
2. Scavenge from, tamper with, move, steal, tip, deface, or destroy any collection container for discarded recyclable materials, or the contents thereof.

B. No person shall remove, without lawful authority, any container intended for public use from the location where it is placed and maintained by the City or its authorized designee, for the authorized collection of solid waste or recyclables.

Xx.xx.030. Enforcement.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. In addition to other remedies provided by law, any person violating any provision of this Chapter for failing to comply with any of the requirements is deemed guilty of an infraction with in the manner provided in Eastvale Municipal Code Section 1.01.200.

B. Each person shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of or failure to comply with any of the

provisions of this Chapter is committed, continued or permitted by such person, and each instance shall be deemed punishable as provided in this Chapter.

C. Each infraction is punishable by:

- (1) A fine not exceeding \$100.00 for the first violation;
- (2) A fine not exceeding \$200.00 for the second violation within one year;
- (3) A fine not exceeding \$500.00 for each additional violation within one year.

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 3. Ordinance No. 2012-07 is hereby repealed in its entirety.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective 30 days from the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF October 2012.

Jeff DeGrandpre, Mayor

Attest:

Ariel Berry, Assistant City Clerk

Approved as to form:

John E. Cavanaugh, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel Berry, ASSISTANT CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Ordinance Number 2012-13 was duly and regularly adopted by the City Council of the City of Eastvale at a REGULAR meeting held the 24th day of October, 2012, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Assistant City Clerk, Ariel Berry