



MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

September 27, 2016

6:30 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org

Please silence all cell phones

Call to Order

Mayor Wright called the meeting to order at 6:30 p.m.

Roll Call

PRESENT: Council Members Krupa, Milne, and Youssef, Mayor Pro Tem Raver
and Mayor Wright

ABSENT: None

Closed Session

Notice of Opportunity for Public Comment

There were no public comments presented at this time.

The City Council recessed to Closed Session at 6:30 p.m.

1. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *Battalion Chief*
 2. Conference with Legal Counsel - Anticipated Litigation
Three (3) matters of Significant exposure to litigation pursuant to Government Code
section 54956.9(d)(2) & (3)
 3. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of case: *Brianna Norman, et al. v. Charles Webb, III, et al., MCC1301868*
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REGULAR SESSION

7:00 p.m.
City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Wright called the meeting to order at 7:06 p.m.

Roll Call

PRESENT: Council Members Krupa, Milne, and Youssef, Mayor Pro Tem Raver and Mayor Wright

ABSENT: None

OTHERS PRESENT: City Manager Meyerhoff, City Attorney Vail and City Clerk McComas

Invocation

Invocation was given by Megan Owen, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Mayor Pro Tem Raver

City Attorney Closed Session Report

4. Public Employee Appointment
Pursuant to Government Code section 54957
Title: *Battalion Chief*

The City Attorney reported that there was no reportable action.

5. Conference with Legal Counsel - Anticipated Litigation
Three (3) matters of Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

The City Council authorized the City Attorney's office to initiate a civil action against 197 N. Columbia and 302 N. State Street. There was no additional reportable action.

6. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Names of case: *Brianna Norman, et al. v. Charles Webb, III, et al., MCC1301868*

The City Attorney reported that there was no reportable action.

Presentation

7. Certificate of Achievement for Excellence in Financial Reporting
Jessica Hurst, Deputy City Manager/Administrative Services Director, proudly presented the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award for the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending June 30, 2015.
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City Council Business Consent Calendar

8. **Recommendation by Mayor Wright** – Library Board Appointment
a. Appoint Betty Anne Day to Seat 4 on the Library Board in order to fill a term expiration. The term will expire June 30, 2019.
9. **Recommendation by Council Member Krupa** – Park Commission Appointment
a. Appoint Nicole Tamez to Seat 1 on the Park Commission in order to fill a term expiration. The term will expire April 1, 2018.
10. **Approval of Minutes** – September 13, 2016
11. **Receive and File** – Warrant Register
a. Warrant register dated September 6, 2016 in the amount of \$3,510,809.66. Payroll for the period of August 15, 2016 to August 28, 2016 was \$611,001.48.
12. **Receive and File** – Investment Portfolio as of June 2016
13. **Recommendation by City Manager** – Updating the Classification of Battalion Chief and Appropriate Funding
a. Approve amending the City's Classification Plan to update the classification of Battalion Chief; and
b. Establish the salary range for the position; and
c. Adopt a resolution establishing benefits for the Battalion Chief classification; and
d. De-authorize three (3) Administrative Captain positions; and
e. Authorize three (3) Battalion Chief positions; and
f. Authorize the Deputy City Manager/Administrative Services Director to increase General Fund appropriations by \$18,596 to fund three (3) Battalion Chief positions. **Resolution No. 4707**
14. **Recommendation by Community Development** - Zoning Ordinance Amendment No. 15-009
a. Adopt an ordinance amending Article XI (Single Family Residential Zones) and other associated sections of Chapter 90 (Zoning Ordinance) to the Hemet Municipal Code to update and refine the Development Standards and Regulations for single family residential uses. **Ordinance No. 1919**

15. **Recommendation by Police** – State Homeland Security Grant Program (SHSP) – Authorized Agent
 - a. Adopt a resolution for Authorized Agent of the State Homeland Security Grant Program. **Resolution No. 4708**

16. **Recommendation by Police** – 2016/17 California State Office of Traffic Safety – Selective Traffic Enforcement Program (STEP) Grant
 - a. Accept the 2016/17 California State Office of Traffic Safety (OTS) Grant in the amount of \$110,000; and
 - b. Upon receipt of the award, authorize the finance department to establish an expenditure account and budget for the grant performance period.

17. **Recommendation by Fire** – City Wide Department and Employee Participation in The Great California ShakeOut Drill
 - a. Adopt a resolution ordering full City of Hemet Department and employee participation in The Great California ShakeOut on October 24, 2016 at 10:00 am. **Resolution No. 4709**

18. **Recommendation by Public Works** – Supplemental Appropriation for Fencing Maintenance
 - a. Authorize the Deputy City Manager/Administrative Services Director to record a supplemental appropriation in Facility Maintenance Fund 685-4560-2460 in the amount of \$100,000 for security fencing repairs at City properties; and
 - b. Authorize the City Manager to award and execute purchase orders in support of the project.

19. **Recommendation by Public Works** – First Amendment to the Agreement for Landscape Maintenance Services between the City of Hemet and Adame Landscape, Inc.
 - a. Approve the First Amendment to the Agreement for Landscape Services with Adame Landscape, Inc. update the Scope of Work and adjusting the “not to exceed” compensation amount of \$759,735.00; and
 - b. Authorize the City Manager to execute the First Amendment to Agreement for Landscape Maintenance Services with Adame Landscape, Inc.; and
 - c. Authorize the City Manager to approve purchase orders for turf replacement projects in an amount not to exceed \$132,000.00; and
 - d. Authorize the City Manager to initiate future district maintenance at district 47 upon final acceptance of the right-of-way improvements.

20. **Recommendation by Engineering** – McSweeny Farms Phase II Tract Maps
 - a. Adopt a resolution approving Subdivision Improvement Agreements, Improvement Securities and Final Tract Map No. 33824, 33824-1, 33824-2, 33825 and 33825-1 located at the southeast corner of Domenigoni Parkway/Gibbel Road and State Street within the McSweeny Farms Specific Plan Area. **Resolution No. 4710**; and
 - b. Authorize the City Manager to sign the Subdivision Improvement Agreements.

Item Nos. 11, 18 and 19 were removed from the Consent Calendar. **Mayor Pro Tem Raver moved and Council Member Youssef seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.**

Item No. 11

Council Member Krupa, asked that staff get back to City Council with an explanation for the high dollar amount of the warrant register.

Council Member Krupa moved and Council Member Milne seconded a motion to approve this item as presented. Motion carried 5-0.

Item No. 18

Council Member Youssef, noted the dollar amount listed on the agenda should be \$100,000 not \$1000,000.

Council Member Youssef moved and Council Member Krupa seconded a motion to approve this item as amended. Motion carried 5-0.

Item No. 19

Mayor Wright, requested clarification on what this includes.

Kristen Jensen, Public Works Director, staff has identified properties within the City's water service area that are high turf and high water usage areas. The City has applied for many of the rebates through SoCal Water Smart. The first award of funding was used at the Library to turn that into California friendly landscape. The City was placed on hold for the remaining rebates, they were finally released. The next facilities for turf replacement will be City Hall, the Police Department and around the Simpson Center. Of the \$132,000, we have identified use for \$95,000 of it. This is the time of year to plant drought tolerate landscaping. The current rebate of \$52,000 will offset the \$95,000.

Council Member Milne, asked about anticipated cost savings and when that savings will be realized.

Ms. Jensen, the plants initially have to be watered so the water savings will not be realized immediately but, that will be the bulk of the savings. The fact that we don't have to mow will not be a savings because there is still maintenance involved.

Council Member Milne moved and Council Member Youssef seconded a motion to approve this item as presented. Motion carried 5-0.

Mayor Wright recognized Betty Anne Day, Library Board Member.

Council Member Krupa recognized Nicole Tamez, new Park Commissioner

Communications from the Public

Tammy Radomski, Hemet, recommended that City Council meeting start at 6:00 p.m. to encourage attendance by seniors and students. Ms. Radomski also recommended that the City Council hold town hall meetings.

Rich Biber, Hemet, invited the City Council to Hemet Valley Medical Center's Community Health Fair, Saturday, October 15th from 10:00 to 2:00 p.m.

Discussion/Action Item

21. Emergency Medical Service (EMS) Cost Recovery – Scott Brown, Fire Chief
Discussion regarding this item, with possible direction to staff

Scott Brown, Fire Chief, gave the City Council a powerpoint presentation regarding a Fire/EMS Cost Recovery. Currently, it is the policy of the Hemet FD to recover, where appropriate and pursuant to local, state, and federal statutes, any and all costs associated to providing traffic accident mitigation, fire suppression, rescue services, hazardous materials response and mitigation, investigations and other related services. The City of Hemet contracts with Fire Cost Recovery to provide Third Party contract billing services. In FY 2015, there were 538 claims for a total recovery of \$258,829.11. Under the State of California agreement, participation in Fire Mutual Aid program is fully reimbursable. The following are the emergency incidents that qualify: Vehicle Accidents; Vehicle Fires; Hazardous Materials Response and Cleanup; Structure Fires; Arson Investigations; Non-Residential False Alarms; Pipeline Repair Standby; Helicopter Landing Zones; Water Evacuations; Non-Emergency Response to Skilled Nursing Facility; and Bomb Response Standby. State Audit Findings: Faces critical needs for sufficient staffing and repairs to its infrastructure; Handles high demand for services (16,171 total calls in 2015) with minimal staffing, resulting in potentially unsafe conditions; Incurs costs for emergency medical services but does not recover these costs through charges. The State Auditor's recommended the following:

- *"Hemet should generate additional revenue, such as charging fees for emergency medical services provided by the fire department."*
- *"If it implements a fee for emergency medical services, Hemet should conduct a comprehensive fee analysis to determine the fully burdened hourly rates for providing emergency medical services, specific to the duration of emergency medical calls, and ensure that first responder fees do not exceed the cost to provide the service."*
- *"If Hemet does not adequately funds its fire department to address the concerns identified in its 2013 and 2015 consultant reviews, it should pursue alternatives for providing services, such as shared fire services with other local governments."*

Hemet's total population is approximately 83,860. 23% of the population is 65 years and older. The median age is 40 years old. The Patient/Payer mix is: Inland Empire Health Plan/Medi-Cal - 35%; Medicare 25%; Private Insurance - 10%; and No Pay – 15%. Inland Empire Health, Medi-Cal and Medicare are not billable since Hemet is a Non-Transporting Agency. Considerations: Policy level "Risk Assessment" of legal risks of an expanded EMS Costs recovery program; determine legal authority to impose an "EMS Responder Fee, Paramedic Subscription Fee Program; Identify marginal cost of City's Paramedic Program; and determine cost recovery method. Example of an EMS Fee of \$350 and a subscription fee of \$50 would work like this. If you pay the \$50 subscription fee, the \$350 EMS fee would be waived if paramedics respond to your emergency. The Auditor assumed that 100% cost recovery based on 13,000 EMS calls @ \$350 each. However, collection rates on private insurance averages 30 to 33%, the City's experience has been more like 20% with the soft recovery process adopted by City Council. Currently, the City does not engage in collection if the resident cannot pay the fee. Medicare and Medicaid do not cover first responder charges, patients are billed directly at a 10% collection rate. This would require a change to the City's current "soft recovery" collection process for cost recovery. A number of General Law Cities throughout California presently imposed a "Fee" for Emergency Medical Services. These Cities have decided to proceed absent decisive or even clear legal authority. In California, the

general rule is that absent a statute expressly authorizing recovery the public fire suppression and emergency medical services the cost of these services is borne out of the general revenues of the city. Article 13D, Section 6 of the California Constitution expressly prohibits a fee or charge against real property for police or fire services, where those services are available to the public at large in substantially the same manner as the property owner.

Council Member Youssef, expressed concern with considering any fee if Measure U passes. \$350.00 is high for any of our residents to pay and even more so if government insurances won't pay. That means that the City will only recover its costs from private party or private pay insurances. The insurance companies will catch on quick that the City's policy is "Soft recovery".

Fire Chief Brown, if the measure passes, is also concerned with the impact of a targeted fee on the City's senior population. The best way to achieve what we truly need here is another revenue stream that is spread out and does not impact the senior or low income residents unequally. The City's paramedic equipment costs are almost cost neutral. AMR is very responsive to the need and financial constraints of the City.

Council Member Youssef, the residents that can't pay the subscription fee are the only ones that will get hurt. Murrieta proposed it with a higher amount of recovery that didn't transpire because of their soft recovery policy and insurance companies got wind of that. Maybe this is something that can be considered after November.

Fire Chief Brown, this discussion is in response to the State Auditor's recommendations and direction from the City Council to follow through with them. If you would like to further consider this, staff will move forward with a legal review based on the City Council's recommendation regarding EMS fee only, or with a Subscription fee also.

The City Council and staff discussed the City's soft collection policy and its sensitivity to the unique demographics in Hemet. The City Council and staff discussed the ongoing dilemma of non-emergent calls to skilled nursing facilities.

Council Member Krupa, also expressed concern that the fee would be burdensome on the residents that use the service. Council Member Krupa requested a comparison on the City's that do charge for voluntary subscription.

Fire Chief Brown, staff is gathering comparisons now, bearing in mind the payor mix is different.

Council Member Krupa, Medical and Medicare won't pay at all and do not pay the full amount for AMR either.

Council Member Milne, based on the payor mix, 60% isn't even cost recoverable. The government won't even pay and the private sector is waiting for the government to subsidize them. The skilled nursing facilities are passing these costs onto the customers we need to address that.

Fire Chief Scott, the impacts are very real, the non-emergent calls take away from calls that are really necessary. The City is looking at alternative 911 call strategies.

Mayor Pro Tem Raver, is reluctant to spend more staff time on this subject and shares the concern for the seniors in the community. The City needs to tell the State of California that this model does not meet the needs of the residents of Hemet.

Mayor Wright, the State's recommendation in concept might have merit but not for the City of Hemet.

Mayor Pro Tem Raver moved and Council Member Milne seconded a motion to not proceed with Emergency Medical Services Cost Recovery at this time. Motion carried 5-0.

22. Park Maintenance Service Level Review – Kristen Jensen, Public Works Director

Discussion regarding this item, with possible direction to staff

Kristen Jensen, Public Works Director, the State Auditor's recommendation was to look at outsourcing Park Maintenance. The City Council's direction was to look at current service levels and determine desired service level to consider when preparing the scope of services for possible RFP. The City has a total of 54.4 acres of parks. The City's Park Maintenance Division maintains 4 acres of parks weekly with a staff of 3. The City's active parks are maintained by a contractor. The City's passive parks are maintained by city staff. The parks serviced by staff are: Cawston Community Park; Gibbel Park; Mary Henley Park; Brubaker Park; Weston Park; Spencer Park; Griffith Park; Corporation Yard; and Simpson Park. In 2011, the City conducted an informal review of park maintenance services. A quote was requested from Adame, the landscape contractor, based on service level then. Average contractor pricing was \$0.08 per square foot in 2011. One of the contracts you approved on the Consent Calendar was for \$0.14.5 per square foot which is the current 2016 rate. There was additional Unit Pricing for services above the standard items, such as Special Events and Emergency Services. The cost at the time would have been a general fund increase of \$50,000 annually. Since that review there are new challenges to servicing parks. The divisions staffing has been reduced from 5 to 3 employees. There is an increase in activity at the parks as well as an increase in vandalism. The State Auditor Recommendation was: *"To increase the cost-effectiveness of its park maintenance, Hemet should initiate a request for proposals to consider the costs and benefits of outsourcing citywide maintenance of all streetscapes and parks and take appropriate action based on the information it obtains."* Ms. Jensen showed the City Council a list of parks services once a week, multiple weekly services and daily park openings. A list of services that are provided weekly, monthly, quarterly, annually and 2 or more times a year was displayed. Restroom restocking, trash collection/removal, and play area inspections are done daily at Weston, Gibbel, Mary Henley and Brubaker parks. Restroom sanitizing and re-painting and irrigation inspection are done twice a week at Gibbel, Weston and Mary Henley parks. Ms. Jensen described the challenges impacting the park maintenance and the current service levels needed to meet those challenges. The challenges are:

- Access for Maintenance: park closures ignored - police resources assistance is requested
- Restrooms/Play Areas: theft of toiletries requires extra restocking; misuse of facilities requires repair and replacement of equipment
- Vandalism: irrigation is inspected and repaired more frequently; graffiti is abated multiple times per week
- Trash: tipped cans are cleaned up daily; excess food, clothing, furniture is disposed of in excess; Sharps, paraphernalia increased the need to careful inspection and appropriate disposal.
- Turf destruction: dead spots in over used areas requires additional reseeding when feasible.

Pictures were shown of challenges that face the park maintenance crew. There are a number of non-maintenance related services provided by the Park Crew: Community Emergency Response, during and after hours; Special Event Support, pre-event preparations and monitoring facilities during events; Assistance to other Public Works Divisions; Implement Park Improvements; Volunteer Event Coordination; Participation in Call-Out Program; and Additional training/licensing. The annual budget in the Park Fund is \$944,820. \$615,063 will

be retained even if Park Maintenance is contracted out. The actual Park Maintenance cost is \$329,757 annually. The retained costs are: 30% Tree Trimmer (Military Banner program, Christmas decorations, trees outside L&LMD's)/20% Park Supervisor salaries (manage contract); Event support overtime wages; Work comp/Retiree Medical; utilities; Contracts (Park Patrol/Taxes/Portable Restrooms/Florida Avenue Landscape); and Internal Services (Legal, IT, Facilities, Vehicle Maintenance, Liability Insurance, PW Overhead)

Currently the landscape contractor rate is \$0.145 per square foot for turf maintenance. This does not include: graffiti abatement; multiple day service; restroom maintenance; or sanitizing. Unit pricing for extra work such as: irrigation repairs; and plant/installation/replacement. Based on the actually annual costs for park maintenance of \$329,757 annually, city staff does the turf maintenance, services reviewed, material costs, internal services, fuel, training and vehicle maintenance for \$0.139 per square foot annually. Staff is looking for direction from the City Council for the next step. If there is a desire to move forward with an RFP, service levels will need to be determined.

Mayor Pro Tem Raver, asked if the costs have been compared with Valley Wide and if Valley Wide has the same problems.

Ms. Jensen, Valley Wide used the same contractor. Active parks don't get the same draw when residents are there. Mary Henley is the busiest park with the least vandalism.

Council Member Youssef, the State Auditor won't recognize the hidden savings that you addressed. It's apparent there are some things that a park contract won't do that staff does. The City Council discussed and complimented the outstanding work provided by three employees.

Nicole Tamez, Hemet, obviously these three employees do an amazing job. Ms. Tamez recommended that the City Council consider adding more positions to the Department as a succession plan.

The City Council gave direction to staff to not move forward with an RFP for Park Maintenance.

City Council Reports

23. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Riverside Conservation Authority (RCA)

2. Ramona Bowl Association

"Boo at the Bowl", will be October 29th, 30th and 31st

3. Riverside Transit Agency (RTA)

RTA approved schedule changes for the Perris Valley Line and implemented a shuttle from the Metro Station to various locations in downtown Riverside.

4. Watermaster Board

5. Library Board

The Board will have a workstudy regarding updating the policy for usages of the Upstairs. September is National Library Card Month.

6. League of California Cities

7. Riverside County Transportation Commission (RCTC)

RCTC approved the funding for the shuttle for RTA.

8. Western Riverside Council of Governments (WRCOG)

WRCOG's Streetlight display is currently being conducted. Residents are encouraged to get out and put in their feedback on these lights.

- 9. Southern California Association of Governments (SCAG)
- B. Council Member Milne
 - 1. Riverside County Habitat Conservation Agency (RCHCA)
 - 2. Riverside Conservation Authority (RCA)
 - 3. Disaster Planning Commission
- C. Council Member Youssef
 - 1. Planning Commission
- D. Mayor Pro Tem Raver
 - 1. Traffic and Parking Commission
 - 2. Riverside Transit Agency (RTA)
 - 3. Riverside County Transportation Commission (RCTC)
 - 4. Watermaster Board
- E. Mayor Wright
 - 1. Park Commission
 - 2. Riverside County Habitat Conservation Agency (RCHCA)
 - 3. Ramona Bowl Association
 - 4. League of California Cities

General Conference is in Long Beach, Oct. 4 – 6.

- 5. Western Riverside Council of Governments (WRCOG)
- 6. Southern California Association of Governments (SCAG)
- 7. Homeless Task Force

14 people attended the meeting on Sept. 26th. Great dialogue with Mr. Paul Webster of Solutions for Change.

Mayor Wright attended the Champion's Luncheon at Rancho Diamontes, their mission is to "End the cycle of Child Abuse".

F. Ad-Hoc Committee Reports

- 1. Diamond Valley Lake Recreation Ad-Hoc Committee (January 27, 2015)

A presentation by Paul Jones will be scheduled soon.

- 2. Business/Industry Ad-Hoc Committee (April 15, 2016)

Last meeting with BIA was cancelled, will reschedule.

- 3. Skate Plaza Ad-Hoc Committee (June 28, 2016)

Mayor Wright recommended that this be a task force. The Committee visited some parks last week and will be meeting again on September 29th.

G. City Manager Meyerhoff

- 1. Manager's Reports
- 2. Staff Spotlight
- 3. Public Safety Update

Police Chief Brown, Ed Nacua has been appointed Chief of Security at Desert Sands Unified School District in Coachella Valley. October 7th is National Coffee with a Cop. Officers will be at Downtown Deli starting at 8:30.

Fire Chief Brown, we are on track to fill the Firefighter/Paramedic vacancies. October 15th is the Fire Department Annual Open House, 10:00 to 2:00 p.m. This year tours of the City's new Dispatch Center will be available. The City will participate in the Great ShakeOut on October 20th.

4. City Council Meeting Schedule for November and December 2016

City Manager Meyerhoff, talked to the City Council about the meeting dates for November and December 2016.

The City Council gave direction to staff to reschedule the November 8, 2016 meeting to November 15, 2016. Cancel the meetings of November 22, 2016 and December 27, 2016.

The City will host a reception for the Tourism Working Group at the City's facility at Simpson Park on October 19, 2016.

Future Agenda Items

There were no future agenda items requested at this time.

Adjournment

Adjourned at 9:14 p.m. to Tuesday, October 11, 2016 at 7:00 p.m.