

CITY OF PERRIS

MINUTES: City Council, Redevelopment Agency,
Perris Public Finance Authority &
Perris Public Utilities Authority
Date of Meeting: 28 February 2006
Time of Meeting: 6:00 p.m.
Place of Meeting: City Council Chambers

1. CALL TO ORDER:

The Honorable Mayor Busch called the Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Public Utilities Authority Meeting to order.

6:00 p.m. Called to Order

2. ROLL CALL:

Council Members Present: Landers, Motte, Yarbrough, Busch
(Councilmember Rogers absent)

*4 Council Members present
Councilmember Rogers absent*

Staff Members Present: City Manager Apodaca, City Attorney Dunn, City Engineer Motlagh, Finance Director Carr, Public Works Director Ansari, Planning Manager Belmudez, Assistant to City Manager Madkin, Police Chief Kestell, Fire Chief Williams, and City Clerk Rey.

Staff Members Present

3. INVOCATION:

Pastor Terrence L. Hundley
City of Miracles Church
425 Rider Street
Perris, CA

*Pastor Hundley led the
Invocation.*

4. PLEDGE OF ALLEGIANCE:

Councilmember Landers led the Pledge of Allegiance.

*Councilmember Landers led
the Pledge of Allegiance.*

5. PRESENTATIONS/ANNOUNCEMENTS:

None.

*No Presentations or
Announcements*

6. APPROVAL OF MINUTES:

- A. Approval of the Minutes of the Regular Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Utility Authority Meeting held February 14, 2006.

Approval of Minutes of the Regular Meeting of the City Council, RDA, PPFA and PPUA Meeting held February 14, 2006.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Motte/Landers) to approve the Minutes of the Regular Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Public Utilities Authority Meeting held on February 14, 2006.

Motion to approve the Minutes of February 14, 2006.

AYES: Landers, Motte, Yarbrough, Busch
NOES:
ABSENT: Rogers
ABSTAIN:

*Approved: 4-0
Councilmember Rogers absent*

7. CONSENT CALENDAR:

Mayor Busch called for any comments regarding Consent Calendar items only.

Mayor Busch called for comments regarding Consent Calendar only.

PUBLIC COMMENT: None

No Public Comment

Councilmember Motte requested an explanation regarding Item B from Director Ansari.

Councilmember Motte requested an explanation regarding Item B from Director Ansari.

Mayor Pro Tem Yarbrough abstained from Item B, as some of the improvements were located in near proximity to businesses on which he had a lease.

Mayor Pro Tem Yarbrough abstained from Item B.

- A. Approval of appropriation of funding and authorization to purchase an audio system for the Bob Glass Gymnasium.

Approval of funding and authorization to purchase an audio system for the Bob Glass Gymnasium.

- B. Approval to award Construction Contract to Riverside Construction Company, Inc. for Downtown Drainage and Street Improvements (CIP Project No. 8473) and amend the 2005/06/07 CIP budget by transferring funds from other CIP projects to Downtown Drainage and Street Improvements to cover low bid award.

Approval to award Construction Contract to Riverside Construction Company, Inc. for Downtown Drainage and Street Improvements (CIP Project No. 8473) and amend the 2005/06/07 CIP budget by transferring funds from other CIP projects to Downtown Drainage and Street Improvements to cover low bid award.

Councilmember Motte asked for an explanation of what was going to be happening with this item. Director Ansari responded that the contract award included basically grading and redoing the asphalt to address the drainage issues on “C” Street, North Street, South Street, and Front Street, where drainage issues had existed for many years (Part A of the program). Part B of the program would be the repair of damage on San Jacinto between “A” and “B” Streets. Part C of the program would involve concrete replacement in a couple of locations in the City, including an area on Perris Boulevard between Ellis and Case, and an uplifted sidewalk on Dawes (?) off of Perris Boulevard. The requested action was to award the contract to Riverside Construction Company and also amend the CIP budget by transferring \$85,000 from current Clayton Street project to this project to cover the bid plus a 10% contingency.

Councilmember Motte asked for an explanation of what would be happening with this item. Director Ansari responded, expanding on the three parts of the project.

(Mayor Pro Tem Yarbrough abstained from this item.)

(Mayor Pro Tem Yarbrough abstained from this item.)

- C. Adopt Resolution Number 3585 regarding CFD 2001-3 (North Perris Public Safety), annexation of Assessor Parcel Numbers 305-020-004, 305-020-033, 305-020-034. The first site is located near the corner of Rider Street and Indian Street (Owner: Road Machinery, LLC); the second site is located at the corner of Evans Road and Sunset Avenue. (Owner: Bob Watkins).

Adoption of Resolution Number 3585 regarding CFD 2001-3 (North Perris Public Safety), annexation of APN 305-020-004, 305-020-033, and 305-020-034. First site: Corner of Rider & Indian Streets (Owner: Road Machinery, LLC). Second site: Corner of Evans Rd. & Sunset Ave. (Owner: Bob Watkins)

Resolution Number 3585 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO (ANNEXATION NO. 10).

Resolution Number 3585 of the City Council acting as the Legislative Body of CFD 2001-3 (North Perris Public Safety) declaring its intention to annex certain territory thereto (Annexation No. 10).

- D. Request to consider waiving rental and staffing fees for the Perris Valley Historical and Museum Association for use of the Bob Glass Gymnasium for installation dinner March 26, 2006.

Request to consider waiving rental and staffing fees for the Perris Valley Historical and Museum Association for use of the Bob Glass Gymnasium for installation dinner March 26, 2006.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Landers/Motte) to approve the Consent Calendar as read.

Motion to approve Consent Calendar as read.

AYES: Landers, Motte, Yarbrough, Busch
NOES:
ABSENT: Rogers
ABSTAIN: Yarbrough (Item B only)

Item B
Approved: 3-0
Mayor Pro Tem Yarbrough
abstained / Councilmember
Rogers absent

Balance of Consent Calendar
Approved: 4-0
Councilmember Rogers absent

8. PUBLIC HEARINGS:

- A. Consideration to adopt Second Reading of Ordinance Number 1182 and Resolution Number 3586 establishing and adjusting the Development Impact Fees collected for residential, commercial and industrial development.

Adoption of Second Reading of Ordinance Number 1182 and Resolution Number 3586 establishing and adjusting the Development Impact Fees collected for residential, commercial and industrial development.

The Second Reading of Ordinance Number 1182 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 19.68 REGARDING THE DEVELOPMENT IMPACT FEES APPLICABLE TO NEW DEVELOPMENT.

Ordinance Number 1182 amending Municipal Code Chapter 19.68 regarding the Development Impact Fees applicable to new development.

Resolution Number 3586 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ESTABLISHING AND ADJUSTING DEVELOPMENT IMPACT FEES APPLICABLE TO NEW DEVELOPMENT PURSUANT TO MUNICIPAL CODE CHAPTER 19.68.

Resolution Number 3586 establishing and adjusting Development Impact Fees applicable to new development pursuant to Municipal Code Chapter 19.68.

Introduced by: Richard Belmudez, Planning Manager

Manager Belmudez explained that Development Impact Fees were fees imposed on new development to offset the costs of construction. Pursuant to State law, in order to justify an increase in these fees, the City was required to do a nexus study. He stated that David Taussig of David Taussig & Associates, the consultant commissioned by the City to do the study, would be making a presentation.

Manager Belmudez explained the purpose of Development Impact Fees and introduced David Taussig to make a presentation regarding the nexus study.

Mr. Taussig stated that his organization had been working on this study since November 2003. He gave a brief overview of how the legislation works, stating that California Government Code 66000, *et seq.*, allows the levying of fees on new development to pay exclusively for the cost of infrastructure that is required by that new development. This is called an AB 1600 program because AB 1600, adopted by the State Legislature in 1987, began this program, requiring that four findings be made prior to levying the fee; hence the need for this Fee Justification Study to justify the fee under the laws. He said these were the maximum fees that could be charged under law. Cities are not bound to charge those amounts; they can charge

Mr. Taussig gave a brief overview of how the legislation works, stating that California Government Code 66000, et seq., allows the levying of fees on new development to pay exclusively for the cost of infrastructure required by that new development. He stated that maximum fees are assigned by land use type, assigning costs for infrastructure based on the

less, a portion, or whatever they feel is appropriate. Maximum fees are assigned by land use type, as new development must be assigned a cost for infrastructure based on the level of benefit that the new development receives.

level of benefit that the new development receives.

There must be a relationship between the amount of the fee and the cost of improvements. Before imposing a fee, a public agency must make the following four findings:

Relationship between the amount of the fee and the cost of improvements.

- ◆ Identify the purpose of the fee.
- ◆ Identify the use to which the fee is to be applied. If the use is financing public facilities, the facilities must be identified.
- ◆ Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- ◆ Determine how there is a reasonable relationship between the need for a public facility and the type of development project on which the fee is being imposed.

Four findings an agency must make before imposing a fee.

Mr. Taussig said they had obtained a great deal of public input in preparing this study. They first gathered all the population and development projections they could find, using the City's General Plan 2030 and projecting all the new facilities that would have to be built between now and 2030 in order to support the level of development anticipated in the General Plan. They then developed a methodology to apportion the costs, so that single-family homes have a different cost than multi-family homes, which have different costs than industrial development, which have a different cost from commercial development. Then they determined what fee levels would be necessary and how much revenue would be generated from existing monies available, and came up with the net fee levels that should be charged to new development.

Steps in preparing the Fee Justification Study.

Mr. Taussig said that eight formal meetings had been held with the building community, with revisions having been made to the report following those meetings. One of the revisions to the report included City Hall construction costs, comparing costs of three other city halls recently constructed or under construction. Park land acquisition costs were also compared with those of other cities. Pool construction costs were also included in the study. Regarding roads proposed for construction, it had been noted that some of the roads previously included were longer than they should have been, and 4-5 miles of roads were deleted from the report.

Revisions made to the report.

Mr. Taussig pointed out the list of future facility needs, including public safety facilities, park facilities, community amenities, government services facilities, and roadways. He said the idea was to determine what facilities would be necessary to accommodate the 39,663 new residents and 9,416 new employees projected for the City by 2030. He said they had input from City Staff, General Plan, Master Plans, the BIA, and developers. In terms of producing the list of facilities, there were two methodologies: plan-based and standard-based. The only plan-based facilities in this study were roads. The other facilities were based on standard-based methodology, meaning a certain dollar amount is recognized as the existing amount of facilities

Future facility needs and methodologies.

per person, per household, per employee (e.g., the number of square feet of police station or fire station per household, the number of fire engines per 1,000 households, square feet of senior centers per 1,000 homes, etc.) that the City wants to continue to have. Mr. Taussig summarized the various methodologies for calculating facilities costs for the various types of facilities. He said that except for parks and transportation fees, all the other fees were based on the existing City standards; parks and transportation were based on new, higher standards.

The legal maximum on Development Impact Fees turned out to be \$14,071 per single-family home, \$11,914 per multi-family home. Commercial development was \$45,459 per 1,000 sq. ft., with industrial at \$5,840 per 1,000 sq. ft.

Mr. Belmudez reiterated that these were the legal maximums, but not necessarily what the City may want to adopt. He then listed the fees proposed by Staff, explaining that the fees were to be phased in, in three increments. The three phases for single-family residential would be \$10,664 (5/1/06), \$12,668 (5/1/08), and \$3,670 (5/1/10). The three phases for multi-family residential would be \$8,828 (5/1/06), \$10,643 (5/1/08), and \$11,551 (5/1/10). Mr. Belmudez said it had been recommended that commercial and industrial be combined, with the same fee for each of them. Fees for commercial and industrial (per 1,000 sq. ft.) would be \$1,947 (5/1/06), \$3,893 (5/1/08), and \$5,840 (5/1/10). Mr. Belmudez said the basic intent was to phase in the fees, allowing projects that were already in process to go forward and giving the development community a reasonable expectation as to what fees would be in the future. Mr. Belmudez stated that Staff recommended that the Council approve Staff's recommendation on the CEQA compliance, adopt the Resolution establishing the Development Impact Fees, and adopt the Second Reading of the Ordinance establishing the basic categories of fees.

Mayor Busch called upon City Attorney Dunn for comments. Mr. Dunn stated that several items had been submitted for the public record, and he wished to address some of the issues. He stated that there would be a Credit & Reimbursement Program. The Ordinance presently before the Council provided that there be a separate Credit & Reimbursement adopted following the adoption of the fees but prior to the fees becoming effective. He said there was a 60-day window in which they would have to act on the Credit & Reimbursement Program. City Attorney Dunn also pointed out that a very important part of the Resolution was the category of exemptions. In addition to lowering the fees and phasing them in for development, the City was also proposing to exempt certain projects. For example, if a residential subdivision had an approved tentative map prior to May 1, 2006, and then submitted a complete application for a final map and paid application fees by May 1, 2006, the City was proposing that if the development recorded a final map and paid all Development Impact Fees for the tract within one year, they would be exempt from the new Development Impact Fee program and would pay the existing

Legal maximums on Development Impact Fees.

Proposed Development Impact Fees (three phases) for single-family residential, multi-family residential, commercial and industrial. Staff recommended approval of their recommendation on the CEQA compliance, adoption of Resolution Number 3586, and adoption of the Second Reading of Ordinance Number 1182.

Mayor Busch called upon City Attorney Dunn for comments. Mr. Dunn addressed several issues, including a Credit & Reimbursement Program and the exemption of certain projects under a grandfathering clause. These were offering a very substantial compromise to the development community, at a substantial loss to the City, offering them exemption from the DIF and a full year to complete the building permit process on final map applications submitted and paid for by May 1, 2006.

fees. It would not be necessary to pull building permits by then, but just pay the fees. Building permits could then be pulled after that, as the market dictated. Mr. Dunn said they realized that developers would have to make business decisions as to whether to pay all the fees and get the exemption, or whether to just go forward and pay the new fees at whatever phase they were in. He said there was a similar grandfathering for commercial and industrial projects, in that if they had all their entitlements prior to May 1, 2006, they would have a year to pull a building permit. If they were to pull a building permit before May 1, 2007, they would also be exempt from the new fee. He said that internal estimates showed there could be as many as 1,500 residential units that could be exempt from the new fees under that grandfathering clause. At that level, there would be a potential offset of \$7-8 million of fees, on top of the phasing and the lowering of the park fees. He said this was a very substantial compromise with the development community, giving them a full year to get to that process.

PUBLIC COMMENT:

Borre Winckel, Executive Director of the Building Industry Association of Southern California, Riverside County Chapter (BIA), asked for another continuance on the Council's taking action on the Development Impact Fee (DIF). He said the majority of the Perris development community relied on BIA to validate the City's fee proposal, but BIA had not received the data from the City until the day before this meeting, and they still did not know how some of the items had been justified. He said that when builders pay fees they must be reasonably assured that payment of the fee constitutes legal mitigation and fully meets the intent and purpose of the Mitigation Fee Act and CEQA. Mr. Winckel said they did not believe the estimate of housing units over the next 25 years was realistic, and if the fee proposal did not match the reality of development to the reality of mitigation funding requirements, they couldn't adequately mitigate and the consequences could prove disruptive to orderly and sustained economic growth. He also said they needed to be assured that the parks built for future homebuyers could be adequately used by the newcomers paying for the parks, and that all impact fees collected from new development were spent on the purpose for which they were collected.

Mick Pattinson, President & CEO of Barratt American and Past President of the California Building Industry Association, stated that Barratt had been a land owner in Perris for 23 years and a homebuilder for the last four years. He noted that they had built the Villages of Avalon, which had done much for the City of Perris. When they began that development, Perris had a debt of about \$3 million and the County was ready to take over the City. Mr. Pattinson believed that it was homebuilders such as Barratt

Public Comment

Borre Winckel, Executive Director of the BIA, asked for another continuance on the Council's taking action on the DIF. He said if the fee proposal did not match the reality of development to the reality of mitigation funding requirements, they couldn't adequately mitigate and it could result in a disruption to economic growth. He said they needed to be assured that all impact fees collected from new development were spent on the purpose for which they were collected.

Mick Pattinson, President & CEO of Barratt American and Past President of the California Building Industry Association, noted the part that homebuilders such as Barratt had played in helping the City to create a financial recovery in recent years. However, he forecasted a

and the others represented at this meeting that had helped the City create a recovery to the point of now having \$11 million in reserves. He said that when he had stood before the Council five years previously and predicted an upturn in the housing industry in Perris, people had laughed at him. He was now forecasting a downturn in Perris prosperity if the Council adopted an unjustified and excessive fee, which would come on top of other fees recently passed, such as the TUMF fee. He maintained that there was “a limit to the ability of homeowners to absorb the wish list of City bureaucrats.” Mr. Pattinson said Perris had an opportunity to be progressive, to embrace homebuilding and homebuilders and homebuyers, to support trickle-down economics, to continue the economic recovery of the City, to have the correct relationship between residential and commercial development, and to have fee increases that were defensible. He urged the Council to accept Mr. Winckel’s suggestion and vote for a continuance.

downturn in Perris prosperity if the Council adopted an unjustified and excessive fee that would overburden homeowners, and urged the Council to accept Mr. Winckel’s suggestion and vote for a continuance.

Lou Ochoa, President of Barratt American’s Inland Empire Division, stated that they had been working with Staff on the Study since September or October of 2005, and they wanted to make sure they received the right value for the fees paid. He stated that they were certainly willing to work with Staff on the fee, to make sure the fee was right. He said it was not important how high or low the fee was, but that it was right. They would support the City and the Council in supporting the right fee, but they wanted to assure they were providing a value to their customers in the roads, parks and community facilities that were built with these fees, as those are the things that make Perris attractive to newcomers. Mr. Ochoa maintained that it was important to the building community to have the right fee. He said the developers and builders were very responsive and would continue to be, and asked the Council to continue the issue, understanding that the developers believed the fee could be met without new development being responsible for existing deficiencies at any level. He then referenced a letter written by attorney Walter P. McNeill, dealing with deficiencies within the Study, and wanted to make sure the Council had received a copy.

Lou Ochoa, President of Barratt American’s Inland Empire Division, said they wanted to make sure they received the right value for the fees paid. He stressed that it was extremely important that the fee was right. He said the developers believed the fee could be met without new development being responsible for existing deficiencies.

James Pugh of Nossaman, Guthner, Knox & Elliott, LLP, representing the BIA regarding the legal adequacy of the Development Impact Fee Justification Study (“DIF Study”), stated that David Taussig & Associates had done a comprehensive overview of the DIF Study and its components, but simply put, it was legally inadequate. He said if the Council adopted the Study, they would be at risk of adopting a legally inadequate fee study. Mr. Pugh pointed out that there were several components of the Study that contributed to its inadequacy, from foundational issues mentioned by Mr. Winckel regarding the anticipated number of units that the Study was based on, as well as overcounting in some areas and

James Pugh of Nossaman, Guthner, Knox & Elliott, LLP, representing the BIA, commented that they believed that the DIF Study was legally inadequate, and that if the Council adopted it, they would be at risk of adopting a legally inadequate fee study. He pointed out several components that contributed to its inadequacy. He said they had submitted a letter outlining their legal

undercounting in others. He said they had done a certain level of independent analysis and had found that there were substantial miscalculations in the Study, as well as legal miscalculations. A letter had been submitted to the Council earlier in the day outlining the BIA's legal objections, which also concurred with the objections enumerated in Mr. McNeill's letter. Mr. Pugh reiterated that the fulfillment of the request for information had not been complied with to BIA's satisfaction; therefore, the letter formally reinstated their public records request and request for an accounting of the City's records. This request was also made via e-mail to City Attorney Dunn. Mr. Pugh also reiterated that the builders fully supported paying fees, as long as they were the right fees, based on foundational and legal accuracies. Believing that the nexus, the critical part of the Study, was unsubstantiated under the Mitigated Fee Act, they were requesting that a continuance be granted so that the City and the BIA could continue to work together, hopefully with the benefit of additional records that would come under the records request submitted. Mr. Pugh restated that two critical issues were the parks issue and some inadequacies in the Resolution. An offer had been verbally submitted to the City during a meeting and memorialized in a document submitted to the City Clerk, outlining the BIA's willingness to materially support a park fund that would get the City-wide standard to five acres per 1,000 persons, with certain constraints that BIA felt to be reasonable. Based on all the legal matters submitted in their letter and now in the record, they requested that the hearing be continued.

objections. Because they believed the nexus was unsubstantiated under the Mitigated Fee Act, they requested a continuance so they could continue to work together toward resolving the issues.

Chris Lightburne of DPFPG, a consultant for the BIA, stated that he had recently completed this exercise with local jurisdictions including Hemet, Perris, San Jacinto and Moreno Valley, and he said he believed everyone was in agreement that the fees needed to be adjusted, that it needed to be done as expeditiously as possible, making sure that the Fee Study was right and legally justifiable, but he did not believe they were quite there yet. He did not feel they were in a position to comment on the adequacy of the information, because they did not have the supporting information due to data gaps. He said they were prepared to sit down, roll up their sleeves, get the study done, and make sure it was right.

Chris Lightburne of DPFPG, a consultant for the BIA, said he thought everyone agreed that the fees needed to be adjusted as expeditiously as possible, making sure that the Fee Study was right and legally justifiable. However, he did not feel they were quite there yet, as they were missing some important data.

Kelly Kaus, Perris resident for more than 20 years, stated that the homeowners, business owners and residents of Perris had a reasonable expectation that the quality of roads and infrastructure would keep pace with development, and development costs money. He said there was still going to be an impact to the City by the thousands of home coming in. He pointed out that the last time TUMF came before the Council, exemptions were given to 3,000 to 4,000 homes, costing the City \$8-10 million. Even bending over backwards on new fees, it would cost the City \$7 million. He said that was about \$17 million that could be going

Kelly Kaus, Perris resident, said there was a reasonable expectation that the quality of roads and infrastructure would keep pace with development, which it was not. He felt that the Council had allowed too many exemptions from fees, and that those monies could have been spent for infrastructure for roads.

toward infrastructure for roads, while the infrastructure continued to fall behind development. He felt the City needed more roads and traffic lights.

COUNCIL QUESTIONS AND DISCUSSION:

City Manager Apodaca commented that he had received a phone call from Councilwoman Rita Rogers earlier in the day and had explained to her that there had been a recent reduction in proposed fees based on the claim about lane mileage duplication. She had asked that Mr. Apodaca read the following letter, which she had earlier written to him, at the Council Meeting:

As you know, I will be in Northern California on Tuesday, February 28th, for my annual staff retreat, so will not be in attendance at our Council Meeting. The matter of the DIF is of such great significance for our City and its resident's concerns in the areas of parks that I felt it necessary to ask you to have this letter read next Tuesday night.

I support the proposed fee increase of \$10,664 per residential unit, and the commercial and industrial as presented in the matrix. I feel this is a fair compromise and well below the maximum fees that could have been implemented now. I also support the efforts of the BIA in the initiative of the proposed bond that could help the City with the funding necessary for the existing deficit. I would also like to reiterate that we have not had an increase since 1993 and this can no longer be ignored.

Councilmember Landers, noting that the Council had many papers before them that had been received at the last minute, said that -- with all due respect to the development community and the BIA, since they had had a long and good relationship -- he wondered how much of the paperwork was a ploy to put off adopting these fees. He said he didn't have any problem putting it off for a couple of weeks, but wondered how many times in the future there would be efforts made to put it off again. He believed the Council needed to do something, as the City had already lost something like \$29 million because the fees had been static. He did not believe the City could afford to pass up the amount of revenue it was losing. He said he wanted to do the right thing by the BIA and the developers, but the Council had a job to do, in doing what was right for the City.

Mr. Winckel commented that it was not about a certain fee level; it was the about the ability to pay the fee to the City and to rest assured that they were legally protected and could not be sued by anyone who would assert that the fee was not appropriate. He said they were actually closing the gaps and making the City's legal case stronger with every document given to the City. He said it was not a stall tactic to negotiate something. It was a

Council Questions/Discussion

City Manager Apodaca said that Councilmember Rogers had asked him to read her letter to him at the Council Meeting.

Councilmember Rogers' letter in support of the fee increase.

Councilmember Landers wondered if the last-minute paperwork had been a ploy to put off adopting the fees. He said he wanted to do the right thing by the BIA and the developers, but the Council also needed to do what was right for the City.

Mr. Winckel said this was not about a certain fee level, but about the ability to pay the fee to the City and be assured they were legally protected and could not be sued by anyone asserting that the fee was not appropriate. He said it was not a stall tactic but an effort

matter of getting all the documentation that the City had onto the table and staying until it was done. Mr. Landers pointed out that they had been negotiating since August 2005. He felt that should have been enough time. Mr. Winckel contended that it had taken that long for the City to produce the documentation they had asked for. Mr. Landers asked City Manager Apodaca to respond to that allegation. Mr. Apodaca said that the City had complied with everything they had available and had made the last legitimate revisions that had just been announced. Mr. Landers said they had received new information from Staff as well as the developers at the last minute and had not had time to review it. He said he didn't think it would hurt anything to delay the decision for a couple of weeks, but he wanted to do what was right, and wanted to have the right figures.

to get the City's documentation and complete negotiations.

City Attorney Dunn commented that should any of the developers decide to litigate against the City, they would do it on the record established at this hearing, which included the oral testimony plus the documents submitted. So the letters received that day and at this meeting, some of which were described here, were their way of preserving their opportunity to sue the City over the fee in the future. Mr. Dunn said that based on his review of the letters, there was really nothing new in them that hadn't been discussed over the past few weeks. He added that just as the City Manager had said, on some of the legal issues and the park standards the City disagreed with the developers' legal opinions and their other financial opinions, and this was not going to be resolved by continuance.

City Attorney Dunn commented that should any of the developers decide to litigate against the City, they would do it on the record established at this hearing, which included the oral testimony plus the documents submitted, so the letters were their way of preserving their opportunity to sue the City over the fee in the future. He did not feel the differences of opinion would be resolved by continuance.

Mr. Landers asked about the errors that had been found. Mr. Dunn responded that they had sat through two lengthy meetings with the BIA the previous week. At the meeting on Thursday they had gone over an agenda that the BIA had brought to the table, and they thought they had covered all the issues they had. The newest one presented, being characterized as an error in the number of units, was really not an error. The Fee Study needed to be based on something, so it was based on the General Plan, which was just adopted the previous year after about three years of preparation. Was it a perfect picture into what the City would look like in the future? No general plan is. That's why they're amended and revised periodically. But the Study took the best snapshot available and created the fee. If it was the law that the nexus had to be updated to predict the number of units every time a fee was adopted, it wouldn't be possible to adopt a fee, because what would be the plan today would be different tomorrow and different a year from now. He also pointed out that although the City had had this discussion for several months at meetings with the BIA, including the two meetings the previous week, the issue about the number of units had been brought up just the day before this Council Meeting, after those meetings with the BIA.

Mr. Landers asked about the errors that had been found. Mr. Dunn said that the newest one presented, being characterized as an error in the number of units, was not really an error but was based on numbers in the General Plan, which was subject to change.

Mr. Landers was concerned that there might be other things on the reports that had not yet been brought up. He said he did not feel the Council should be intimidated in any way as far as litigation was concerned. He was not afraid to go forward; he just wanted to be sure the City was right.

Mr. Landers did not feel the Council should be intimidated by litigation; he just wanted to be sure the City was right.

Councilmember Motte asked about the e-mail regarding the 3,500 units expected over the next 25 years. Mr. Belmudez responded that based on the General Plan, those were the projections, and while they may be skewed as far as single-family residential was concerned, the overall residential was 11,000, which he felt was fairly realistic. It meant the size of the City would double by 2030, and Staff was comfortable with that. He reiterated that a general plan is a projection based on information available at that time, and he said that Staff believed the Study was correct, based on what the General Plan said.

Councilmember Motte asked about the e-mail regarding the 3,500 units expected over the next 25 years. Mr. Belmudez responded that while those numbers might not be accurate regarding single-family residential, he felt the 11,000 for overall residential was fairly realistic. It meant the City would double in size by 2030, and Staff was comfortable with that.

City Attorney Dunn suggested that if anything, this was a lesson in why not to wait 13 years to do a fee study. His suggestion to the Council, whether incorporated in the Resolution or not, was to consider some assurances to developers that the City wouldn't wait 13 years to look at this again. He offered that perhaps it should be done again in four to six years, going through the nexus study, which may show differences up or down, but at least the Council would have a more current snapshot of development in the City.

City Attorney Dunn said this was a lesson in why not to wait 13 years to do a fee study. He suggested that the Council consider some assurances to developers that the City would not wait that long again to do a study.

Councilmember Motte asked if it should be indexed with inflation. Mr. Dunn said that had actually been considered, but they felt the phasing, in and of itself, would handle the inflation issue. Again he advised revisiting the fees in a few years to see if they had actually kept pace with inflation. Mr. Dunn noted that although there were quite a number of housing units projected around the City in specific plans and so on, the Council needed to keep in mind that a lot of those were tentative, with a lot of the units relying on the adoption of the San Jacinto River Plan, which could be imminent or still a while off. Mr. Dunn said it was necessary to stop at some point and take a snapshot. The City's best reasonable snapshot was the General Plan which was just adopted the previous year.

Councilmember Motte asked if it should be indexed with inflation. Mr. Dunn said that had been considered, but they felt the phasing would handle the inflation issue. He pointed out that a number of housing units projected around the City were tentative.

Mayor Pro Tem Yarbrough suggested that there probably should have been even more meetings regarding this issue. He asked Finance Director Carr to clear up the issue regarding existing DIF fees. A comment had been made, basically questioning what the City was doing with all the money it had, referencing a surplus in the General Fund. Mr. Carr responded that as far as the General Fund was concerned, co-mingling DIF fees with General Fund money is illegal, and the City doesn't do it, which is verified by the City's annual audits. As far as what was happening within the

Mayor Pro Tem Yarbrough asked Finance Director Carr to clear up the issue regarding existing DIF fees. Mr. Carr responded that co-mingling DIF fees with General Fund money is illegal and is not done by the City of Perris. Regarding the DIF funds, he said the City had begun the year with \$13 million in DIF,

DIF funds, he stated that the City had begun the year with \$13 million in DIF, with revenue of about \$10 million expected, and the Council, through its Capital Budget process, had budgeted over \$21 million. He said they expected to end the year with a little over \$2 million in DIF, most of which was in park DIF, which hadn't been allocated yet, but could be easily spent on Morgan Park.

with revenue of about \$10 million expected. The Council had budgeted over \$21 million, and they expected to end the year with a little over \$2 million in DIF, most of which was in park DIF.

Mr. Yarbrough said there had been some comments that the fees had basically been static since 1993, but that had not been by choice. He said it had taken years for the City to recover from being on the brink of bankruptcy. He said that when he became a Councilmember, he had been told by a former Councilmember that the City's only hope for restarting the economic engine would be with the building community. That was done with several projects - highly criticized, but yet they turned out to be wonderful additions to the City - and it restored a lot of hope to the other developers, that they could come back to the table. Mr. Yarbrough asked Mr. Carr to estimate a dollar amount forfeited by the City by not increasing the fees. Mr. Carr said he hadn't actually done that calculation, but he had heard the figure of \$29 million mentioned earlier. He did not have support for that figure, but believed the loss would be substantial, going back 13 years.

Mr. Yarbrough said it had not been by choice that the fees had been static since 1993, but because the City had been recovering from the brink of bankruptcy. He referred to the building community's additions to the City. He asked Mr. Carr how much the City had forfeited by not increasing the fees. Mr. Carr said he did not have a definite figure.

Mr. Yarbrough asked why the BIA was questioning David Taussig's study, since they had used his services as well. Mr. Winckel responded that Mr. Taussig had been their analyst of information from the City of Moreno Valley. According to Mr. Winckel, the difference was that Moreno Valley had provided all the requested information, and in the City of Perris they were not getting everything they were asking for.

Mr. Yarbrough asked why the BIA was questioning David Taussig's study, since they had used his services as well. Mr. Winckel responded that Mr. Taussig had been their analyst of information from Moreno Valley, but that Moreno Valley had been more cooperative in providing information.

Mr. Taussig said that, actually, the data from City of Moreno Valley had been less forthcoming than Perris'. As far as errors in the length of roads was concerned, he said that the length of roads was not something that they typically included in a study. Regarding the fee amounts, Mr. Taussig said they had compared facilities costs with those in other cities, and yes, the City could cut back on the quality of the facilities to lower the prices, and the fees could be lowered, but the City would end up with inferior facilities.

Mr. Taussig explained the reasons for some of the numbers on the Study.

Mr. Yarbrough asked about the lower fees for commercial. Mr. Taussig replied that almost every city charges less for commercial because they make more on sales tax from the commercial than they lose in fees.

Mr. Yarbrough asked about the lower fees for commercial. Mr. Taussig said most cities charge less for commercial because they make up for the loss with sales tax income.

Mr. Yarbrough said he didn't know of any other cities that were offering the phasing and grandfathering that the City of Perris

Mr. Yarbrough said he didn't know of any other cities

was. He suggested that perhaps what the City needed to be doing was making sure that all the questions were answered with sufficient detail so that a resolution to this issue could be reached with the developers. He hoped that the consideration would be, if the Council moved forward to adopt this, that there would be assurances on both ends that the City would get the numbers right and get the agreements in place. With 60 days left before the fee would become effective, there would be a tremendous benefit to the building community, especially the small builders. He said if that was not in agreement, he would propose that they go with a 30-day continuance, get the numbers as close as possible, and pull the phasing and grandfathering concessions off and follow what other cities were doing. He asked if the Mayor could call a short recess to discuss this matter.

Mayor Busch felt the community deserved an increase and said he was ready to move on with this. He said the developers knew that parks sell homes, and he didn't see what the problem was. Mr. Busch then called for a recess from 7:35 until 7:45 p.m.

The Council reconvened at 7:45 p.m.

Mr. Winckel said that BIA's attorney was ready with a response to Mayor Busch's request for feedback on an issue raised by the Council.

Attorney Pugh stated that the position of the BIA as represented at this meeting was that the information that had been presented to the Council in the correspondence from the two law firms as well as the BIA was the information they chose to keep on the record, and they recommended that the Council vote on the information before them. Accepting a "deal" put before the BIA was not in the interest of the BIA at that time, in part because they felt that in doing that they might not necessarily gain any leverage that they now had to resolving a defensible study. He said it still lacked the legal grounds they needed it to have to be supported. However, he said, it was important to recognize that the grandfathering clause and the phasing were issues that were recognized as critical elements, and the BIA did not want to avoid being able to take advantage of them, but it was not at the level where they are willing to cut a deal with the City based on that being pulled off the table at this point. He said the most important point to them was to be able to work together, whether within 30 days or within 60 days, and they still requested a continuance and also requested that, regardless of the action tonight, the Reimbursement & Credit language be worked out before adoption of the Study, as preferred by the BIA, preferably within the 60 days before the fees would go into effect.

offering the phasing and grandfathering concessions. He hoped that if the Council moved forward to adopt this, there would be assurances on both ends that the City would get the numbers right and get the agreements in place. Otherwise, he would propose a 30-day continuance, getting the numbers as close as possible, and pulling the phasing and grandfathering and doing what other cities were doing. Mr. Yarbrough asked the Mayor to call a short recess so this could be discussed.

Mayor Busch felt the community deserved an increase and said he was ready to move on with this. He then called for a recess from 7:35 until 7:45 p.m.

The Council reconvened at 7:45 p.m.

Mr. Winckel said their attorney was ready with a response regarding an issue raised by the Council.

Attorney Pugh stated that the position of the BIA as represented at this meeting was that the information that had been presented to the Council in the correspondence from the two law firms as well as the BIA was the information they chose to keep on the record, and they recommended that the Council vote on the information before them. They also were still requesting a continuance and a reworking of the Reimbursement & Credit language before adoption of the Study, preferably within the 60 days before the fees would go into effect.

Mayor Busch asked the Council what their desire was.

Mayor Busch asked the Council what their desire was.

Councilmember Motte said he was pretty happy with the Study and felt it was accurate. He realized the infrastructure was expensive, but he believed the future of the area would be enhanced by adopting these fees so that parks, roads and other facilities could be provided. He said he felt the City was going ahead.

Councilmember Motte said he was pretty happy with the Study and felt it was accurate. He believed the future of the area would be enhanced by adopting these fees.

Mayor Busch said that since the BIA was not interested in dealing, the Council should amend its motion to go the full amount with no additional grandfathering rights. If they didn't want to deal, why should the Council?

Mayor Busch thought the Council should amend its motion to go the full amount with no additional grandfathering rights.

Mr. Yarbrough said he was hoping to be able to ultimately produce a win-win on this matter. His suggestion was to simply move ahead with the Staff's recommendation and continue aggressive negotiations with the BIA. He said that clearly the Reimbursement Agreement was an absolute must, but that at this point, Staff's recommendation would be most appropriate, and he would be willing to make a motion to that effect.

Mr. Yarbrough's suggestion was to move ahead with Staff's recommendation and continue aggressive negotiations with the BIA.

Mayor Busch closed the Public Hearing and stated that there was a motion on the floor from Mr. Yarbrough to accept Staff's recommendation.

Mayor Busch closed the Public Hearing and stated there was a motion on the floor from Mr. Yarbrough to accept Staff's recommendation.

City Attorney Dunn said if that was the direction of the Council, two actions would be required: To adopt the Second Reading of the Ordinance and to adopt the Resolution. He noted that the exhibits in the Resolution in the agenda packet would be replaced to reflect changes.

City Attorney Dunn said two actions were required: to adopt the Second Reading of the Ordinance and to adopt the Resolution.

Mr. Yarbrough asked if any new information and new adjustments would be reflected in the fees when they took effect. Mr. Dunn said they did not believe any wholesale adjustments would be necessary in the fees; however, the Resolution did contain an administrative appeal procedure, so that if a particular developer felt the application of the Resolution needed to be clarified as to them, there was a procedure in place to do that.

Mr. Yarbrough asked if new information and adjustments would be reflected in the fees when they took effect. Mr. Dunn said there was a procedure in place for an administrative appeal.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Yarbrough/Landers) to accept Staff's recommendation to adopt the Second Reading of Ordinance Number 1182 amending Municipal Code Chapter 19.68 regarding the Development Impact Fees applicable to new development and to adopt Resolution Number 3586 establishing and adjusting

Motion to accept Staff's recommendation to adopt the Second Reading of Ordinance Number 1182 amending Municipal Code Chapter 19.68 regarding the Development

Development Impact Fees applicable to new development pursuant to Municipal Code Chapter 19.68.

Impact Fees applicable to new development at to adopt Resolution Number 3586 establishing and adjusting Development Impact Fees applicable to new development pursuant to Municipal Code Chapter 19.68.

AYES: Landers, Motte, Yarbrough, Busch
NOES:
ABSENT: Rogers
ABSTAIN:

*Approved: 4-0
Councilmember Rogers absent*

9. BUSINESS ITEMS (not requiring a “Public Hearing”):

- A. Consideration to approve Vector Control Agreement with County of Riverside for Citywide Vector Control Services.

Approval of Vector Control Agreement with County of Riverside for Citywide Vector Control Services.

Introduced by: Ahmad Ansari, Public Works Director

Mr. Ansari explained that this item was related to Vector Control, another area within the responsibility of the Public Works Department that definitely could be improved and enhanced. He said the current process was limited, outdated, and lacked expertise. He said the Public Works Animal Control Division had done comprehensive research on surrounding cities and was proposing pro-active enhancements for the Vector Control Program. He said the requested action was to approve enhancement of the Vector Control and authorize the City Manager to enter into an agreement with the County of Riverside Department of Environmental Health, including the adoption of their Ordinance No. 523.1 (relating to the control of flies) for the Citywide Vector Control Services. Mr. Ansari then introduced Keith Jones, Supervisor for Riverside County’s Vector Program, to present to the City Council an overview of the services to be provided by the County.

Mr. Ansari explained the need for this service and introduced Keith Jones, Supervisor for Riverside County’s Vector Program, to make a brief presentation of the program.

Mr. Jones said their program, headquartered in Hemet, operates under the Department of Environmental Health, dealing with problems related to disease-transmitting organisms, such as insects and pets. Mr. Jones explained that the proposed agreement before the Council was set up so that the City would have complete control over the level of service provided. Typically, requests come from the residents to City personnel, and then those personnel decide when to call Vector Control in to respond. Mr. Jones noted that the service could be provided for emergencies only, or they could do surveys to determine where mosquito-breeding problems exist, and treat them. He said they currently had agreements with eight surrounding cities.

Mr. Jones explained that this organization, operating under the Department of Environmental Health, deals with problems related to disease-transmitting organisms, such as insects and pets, and briefly described their services.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Councilmember Motte was pleased to see this item come forward and felt it was good that Perris was going to be proactive in this matter.

Councilmember Motte thought this service would be valuable.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Motte/Yarbrough) to approve enhancement of Vector Control and authorize the City Manager to enter into an agreement with the County of Riverside, including adoption of Riverside County Ordinance Number 523.1 (relating to control of flies), for Citywide Vector Control Services.

Motion to approve enhancement of Vector Control and authorize City Manager to enter into an agreement with the County of Riverside for Citywide Vector Control Services.

AYES: Landers, Motte, Yarbrough, Busch

Approved: 4-0

NOES:

Councilmember Rogers absent

ABSENT: Rogers

ABSTAIN:

- 8. Consideration to appoint Council Ad Hoc School District Liaison Committee.

Appointment of Council Ad Hoc School District Liaison Committee.

Introduced by: Habib Motlagh, City Engineer

City Engineer Motlagh stated that this item was brought for the Council's consideration to appoint an ad hoc subcommittee to work with Staff on various school projects throughout the City. The City has had a very good relationship with the schools, and Staff felt it would be advantageous to have the support of a subcommittee to attend meetings with them. Mr. Motlagh mentioned that at present there were some traffic concerns involving proposed new schools in the City, and he believed this subcommittee could help him achieve his goal.

City Engineer Motlagh stated that Staff felt it would be advantageous to have the support of a subcommittee to attend meetings with him and the schools.

City Attorney Dunn said this had been listed as an appointment of an ad hoc school district committee. The Brown Act says that ad hoc committees can be appointed that are not subject to the Brown Act as far as agenda meetings, but a standing committee with continuing jurisdiction would be subject to the Brown Act. He said that for the time being this was being established as an ad hoc committee for a couple of school projects. If it should turn into something that would require meeting on a regular basis, it could perhaps be turned into a standing committee.

City Attorney Dunn explained the purpose of this ad hoc committee.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Mayor Busch stated that the two individuals who had been suggested and who had expressed an interest in serving on this ad hoc committee were Councilmember Rogers and Mayor Pro Tem Yarbrough, and that would be his recommendation.

Mayor Busch stated that Councilmember Rogers and Mayor Pro Tem Yarbrough had expressed an interest in serving on this ad hoc

committee, and he said that would be his recommendation.

Councilmember Motte said he thought this would be a valuable committee.

Councilmember Motte thought this would be a valuable committee.

Mr. Yarbrough said he accepted this appointment, believing that this cooperation between the City and the School Board would build on the relationships that had already been established and help expedite these projects.

Mr. Yarbrough accepted the appointment, believing it would continue to build the relationship between the City and the schools and help to expedite needed projects.

Mayor Busch called for the Council’s ratification of his appointment of Councilmember Rogers and Mayor Pro Tem Yarbrough to this ad hoc committee.

Mayor Busch called for the Council’s ratification of this appointment.

M/S/C: (Motte/Landers) to ratify the Mayor’s appointment.

Motion to ratify the Mayor’s appointment.

AYES: Landers, Motte, Yarbrough, Busch
NOES:
ABSENT: Rogers
ABSTAIN:

*Approved: 4-0
Councilmember Rogers absent*

10. PUBLIC COMMENT/CITIZEN PARTICIPATION:

A. Lenwood Long, former Mayor and Councilmember, currently serving as an Advisory Councilperson with the Riverside Council representing Supervisor Marion Ashley’s 5th District, said he was an advocate for seniors throughout Riverside County. In addition, he was serving with the California Senior Legislature as Senior Senator, advocating for seniors in Sacramento. Mr. Long said a couple of things had happened at this meeting that he was displeased with, including a statement that this Council had made Perris what it was today. He said that the only person on the Council who really knew what had happened back in the 90’s was Councilmember Landers, who served with him on the Council during those difficult days. He also objected to the statement that the Council had brought in the developers, contending that the Council hadn’t brought them in; the developers came into the cities, and they were building and building, so naturally there was a lot more money. He also was very disappointed that the Council had not responded to his invitation to a Housing & Transportation Forum dealing with senior issues. He said there was representation at that forum from many other cities in the area, but no one from Perris. He urged the Council to devote more effort to senior issues.

Lenwood Long expressed his displeasure with several things that had been mentioned at this meeting, as well as Council’s lack of response to senior issues.

B. Jose Meza voiced concerns about Perris businesses that had been robbed, as well as the police pinpointing Latinos for traffic stops to check their driver licenses. He felt the Police were not adequately addressing the robbery issue, and he brought forward several

Jose Meza voiced concern about Perris businesses being robbed and brought forward several business owners to express their concerns

business owners to express their concerns about the lack of security in Perris. *regarding security issues.*

- C. Bernie Foley, American Legion Commander, invited everyone to their 5th Annual Chili Cook-off on April 15th. He also asked the Council to consider waiving any fees for blocking streets and putting up banners for this event. *Ernie Foley, American Legion Commander, invited everyone to their Chili Cook-off on April 15th. He asked the Council to consider waiving fees for this event.*
- D. Ted Weggeland gave a short update on the flooded conditions at Evans Road and Ramona Expressway. He said that Stratford Ranch Partners, the organization developing the property to the northeast of Evans at Ramona, was doing everything possible to get the requisite permits to fix the problem at that intersection. *Ted Weggeland gave a short update on the progress being made concerning the flooding problem at Evans Road & Ramona Expressway.*
- E. Kelly Kaus commended the residents who had expressed their concerns about Perris security. He voiced concern about no-parking signs in the business area, asking the City Manager to address the problem. *Kelly Kaus commended the residents who had expressed their concerns about security. He also voiced concern about no-parking signs in the business area.*

11. COUNCIL COMMUNICATIONS:

- A. Mr. Yarbrough said he appreciated Mr. Kaus' recommendation and Mr. Meza's bringing business owners to express their concerns. He said he would like to have an agenda discussion with the Police Department regarding these specific concerns. He said he would also like for the Police Chief to address the issue of the many unlicensed drivers in Perris. Regarding the comment about the Council taking credit, Mr. Yarbrough said that the Council shares responsibility, successful or not, along with Staff. Finally, he encouraged Staff to maintain and expedite open communications with the BIA, providing them the information they need, in order to resolve that issue. *Mr. Yarbrough said he appreciated Mr. Kaus' recommendation and Mr. Meza's bringing business owners to express concerns. He asked to agenda a discussion with the Police Department regarding these concerns. He also encouraged Staff to maintain and expedite open communications with the BIA to resolve that issue.*

12. CITY MANAGER'S REPORT:

- A. City Manager Apodaca mentioned that the City's website has a Suggestion Box for residents. He also announced the Fire Station Dedication on Tuesday, March 21st, at 10:30 a.m. and the Sheriff's Station Groundbreaking on Thursday, March 9th, at 2:30 p.m. *City Manager mentioned that the City's website has a Suggestion box that can be accessed by residents. He also announced the Fire Station Dedication and the Sheriff's Station Groundbreaking.*

13. CLOSED SESSION:

- Conference with Legal Counsel *Conference with Legal Counsel*
- A. Existing Litigation - Government Code Section 54956.9(a). Rey v. City of Perris *Existing Litigation - Government Code Section 54956.9(a). Rey v. City of Perris.*

B. Conference involving a Joint Powers Agency - March JPA
Government Code Section 54956.96
Discussion concerning: Anticipated Litigation pursuant to
Government Code Section 54956.9(b) (one case)
Name of local agency representatives on Joint Powers Agency
Board: Mayor Busch, Mayor Pro Tem Yarbrough

Conference involving a Joint Powers Agency - March JPA. Government Code Section 54956.96.

Discussion concerning: Anticipated Litigation pursuant to Government Code Section 54956.9(b) (one case). Local agency representatives on Joint Powers Agency Board: Mayor Busch, Mayor Pro Tem Yarbrough.

The Council met in Closed Session at 8:45 p.m. and reconvened in Open Session at 10:00 p.m. to report on Closed Session matters. On Agenda Items 13.A. and 13.B., the Council met with its legal counsel regarding one case of existing litigation and one case of anticipated litigation. Direction was given to the City Attorney, but no reportable action was taken.

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14. ADJOURNMENT:

By unanimous consent, the Joint City Council, Redevelopment Agency, PPFA and PPUA Meeting was adjourned at 10:05 p.m.

10:05 p.m. Joint City Council, Redevelopment Agency, PPFA and PPUA Meeting was adjourned.

Respectfully submitted,

Margaret Rey, City Clerk