

CITY OF PERRIS

MINUTES: City Council, Redevelopment Agency,
Perris Public Finance Authority &
Perris Public Utilities Authority
Date of Meeting: 30 November 2004
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.

6:05 p.m. Called to Order

2. ROLL CALL:

Council Members Present: Rogers, Yarbrough, Landers, Motte, Busch

All Council Members present.

Staff Members Present: City Manager Apodaca, City Attorney Dunn, Community Development Director Barnes, City Engineer Motlagh, Finance Director Carr, Assistant to City Manager Madkin, and City Clerk Rey.

Staff Members Present.

3. INVOCATION:

Reverend Greg Simpson
1st Congregational Church
100 N. "A" Street
Perris, CA

Reverend Greg Simpson led the Invocation.

4. PLEDGE OF ALLEGIANCE:

Councilwoman Rogers led the Pledge of Allegiance

Councilwoman Rogers led the Pledge of Allegiance.

5. PRESENTATIONS/ANNOUNCEMENTS:

Mayor Busch acknowledged Mike Naggar, Mayor of the City of Temecula, California, who was in attendance at the meeting.

Mayor Busch recognized Mike Naggar, Mayor of the City of Temecula, California.

6. APPROVAL OF MINUTES:

A. Approval of the Minutes of the Work Session of the Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Public Utility Authority held November 9, 2004, and approval of the Minutes of the Regular Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Utility Authority Meeting held November 9, 2004.

Approval of Minutes of the Work Session and Regular Meeting of the Joint City Council, RDA, PPFA and PPUA held November 9, 2004.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Rogers/Yarbrough) to approve the Minutes of the Work Session and Regular Joint City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Public Utilities Meeting held on November 9, 2004.

Motion to approve the Minutes of the Work Session and Meeting of November 9, 2004.

Approved 5-0

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

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

A. To adopt Ordinance Number 1142 regarding CFD No. 2004-5 (Amber Oaks II).

Adoption of Ordinance Number 1142 regarding CFD 2004-5 (Amber Oaks II).

The Second Reading of Ordinance Number 1142 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2004-5 (AMBER OAKS II) OF THE CITY OF PERRIS AUTHORIZING THE LEVY OF SPECIAL TAX WITHIN SAID DISTRICT.

Second Reading of Ordinance Number 1142 of the City of Perris acting as the legislative body of CFD 2004-5 (Amber Oaks), authorizing the levy of special tax within said District.

B. To adopt Resolution Numbers 3334 through 3335 regarding Improvement Areas Nos. 4, 5, 6 and 7 of CFD No. 2001-1 (May Farms).

Adoption of Resolution Numbers 3334 through 3335 regarding Improvement Areas Nos. 4, 5, 6, and 7 of CFD No. 2001-1 (May Farms).

The Proposed Resolution Number 3334 is entitled:

RESOLUTION OF CONSIDERATION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-1 (MAY FARMS) OF THE CITY OF PERRIS AND DECLARING ITS INTENTION TO MAKE CHANGES WITH RESPECT TO IMPROVEMENT AREAS NOS. 4, 5, 6 AND 7 OF SAID DISTRICT.

Resolution Number 3334 of City of Perris acting as legislative body of CFD 2001-1 (May Farms) declaring its intention to make changes with respect to Improvement Areas Nos. 4, 5, 6 and 7 of said

District.

The Proposed Resolution Number 3335 is entitled:

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF PERRIS TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT OF NOT TO EXCEED \$50,000,000 WITHIN IMPROVEMENT AREAS NOS. 4, 5, 6 AND 7 OF COMMUNITY FACILITIES DISTRICT NO. 2001-1 (MAY FARMS) OF THE CITY OF PERRIS.

Resolution Number 3335 of intention to incur bonded indebtedness in an amount not to exceed \$50,000,000 within Improvement Areas Nos. 4, 5, 6 and 7 of CFD 2001-1 (May Farms).

- C. To approve the amended agreement with the County of Riverside for the Ethanac Road Reconstruction Project.
- D. To approve Amendment 1 to City Manager Employment Agreement.
- E. Approval of Relocation Plan for the Perris Valley Industrial Corridor Project.

Approval of amended agreement with Riverside County for Ethanac Road Reconstruction Project.

Approval of Amendment 1 to City Manager Employment Agreement.

Approval of Relocation Plan for the Perris Valley Industrial Corridor Project.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

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

Motion to approve Consent Calendar as presented.

Approved: 5-0

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

8. PUBLIC HEARINGS:

- A. Consideration and discussion regarding the formation of Underground Utility District (Edison Rule 20A), located in the area spanning Nuevo Road (between Perris Boulevard and Dunlap) and Perris Boulevard (between Nuevo Road and 4th Street).

Formation of Underground Utility District located in the area spanning Nuevo Road (between Perris Boulevard and Dunlap) and Perris Blvd. (between Nuevo Road and 4th Street). This will be continued to January 25, 2005 Council Meeting.

(To be continued to the City Council Meeting of January 25, 2005.)

City Attorney Dunn asked to continue this item until January 25, 2005, because the City needed more time to do further research into cost issues. He also pointed out that the noticing was not done in time to get this item on the agenda. Attorney Dunn asked for a motion to continue without opening a public hearing.

City Attorney Dunn asked for this item to be continued, without opening a public hearing, to the City Council Meeting on January 25, 2005.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Yarbrough/Landers) to continue this item to the City Council Meeting of January 25, 2005.

Motion to continue item to the City Council Meeting on

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

January 25, 2005.

Approved 5-0

- B. Consideration and discussion to adopt Resolution Number 3336 adopting Negative Declaration No. 2166 and introduce the First Reading of Ordinance Number 1143 approving General Plan Amendment 04-0276 and approving Zone Change 04-0277 from Commercial Community to R14 Residential on an 11.85-acre site located at the southwest corner of Orange Avenue and Medical Center Drive. (Applicant: Craig Heaps)

Adoption of Resolution Number 3336 adopting Negative Declaration 2166 and introduction of the First Reading of Ordinance Number 1143 approving General Plan Amendment 04-0176 and approving Zone Change 04-0277 from Commercial Community to R14 Residential on 11.85-acre site located at the southwest corner of Orange Avenue and Medical Center Drive.

The Proposed Resolution Number 3336 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2166; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-0276 FROM CC COMMERCIAL COMMUNITY TO R14 RESIDENTIAL ON AN 11.85 ACRE SITE AND TENTATIVE TRACT MAP 32497 (04-0278) TO SUBDIVIDE THE 11.85-ACRE SITE INTO 80 SINGLE-FAMILY RESIDENTIAL LOTS FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND MEDICAL CENTER DRIVE, AND MAKING FINDINGS IN SUPPORT THEREOF.

Resolution Number 3336 adopting Negative Declaration No. 2166 and approving General Plan Amendment No. 04-0276 from CC Commercial Community to R14 Residential in TTM 32497 to subdivide the 11.85-acre site into 80 single-family residential lots.

The First Reading of Proposed Ordinance Number 1143 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 04-0277 FROM CC COMMERCIAL COMMUNITY TO R14 RESIDENTIAL ON AN 11.85-ACRE SITE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND MEDICAL CENTER DRIVE, AND MAKING FINDINGS IN SUPPORT THEREOF.

First Reading of Proposed Ordinance Number 1143 approving Zone Change 04-0277 from CC Commercial Community to R14 Residential on 11.85-acre site at southwest corner of Orange Avenue and Medical Center Drive.

Introduced by: Olivia Barnes, Community Development Director

Councilmember Motte abstained from the item and left the Council Chambers due to the fact that he had a business relationship with Mike Naggar, who represented this project.

Councilmember Motte abstained from the item and left the Council Chambers.

Director Barnes explained that the applicant wanted to re-designate the existing areas surrounding the project so that the area of development was primarily R14. The existing zoning was Commercial and the intention was to have the Council re-designate the property R14 for the purpose of developing Tract Map 32497, creating approximately 80 detached units with a clubhouse and open space area. Ms. Barnes said the lots within this particular subdivision were generally 4,000 square feet and at this point met all the requirements for the R14 zoning. She pointed out that what was different about this project was that it was a gated community. She stated that this had been reviewed by the Planning Commission, which recommended adopting Negative Declaration 2166 and Resolution

Director Barnes explained that the applicant wanted to create a gated community in an area that was currently Commercial and change it to R14 for the purpose of developing a gated community with 80 detached units with lots of approximately 4,000 square feet.

Number 3336 approving the General Plan Amendment, Tentative Tract, and Zone Change subject to conditions of approval on the Tentative Map, as well as introduction of Ordinance Number 1143 approving the Zone Change.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Mayor Pro Tem Landers had a question regarding the location.

Mayor Pro Tem Landers had a question regarding the location.

Councilmember Yarbrough asked if there was someone who could speak on the timeline for the project.

Councilman Yarbrough questioned the timeframe in which this project would break ground.

Developer Mike Naggar responded that they anticipated breaking ground in June 2005.

Developer Mike Naggar responded that they would break ground in June 2005.

Councilmember Yarbrough encouraged Staff to enforce conditions for new developments, in light of safety issues that had recently been experienced.

Councilmember Yarbrough encouraged Staff to be sure to place conditions on new developments, especially dealing with safety issues.

Mr. Naggar said they would be happy to cooperate with what they were asked to do.

Mr. Naggar said they would be happy to cooperate with what they were asked to do.

Mayor Busch asked if the developer would consider making the proposed clubhouse available to the City for functions such as awards or other staff events for which the City may have need of such a facility. The developer said that if they could accommodate such a request without infringing upon the residents, they would be willing to make the facilities available to the City at least once a year at no cost.

Mayor Busch asked about the availability of the clubhouse for City functions. Mr. Naggar said they would be glad to honor the requests as long as they did not interfere with or infringe upon the lifestyle of the residents.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Rogers/Yarbrough) to adopt Resolution Number 3336 adopting Negative Declaration No. 2166 and approving General Plan Amendment 04-0276 to change this Commercial Community to R14 Residential on Tentative Tract Map 32497, subdividing the 11.85-acre site into 80 single-family residential lots, and also introduce the First Reading of Ordinance Number 1143 approving Zone Change No. 04-0277 from Commercial Community to R14.

Motion to adopt Resolution Number 3336 adopting Negative Declaration 2166 and approving General Plan Amendment 04-0276 to change Commercial Community to R14 Residential on TTM 32497, subdividing 11.85-acre site into 80 single-family residential lots, and introduce First Reading of Ordinance Number 1143 approving Zone Change 04-0277 from Commercial Community to R14.

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

*Approved: 4
(Motte abstained)*

Councilmember Motte rejoined the Council.

Councilmember Motte rejoined the Council.

- C. Consideration and discussion to adopt Resolution Number 3337 adopting Negative Declaration No. 2165 and introduce the First Reading of Ordinance Number 1144 approving General Plan Amendment 04-0312 and Zone Change 04-0313 from Commercial Community to R22 Residential on a 4.42-acre site located on the north side of Nuevo Road between Wilson Street and Murrieta Road. (Applicant: Gary Miller)

Adoption of Resolution Number 3337 adopting Negative Declaration 2165 and introduction of the First Reading of Ordinance Number 1144 approving General Plan Amendment 04-312 and Zone Change 04-0313 from Commercial Community to R22 Residential on a 4.42-acre site located on the north side of Nuevo Road between Wilson Street and Murrieta Road.

The Proposed Resolution Number 3337 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2165; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-0312 FROM CC COMMERCIAL COMMUNITY TO R22 RESIDENTIAL ON A 4.42-ACRE SITE AND DEVELOPMENT PLAN REVIEW TO CONSTRUCT A 92-UNIT APARTMENT DEVELOPMENT WITH RECREATIONAL AMENITIES FOR PROPERTY LOCATED ON THE NORTH SIDE OF NUEVO ROAD BETWEEN WILSON STREET AND MURRIETA ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.

Resolution Number 3337 adopting Negative Declaration 2165 and approving General Plan Amendment No. 04-0312 from CC Commercial Community to R22 Residential on a 4.42 acre site and Development Plan Review to construct 92-unit apartment development on the north side of Wilson Street and Murrieta Road.

The First Reading of Ordinance Number 1144 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 04-0313 FROM CC COMMERCIAL COMMUNITY TO 422 RESIDENTIAL ON A 4.42-ACRE SITE FOR PROPERTY LOCATED ON THE NORTH SIDE OF NUEVO ROAD BETWEEN WILSON STREET AND MURRIETA ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.

First Reading of Proposed Ordinance Number 1144 approving Zone Change 04-0313 from CC Commercial Community to R22 Residential on a 4.42-acre site on the north side of Nuevo Road between Wilson Street and Murrieta Road.

Introduced by: Olivia Barnes, Community Development Director

Director Barnes presented the applicant's plan to re-designate the existing location to R22 for the purpose of constructing a 92-unit apartment complex consisting of six buildings with access off of Nuevo Road. The Planning Commission recommended adoption of Negative Declaration No. 2165 and the Resolution approving the General Plan Amendment and Development Plan Review subject to the revision in the improvements, as well as the introduction of Ordinance No. 1144 approving Zone Change 04-0313.

Director Barnes presented the applicant's plan to re-designate the existing location to R22 for the purpose of constructing a 92-unit apartment complex consisting of six buildings with access at Nuevo Road.

PUBLIC COMMENT:

Gary Miller, applicant, stated that he was available for any questions the Council had.

The applicant, Gary Miller, stated he was available to answer questions.

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Councilmember Motte asked City Engineer Motlagh if there was a median on Nuevo Road.

Councilmember Motte asked if there was a median on Nuevo Road.

City Engineer Motlagh commented that the package given to the Council did not have the conditions included, but he believed that there were engineering conditions for Nuevo Road that included a median allowing for left turns. He further commented that the conditions needed to be reviewed in order to determine the width of the median.

Engineer Motlagh said there were conditions that included a median allowing for left turns on Nuevo.

The developer presented drawings of the proposed project.

Developer presented drawings of the proposed project.

Mr. Yarbrough inquired regarding conditions for the size of the perimeter landscaping, specifically the trees. He felt they should be as large as possible.

Mr. Yarbrough inquired regarding conditions for the size of the perimeter trees.

The Council recommended that the developer use at least 24-inch tree boxes along the perimeter of the project.

Council agreed that the trees used for perimeter landscaping should be at least 24-inch box size. The applicant also agreed.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Landers/Yarbrough) to adopt Resolution Number 3337 adopting Negative Declaration No. 2165 and introduce the First Reading of Ordinance Number 1144 approving General Plan Amendment 04-0312 and Zone Change 04-0313 from Commercial Community to R22 Residential.

Motion to adopt Resolution Number 3337 adopting Negative Declaration 2166 and introduce First Reading of Ordinance Number 1144 approving General Plan Amendment 04-0312 and Zone Change 04-0313 from Commercial Community to R22 Residential.

AYES: Rogers, Yarbrough, Landers, Motte, Busch

NOES:

ABSENT:

ABSTAIN:

Approved 5-0

- D. Consideration and discussion to adopt Resolution Number 3338 adopting Negative Declaration No. 2162 and introduce the First Reading of Ordinance Number 1145 approving General Plan Amendment 04-0283 and approving zone change 04-0284 from 23.17 acres of RR/A Rural Residential/Agricultural to 8.31 acres of R4 Residential and 14.86 acres of R7 Residential, located at the northwest corner of Orange Avenue and Murrieta Road. (Applicants: Robert Beers and John Ford)

Adoption of Resolution Number 3338 adopting Negative Declaration 2162 and introduction of the First Reading of Ordinance Number 1145 approving General Plan Amendment 04-0283 and Zone Change 04-0284 from 23.17 acres of RR/A Rural Residential/Agricultural to 8.31 acres of R4 Residential and

14.86 acres of R7 Residential, located at the northwest corner of Orange Avenue and Murrieta Road.

The Proposed Resolution Number 3338 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2162; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-0283 FROM 23.17 ACRES OF RR/A RURAL RESIDENTIAL/AGRICULTURAL TO 8.31 ACRES OF R4 RESIDENTIAL AND 14.86 ACRES OF R7 RESIDENTIAL, AND TENTATIVE TRACT MAP 32428 (04-0285) TO SUBDIVIDE THE 23.17 ACRE SITE INTO 75 SINGLE-FAMILY RESIDENTIAL LOTS FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ORANGE AVENUE AND MURRIETA ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.

Resolution Number 3338 adopting Negative Declaration 2162 and approving General Plan Amendment 04-0283 from 23.17 acres of RR/A to 8.31 acres of R4 Residential and 14.86 acres of R7 Residential and TTM 32428 (04-0285) subdividing 23.17-acre site into 75 single-family residential lots at northwest corner of Orange Avenue and Murrieta Road.

The First Reading of Proposed Ordinance Number 1145 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 04-0284 FROM 23.17 ACRES OF RR/A RURAL RESIDENTIAL/AGRICULTURAL TO 8.31 ACRES OF R4 RESIDENTIAL AND 14.86 ACRES OF R7 RESIDENTIAL FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ORANGE AVENUE AND MURRIETA ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.

First Reading of Proposed Ordinance Number 1145 approving Zone Change 04-0284 from 23.17 acres of RR/A Rural Residential/ Agricultural to 8.31 acres of R4 Residential and 14.86 acres of R7 Residential at the northwest corner of Orange Ave. and Murrieta Road.

Introduced by: Olivia Barnes, Community Development Director

Mayor Pro Tem Landers abstained from the item due to conflict of interests and left the Council Chambers.

Mayor Pro Tem Landers abstained from the item and left the Council Chambers.

Director Barnes explained that the applicants were requesting to re-designate the property from RR/A to R4 and R7 to be a combination of the residential densities. She said the project site, bordered by Murrieta Road and Orange, was currently vacant and the surrounding development consisted of residential, with the higher density single-family detached units to the south of Orange Ave. To the west of the site were single-family detached units somewhat scattered because the lots were a great deal larger, ranging from one-half acre to five acres in some cases. The project called for a half acre and the keeping of animals. Ms. Barnes said the Planning Commission had reviewed this matter and was requesting that City Council adopt the Resolution adopting Negative Declaration No. 2162 and also introduce the First Reading of Ordinance No. 1145.

Director Barnes said the applicants were requesting a re-designation from RR/A to R4 and R7. The Planning Commission requested the adoption of Resolution Number 3338 and the introduction of the First Reading of Ordinance Number 1145.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Councilmember Yarbrough mentioned that one of the conditions for this project was the notice of an airport in the vicinity. He wondered if they also required notice of cows in the area.

Councilmember Yarbrough mentioned the condition requiring notice of an airport in the vicinity. He wondered if they also required notice of cows in the area.

John Ford, developer, discussed the condition for cul-de-sacs to drain toward "A" Street. He said they would prefer for them to drain toward Murrieta Road, as draining toward "A" Street would require raising the site nearly 3 feet, which would be extremely costly and would require an unsightly high retaining wall.

Developer John Ford asked that the cul-de-sacs be allowed to drain toward Murrieta Road instead of "A" Street.

City Engineer Motlagh said that would be fine, and that they certainly didn't want to create a retaining wall issue, bringing more debt to the City. He said to cross out the last sentence of his condition.

City Engineer Motlagh said that would be fine.

There was a short discussion regarding the standard for underground utilities.

There was a short discussion regarding the standard for underground utilities.

Mayor Busch asked how soon they would start the project. The response was that it would probably be three or four months.

Mayor Busch asked how soon they would start the project.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Rogers/Yarbrough) to adopt Resolution Number 3338 adopting Negative Declaration No. 2162 and approving General Plan Amendment No. 04-0283 and Tentative Tract Map 32428 (04-0285) and to introduce the First Reading of Ordinance Number 1145 approving Zone Change No. 04-0284.

Motion to adopt Resolution Number 3338 adopting Negative Declaration 2162 and approving General Plan Amendment 04-0283 and TTM 32428 and to introduce the First Reading of Ordinance Number 1145 approving Zone Change 04-0284.

AYES: Rogers, Yarbrough, Motte, Busch

NOES:

ABSENT:

ABSTAIN: Landers

*Approved: 4
(Landers abstained)*

Mayor Pro Tem Landers rejoined the Council.

Mayor Pro Tem Landers rejoined the Council.

E. Consideration and discussion to adopt Resolution Number 3339 and introduce the First Reading of Ordinance Number 1146 adopting Negative Declaration No. 2161 and approving General Plan Amendment (04-0197) and Zone Change 04-0198 from 6.73 acres of R4 Residential and 2.84 acres of Neighborhood Commercial to R14 Residential on a 9.57 acre site and Specific Plan Amendment 04-0392 to amend the boundaries of the Villages of Avalon Specific Plan by removing the 2.84-acre Neighborhood Commercial site, located on the easterly side of Bradley Road, north of Rider Street. (Applicant: Lou Ochoa representing Barratt American, Inc.)

Adoption of Resolution Number 3339 and introduction of First Reading of Ordinance Number 1146 adopting Negative Declaration 2161 and approving General Plan Amendment 04-0197 and Zone Change 04-0198 from 6.73 acres of R4 Residential on a 9.57-acre site, and Specific Plan Amendment 04-0392 to amend the boundaries of the Villages of Avalon specific plan by removing the 2.84-acre Neighborhood Commercial site located on the easterly side of Bradley Road, north of Rider Street.

The Proposed Resolution Number 3339 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2161; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-0197 FROM 6.73 ACRES OF R4 RESIDENTIAL AND 2.84 ACRES OF NC NEIGHBORHOOD COMMERCIAL TO R14 RESIDENTIAL FOR PROPERTY LOCATED ON THE EASTERLY SIDE OF BRADLEY ROAD, NORTH OF RIDER STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.

Resolution Number 3339 adopting Negative Declaration 2161 and approving General Plan Amendment 04-0197 from 6.73 acres of R4 Residential and 2.84 acres of Neighborhood Commercial to R14 Residential, located on the easterly side of Bradley Road, north of Rider Street.

The First Reading of Proposed Ordinance Number 1146 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 04-0198 FROM 6.73 ACRES OF R4 RESIDENTIAL AND 2.84 ACRES OF NC NEIGHBORHOOD COMMERCIAL TO R14 RESIDENTIAL ON A 9.57 ACRE SITE, AND SPECIFIC PLAN AMENDMENT 04-0392 TO AMEND THE BOUNDARIES OF THE VILLAGES OF AVALON SPECIFIC PLAN BY REMOVING THE 2.84 ACRES NC NEIGHBORHOOD COMMERCIAL SITE FOR PROPERTY LOCATED ON THE EASTERLY SIDE OF BRADLEY ROAD, NORTH OF RIDER STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.

First Reading of Proposed Ordinance Number 1146 approving Zone Change 04-0198 from 6.73 acres of R4 Residential and 2.84 acres of Neighborhood Commercial to R14 Residential on 9.57-acre site, and Specific Plan Amendment 04-0392 to amend the boundaries of the Villages of Avalon Specific Plan by removing the 2.84 acres Neighborhood for property located on the easterly side of Bradley Road, north of Rider Street.

Introduced by: Olivia Barnes, Community Development Director

Because of living in close proximity to this project, Councilmember Yarbrough abstained from the item and left the Council Chambers.

Councilmember Yarbrough abstained from the item and left the Council Chambers.

Director Barnes explained that the applicant was asking for an amendment to the Villages of Avalon Specific Plan so that a small portion within the Commercial area would be eliminated from the plan and be re-designated R14 so that they could develop condominiums there in the future. She said there had been no opposition to the proposal from the residents of that area at that point. The Planning Commission recommended adoption of Negative Declaration No. 2162 and Resolution Number 3339, as well as introduction of the First Reading of Ordinance Number 1146 approving Zone Change 04-0198 and the Specific Plan Amendment.

Director Barnes explained that the applicant was asking for an amendment to the Specific Plan so that a small portion of the land within the Commercial zone could be re-designated R14 in preparation for developing condominiums there in the future.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Councilmember Motte asked applicant Lou Ochoa if they were going to build condominiums or townhomes. Mr. Ochoa said they would actually be townhomes.

Councilmember Motte asked Lou Ochoa if they were going to build condos or townhomes. He said they would be townhomes.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Landers/Motte) to adopt Resolution Number 3339 and introduce the First Reading of Ordinance Number 1146 adopting

Motion to adopt Resolution Number 3339 and introduce the First Reading of Ordinance

Negative Declaration 2161 and approving General Plan Amendment 04-0197 and Zone Change 04-0198.

Number 1146 adopting Negative Declaration 2161 and approving General Plan Amendment 04-0197 and Zone Change 04-0198.

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

*Approved: 4
(Yarbrough abstained)*

Councilmember Yarbrough rejoined the Council.

Councilmember Yarbrough rejoined the Council.

F. Consideration and discussion to adopt Resolution Number 3340 and introduce First Reading of Ordinance Number 1147 adopting Negative Declaration No. 2163, approving General Plan Amendment (04-0283) and approving Zone Change 04-0284 from 18.5 acres of Community Commercial and 4.5 acres of Open Space to R7 Residential on a 23-acre site located at the southwest corner of Ellis Avenue and “A” Street. (Applicant: Oliver Cagle)

Adoption of Resolution Number 3340 and introduction of First Reading of Ordinance No. 1147 adopting Negative Declaration 2163, approving General Plan Amendment 04-0283 and approving Zone Change 04-0284 from 18.5 acres of Commercial Community on a 23-acre site for property located at the southwest corner of Ellis Avenue and “A” Street.

Because he owned property in this area, Councilmember Motte abstained from the item and left the Council Chambers.

Councilmember Motte abstained from the item and left the Council Chambers.

The Proposed Resolution Number 3340 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2163; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-0179 FROM 18.5 ACRES OF CC COMMERCIAL COMMUNITY AND 4.5 ACRES OF OS OPEN SPACE TO R7 RESIDENTIAL ON A 23-ACRE SITE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ELLIS AVENUE AND “A” STREET, AND MAKING FINDINGS IIN SUPPORT THEREOF.

Resolution Number 3340 adopting Negative Declaration 2163 and approving General Plan Amendment 04-0179 from 18.5 acres of CC Commercial Community and 4.5 acres of OS Open Space to R7 Residential on a 23-acre site at the southwest corner of Ellis Avenue and “A” Street.

The First Reading of Proposed Ordinance Number 1147 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 04-0180 FROM 18.5 ACRES OF CC COMMERCIAL COMMUNITY AND 4.5 ACRES OF OS OPEN SPACE TO R7 RESIDENTIAL ON A 23-ACRE SITE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ELLIS AVENUE AND “A” STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.

Adoption of Ordinance 1147 approving Zone Change 01-0180 from 18.5 acres of CC Commercial Community and 4.5 acres of OS Open Space to R7 Residential on a 23-acre site at the southwest corner of Ellis Avenue and “A” Street.

Introduced by: Olivia Barnes, Community Development Director

Director Barnes stated that the project site was currently vacant and surrounded mostly by vacant land, with residential development to the south. The applicant was requesting changing 18.5 acres of Community Commercial and 4.5 acres of Open Space to R14 Residential (Tract Map 32032). Because of the rocks and boulders in the area, it was the recommendation of the Planning Commission that it would be better suited as R7, but the developers wanted to have the re-designation R14. The

Director Barnes said the applicant was requesting a re-designation of 18.5 acres of CC and 4.5 acres of OS to R14. The Planning Commission recommended a re-designation of R7, adoption of Negative Declaration 2162 and

Planning Commission recommended adoption of Negative Declaration 2163 and Resolution Number 3340 approving General Plan Amendment 04-0179, as well as introduction of First Reading of Ordinance Number 1147.

Resolution Number 3340 approving General Plan Amendment 04-0179, as well as introduction of First Reading of Ordinance Number 1147.

PUBLIC COMMENT:

Public Comment

Joseph Dapice expressed concern about the possibility of using dynamite in the area to remove the boulders.

Joseph Dapice expressed concern about the possibility of the use of dynamite in removing boulders in the area.

Joseph Dapice, Jr. had concerns about speeding in the area if the streets were opened up.

Joseph Dapice, Jr. had concerns about speeding in the area if streets were opened up.

Developer Oliver Cagle presented his reasons for requesting R14. He also said that blasting would be in a small area, mostly outside their tract. He offered to drop a couple of lots in order to make all of the lots meet the minimum 6,000 square feet.

Developer Oliver Cagle presented reasons for requesting R14 re-designation.

Dave Stuart, Planning Commissioner, explained the Planning Commission's position on this matter.

Dave Stuart explained the Planning Commission's position.

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/Discussion

Mayor Pro Tem Landers questioned Mr. Cagle about the extent of blasting that would be done. He said it would not be extensive. Mr. Landers said he supported the R14 re-designation.

Mayor Pro Tem Landers asked about the blasting and said he supported the R14 designation.

Councilmember Rogers asked how many lots would be compromised if the minimum lot size were changed to 6,000 square feet. Director Barnes said it would affect four or five lots.

Councilmember Rogers asked how many lots would be compromised if the lot sizes were changed.

Mayor Busch thought the adjusted lots (50' x 120') would be too long and narrow. He also thought the R7 designation would be better.

Mayor Busch did not like the 50' width for lots and preferred the R7 designation.

Director Barnes said the 50' lots would impact the quality of the development because of the difficulty in designing.

Director Barnes said the 50' lots would impact the quality of the development.

Councilmember Rogers said some older and retired people didn't really care to have a yard anyway, so she didn't have a problem with the size.

Councilmember Rogers did not have a problem with the lot size.

Councilmember Yarbrough asked about existing subdivisions with smaller lots. He said he felt some type of compromise needed to be made.

Councilmember Yarbrough asked about existing subdivisions with smaller lots.

Developer Cagle commented that the change their lot widths to 60' instead of 50' would cause a loss of 23 lots, due to the rock situation. He said the development would be compatible with surrounding developments.

Developer Cagle said changing the lot width to 60' would result in a loss of 23 lots.

Councilmember Yarbrough asked about the timeframe for beginning the project and also the type of product.

Councilmember Yarbrough asked about the timeframe and the type of product.

Mr. Cagle said they would probably be ready to begin in about 8-10 months, and the homes would range from 1400 to 2400 square feet, with prices ranging somewhere between \$250,000 and \$325,000, subject to what the market would bear.

Mr. Cagle responded to Mr. Yarbrough's question.

Mayor Busch was concerned about the developer's unwillingness to work with the Planning Commission, and he also had a problem with the 50' x 120' lots.

Mayor Busch was concerned about the size of the lots and the developer's unwillingness to work with the Planning Commission

Mayor Pro Tem Landers said he had no problem with the lot size, but did not appreciate the developers going over the Planning Commission's head.

Mayor Pro Tem Landers had no problem with the lot size, but did not appreciate the developer not cooperating with the Planning Commission.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Rogers/Landers) to adopt Resolution Number 3340 adopting Negative Declaration 2103 and approving General Plan Amendment 04-0179.

Motion to adopt Resolution Number 3340 adopting Negative Declaration 2103 and approving General Plan Amendment 04-0179.

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

*Approved: 3
(Busch voted no)
(Motte abstained)*

Councilmember Motte rejoined the Council.

Councilmember Motte rejoined the Council.

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

A. Consideration and discussion for authorization to bid the Rider Street sidewalk construction project.

Authorization to bid the Rider Street sidewalk construction project.

Introduced by: Habib Motlagh, City Engineer

Because this project was in Councilmember Yarbrough's immediate neighborhood, he abstained from the item and left the Council Chamber.

Councilmember Yarbrough abstained from the item and left the Council Chamber.

City Engineer Motlagh explained that this project included the installation of sidewalks on the south side of Rider Street from Evans Road to Sherman Street, as well as some interim sidewalks adjacent to homes fronting Rider Street on the north side. It was included on the present budget and had been financed by a \$85,000 grant received in 2003 from RCTC, as well as \$60,000 from KB Home to pay for their frontage along Rider Street, and Measure A for \$100,000, making a total of \$245,000. This sidewalk was to be built within the existing right-of-

City Engineer Motlagh explained what was involved in this project and the source of funding.

way, and the project would also include extra sidewalks recently requested by the apartment complex on Goetz Road.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION: None

No Council Questions or Discussion

M/S/C: (Motte/Landers) to adopt plans and specifications and authorize Staff to proceed with advertising for bid.

Motion to adopt plans and specifications and authorize Staff to proceed with advertising for bid.

AYES: Rogers, Landers, Motte, Busch

NOES:

ABSENT:

ABSTAIN: Yarbrough

*Approved: 4
(Yarbrough abstained)*

Councilmember Yarbrough rejoined the Council.

Councilmember Yarbrough rejoined the Council.

- B. Consideration and discussion to award bid to ProWest PCM of Wildomar, California, regarding Fire Station #2 with Police Annex Project at Paragon Park.

Awarding of bid to ProWest PCM regarding Fire Station #2 with Police Annex Project at Paragon Park.

Introduced by: Habib Motlagh, City Engineer

City Engineer Motlagh reported that he was happy to award the Fire Station #2 bid to ProWest PCM of Wildomar. On October 27, the City Clerk received only two bids for construction of the Fire Station, with ProWest being the low bidder. Mr. Motlagh said they had done a background check on the company, and that although ProWest had not done any projects in this area, they had completed a fire station in Escondido and had just started one in Rubidoux. The Council had already allocated \$2.7 million for the project, and Mr. Motlagh requested a 10% contingency in addition. Construction was scheduled to begin in early January, with completion by August.

City Engineer Motlagh announced the awarding of the Fire Station #2 bid to ProWest PCM of Wildomar. He also requested a 10% contingency in addition to the \$2.7 already allocated.

City Manager Apodaca clarified that \$1 million would come from agreements with KB Home.

City Manager Apodaca clarified that \$1 million would come from agreements with KB Home.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions or Discussion

Mayor Pro Tem Landers asked City Manager Apodaca if the City had made any headway with the County regarding annual maintenance and staffing of the facility.

Mayor Pro Tem Landers asked if the City had made any headway with the County regarding maintenance and staffing of the facility.

City Manager Apodaca said they were gathering information to take to the County and then would approach them.

City Manager Apodaca said they were gathering information to present to the County.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Yarbrough/Landers) to award the bid to the lowest responsible bidder, ProWest PCM of Wildomar, California, in the amount of \$2,520,000, plus a 10% contingency.

Motion to award the bid to ProWest PCM of Wildomar, in the amount of \$2,520,000, plus a 10% contingency.

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

Approved: 5-0

C. Consideration and discussion regarding the “D” Street Promenade Project.

“D” Street Promenade Project

Introduced by: Habib Motlagh, City Engineer

City Engineer Motlagh stated that the first part of this project would be to complete the landscaping on the median from San Jacinto Street to the freeway, and the second phase would be completing the concrete in front of the buildings between 1st and 3rd Streets. He said they would not know what the budget would be until the bids were received.

City Engineer Motlagh outlined plans for this project, with the first part being landscaping of the median from San Jacinto to the freeway.

PUBLIC COMMENT: None

No Public Comment

COUNCIL QUESTIONS AND DISCUSSION:

Council Questions/ Discussion

Councilmember Yarbrough asked what all would be involved in the median improvement. City Engineer Motlagh said it would include only the landscaping at this time.

Councilmember Yarbrough asked what would be involved in the median improvement. Mr. Motlagh said it would only include the landscaping for now.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Yarbrough/Landers) to authorize Staff to proceed with the advertisement for bid for the landscaping on “D” Street between San Jacinto Street and the I-215 and for constructing the concrete improvements in front of the buildings on the west side of “D” Street between 1st and 3rd Streets as presented by Staff.

Motion to authorize Staff to proceed with advertisement for bid for the landscaping on “D” Street between San Jacinto Street and the I-215 and for constructing the concrete improvements in front of the buildings on the west side of “D” Street between 1st and 3rd Streets.

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

Approved: 5-0

D. Consideration and discussion regarding KB Home Development Agreement Operating Memorandum.

KB Home Development Agreement Operating Memorandum

Introduced by: Eric Dunn, City Attorney

City Attorney Dunn explained that a few months earlier, KB Home submitted their request for a mass grading permit for a large amount of dirt in their project. This Memorandum outlined what they would do in exchange for the permit.

City Attorney Dunn explained the purpose of the Memorandum.

- Approval of grading permit and working out the plan in accordance with the City Engineer's conditions of approval, mainly to deal with the routing of trucks to lessen impact on the City.
- KB Home was required by the Development Agreement to contribute \$800,000 toward the cost of the Rider Street improvement. KB would now build the Rider Street crossing over the Perris Valley storm drain. Since KB had paid approximately \$200,000 of the \$800,000, the City would now waive the remaining \$600,000, and KB would build the crossing at their own expense of about \$1.4 million.
- KB had been required to build a 15-acre community park. With the recent acquisition of 33 acres from Meritage Homes, the City thought it better to move the 15-acre park down toward the 33-acre site, resulting in a 48-acre facility. KB was to start construction on the park by January 1, 2006.
- Relocation of existing May Ranch Park to the Phase 5 area about halfway through the development of the homes in that area.
- KB had been required to pay \$500,000 toward the new Fire Station. They had now offered to pay an additional \$500,000. This \$1 million was to be advanced in January to the City to help pay for the Fire Station.
- The City had agreed to expedite the processing of all the land use and engineering approvals.

PUBLIC COMMENT:

Chris Mounts of KB Home said the Memorandum memorialized the agreements between KB and the City. He recapped what KB had done to comply with requirements. He said they would build the sports park as soon as possible.

Public Comment

Chris Mounts of KB Home recapped what KB had done to comply with requirements.

COUNCIL QUESTIONS AND DISCUSSION:

Mayor Pro Tem Landers thanked KB for the bridge crossing on Rider Street and for all they had added to the City.

Council Questions/Discussion

Mayor Pro Tem Landers thanked KB for their contributions to the City.

Councilmember Motte expressed his excitement about the coming sports park.

Councilmember Motte expressed his excitement about the coming sports park.

Mayor Busch called for a motion.

Mayor Busch called for a motion.

M/S/C: (Motte/Landers) to approve and authorize City Manager to execute the second Operating Memorandum to the Development Agreement with KB Home in the form approved by the City Attorney.

Motion to approve and authorize City Manager to execute the second Operating Memorandum to the Development Agreement with KB Home.

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

Approved: 5-0

10. PUBLIC COMMENT/CITIZEN PARTICIPATION:

Dave Stuart, Operations Manager for the Perris Valley Chamber of Commerce, gave an update on coming community events.

Dave Stuart of the Perris Valley Chamber of Commerce gave an update on coming community events.

11. COUNCIL COMMUNICATIONS:

Mayor Busch complimented Staff on the installation of the stop sign at 3rd and “D” Streets that was accomplished within a day and a half after the last Council Meeting.

Mayor Busch complimented Staff for installing the stop sign at 3rd & “D” Streets so promptly.

12. CITY MANAGER’S REPORT:

City Manager Apodaca reported that the Christmas Lighting Ceremony would take place on December 4th at 6:00 p.m.

City Manager Apodaca announced the Christmas Lighting Ceremony and the Riverside County Flood Control Public Hearing.

He also mentioned that Riverside County Flood Control would hold a public hearing at the Cesar Chavez Library on Monday, December 13, at 10:00 a.m., to gather input on funding for the proposed flood control projects as they impact Perris.

13. CLOSED SESSION:

The Council entered Closed Session at 8:05 p.m. and reconvened in Open Session at 9:30 p.m. to report on the items discussed in Closed Session.

Council entered Closed Session at 8:05 p.m. and reconvened in Open Session at 9:30 p.m.

A. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.(c) – 2 cases

Direction was given to Legal Counsel, but no reportable action was taken.

B. Conference with Legal Counsel – Existing Litigation
Government Code Section 5495.9 (a)
Vasquez v. City of Perris

Direction was given to Legal Counsel, but no reportable action was taken.

14. ADJOURNMENT:

By unanimous consent, the Joint City Council, Redevelopment Agency, PPFA and PPUA Meeting was adjourned at 9:35 p.m.

9:35 p.m. Joint City Council, Redevelopment Agency, PPFA and PPUA Meeting was adjourned.

Respectfully submitted,

Margaret Rey, City Clerk

