

CITY OF PERRIS

MINUTES: Regular City Council Meeting
Date of Meeting: 11 February 2003
Time of Meeting: 6:00 p.m.
Place of Meeting: City Council Chambers-City Hall

1. CALL TO ORDER: 6:00 p.m.

6:00 p.m. Called to Order

The Honorable Mayor Busch opened the Regular City Council Meeting at 6:00 p.m. and requested City Clerk Rey to call the roll.

2. ROLL CALL:

Councilmembers present

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

Staff Members Present: City Manager Vasquez, Assistant City Manager Apodaca, City Attorney Dunn, Finance Director Rogers-Elmore, Community Development Director Gutierrez, City Engineer Motlagh, Police Chief Kestell, Community Services Director Owens and City Clerk Rey.

3. INVOCATION:

Sister Marsha Allen gave the invocation

Sister Marsha Allen
Global Church
PO Box 1273
Perris, CA 92572

4. PLEDGE OF ALLEGIANCE:

Councilmember Landers led the Pledge

Councilmember Landers lead the Pledge of Allegiance.

5. PRESENTATIONS/ANNOUNCEMENTS:

Mayor Busch announces blood shortage

Mayor Busch informed the Councilmembers that he had been presented with a letter from Lenwood Long, a previous Mayor, and Senior Senator. The letter from Mr. Long stated that the Southern California has a critical blood shortage. The letter encouraged blood donations and asked for the public to donate blood. Mayor Busch stated citizens could contact their local blood bank, American Red Cross or call 1-800-GIVE-LIFE.

A. State Budget presentation by Mr. David Willmon, Legislative Representative for the League of California Cities, Riverside County Division.

David Willmon, Legislative Representative for the League of California Cities gives presentation regarding the Vehicle License Fee

Mr. David Willmon, spoke and thanked the Council for the invitation to speak. He gave a brief report on the dismal state budget. Mr. Willmon announced that according to the League of California Cities the State's deficit was at 34.6 billion dollars. He also stated that the Governor proposed a 500 million dollar transfer from redevelopment funds from cities from the 20% redevelopment funds that are set aside from low to moderate income housing. He encouraged the Council to pass a resolution calling for the Governor to retain the Vehicle backfill. We stand to lose the backfill, which could account for 2.952 billion dollars, three quarters of what we get from the vehicle backfill. We need the Vehicle License Fee to be stable. It would be a disaster for us if we did not make our case. We are also attempting to build the Save our Services Fund which is intended to pay for a ballot measure that will stabilize local government revenues. This is an important key to the future of local government revenues. It will be used to put in front of the people of California who have said loudly and clearly that they value their local government services.

David Willmon continues

- B. Presentation, on the available assistance from the Department of Commerce to assist industries and businesses in exporting, by representatives from the Department of Commerce International Trade Administration and District Export.

Department of Commerce to assist industries and business

Lori Van Arsdale, Mayor of Hemet, spoke to the Council regarding Importing and Exporting Council, stating that exporting can increase your industry output by about 30% to 40%. Ms. Arsdale added the goal of the District Export Council's goal was to educate their local governments about the access they have to Department of Commerce Trade Administration and Trade Assistant Centers.

Lori Van Arsdale, Mayor of Hemet reports on District Export Council

Fred Ladaperesa, Department of Commerce Regional Director, spoke on behalf of International Trade. He announced that the most important message he brought to the Council in spite of the budget constraints in the State, was that the federal agency of the United States Department of Commerce, International Trade Administration, continues to support in particular Riverside County from three office. One in Ontario, Indio and San Bernardino. He added that the Congress mandate was simple and straight; to promote US exports. Mr. Willmon added they were prepared to assist small to medium size companies in the City of Perris, and expanding markets overseas. He thanked the City Council for their time and stated his organization would continue their support.

Fred Lapaeresa, Department of Commerce Regional Director speaks on behalf of International Trade

6. APPROVAL OF MINUTES: None

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS ONLY:

Sister Marsha Allen spoke regarding faith and community based organizations. She reported that her organization had plans to bring Senator Feinstein to Perris. The Senator’s chief of staff was quite impressed with the City providing them with space for the diapers, food and clothing. She praised the youth for their help in the effort and encouraged the City Council to participate in the task force.

Sister Marsha Allen comments on faith and community based organizations

8. CONSENT CALENDAR

- A. To approve the Revised Conceptual Landscape Plans for Major Modification 01-0184 for Ross Distribution Center. Applicant: Ian Davidson Landscape Architect.

*Approve Revised Conceptual Landscape Plans for Major Modification 01-0184 for Ross Distribution Center
Approved 5-0*

Mayor Pro Tem Motte asked what the landscape consisted of and if the standard for industrial buildings was sagebrush scrub.

Motte comments on the landscape

Nelson Miller, Senior Project Manager responded that the coastal sagebrush scrub was on the slope on the inside of the perimeter of the wall. It is going to be a standard for new buildings in Perris. There will be a ten-foot screen wall along Morgan and the front of Indian to screen the truck loading area. The coastal sage scrub is on the inside of that wall on the down slope on the wall, basically an erosion control measure intended to be very water conservation oriented. A seed mix that would replicate a lot of things you see in the hillsides around us. That won’t be visible to the public at all, it will be inside the screen wall along the berm on Webster.

Nelson Miller, Senior Project Manager responds

M/S/C (MOTTE/ROGERS) To approve Consent Calendar Item A.

*Approved Consent Calendar Item A
Approved 5-0*

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

- B. To adopt proposed Resolution Number 3069, a resolution of intent to reimburse expenditures and approval of a Deposit/Reimbursement Agreement relating to Community Facilities District 2003-1 (Chaparral Ridge/Classic Pacific).

*Adoption of Resolution 3069, resolution of intent to reimburse expenditures and approval of a Deposit Agreement relating to Community Facilities District 2003-1 (Chaparral Ridge/Classic Pacific)
Approved 5-0*

To adopt proposed Resolution Number 3069 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS AND APPROVING A DEPOSIT/REIMBURSEMENT AGREEMENT RELATING TO PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2003-1 (CHAPARRAL RIDGE) OF THE CITY OF PERRIS.

- C. To adopt proposed Resolution Number 3070, a resolution of intent to reimburse expenditures and approval of a Deposit/Reimbursement Agreement relating to Community Facilities District 2003-2 (Chaparral Valley/Classic Pacific).

*Adopt Resolution Number 3070, a resolution of intent to reimburse expenditures and approval of a Deposit Reimbursement Agreement relating to Community Facilities District 2003-2 (Chaparral Valley/Classic Pacific).
Approve
5-0*

To adopt proposed Resolution Number 3070 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS AND APPROVING A DEPOSIT/REIMBURSEMENT AGREEMENT RELATING TO PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2003-2 (CHAPARRAL VALLEY) OF THE CITY OF PERRIS.

- D. To adopt proposed Resolution Number 3071, a resolution of intent to reimburse expenditures and approval of a Deposit/Reimbursement Agreement relating to Community Facilities District 2003-3 (Tract 29425/Aware Development).

*Adoption of resolution number 3071, a resolution of intent to reimburse expenditures and approval of a Deposit/Reimbursement Agreement relating to Community Facilities District 2003-3 (Tract 29425/Aware Development)
Landers-Abstain
Approve 4-0*

To adopt proposed Resolution Number 3071 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS AND APPROVING A DEPOSIT/REIMBURSEMENT AGREEMENT RELATING TO PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2003-3 (Tract 29425) OF THE CITY OF PERRIS.

M/S/C (ROGERS/YARBROUGH) To approve Consent Calendar Item D.

AYES: Motte, Rogers, Yarbrough, Busch

NOES:

ABSTAIN: Landers

- E. To approve the Riverside County Habitat Conservation Agency's Seventh Amendment to their Joint Exercise of Powers Agreement.

*Approve the Riverside County Habitat Conservation Agency's Seventh Amendment to their Joint Exercise of Power Agreement
Approve 5-0*

- F. Approval of Warrants.

Warrants approved 5-0

Councilmember Motte pulled item A. for discussion.
Councilmember Landers abstained from item D.

M/S/C (LANDERS/ROGERS) To approve Consent Calendar Items B, C, E, & F.

*Approve Consent Calendar Items B, C, E, & F
Approve 5-0*

AYES: Landers, Motte, Rogers, Yarbrough, Busch

NOES:

9. PUBLIC HEARINGS:

9.1 NEW PUBLIC HEARINGS:

- A. Consideration and discussion to adopt Resolution Number 3072, approving Street Vacation 02-0250, a proposal to revert the ownership of lettered lots in the Villages of Avalon from the City of Perris to Barratt American. Applicant: Barratt American, Inc.

*Consideration to adopt Resolution Number 3072 Street Vacation 02-0250, a proposal to revert the ownership of lettered lots in the Villages of Avalon from the City of Perris to Barratt American
Approved 5-0*

To adopt proposed Resolution Number 3072 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA ORDERING THE VACATION OF LETTERED LOTS THAT ARE INTERMITTENTLY LOCATED BETWEEN THE STREET RIGHT-OF-WAY AND THE SINGLE-FAMILY BOUNDARIES AND AT DESIGNATED STREET INTERSECTIONS; CITY OF PERRIS.

Community Development Director Gutierrez informed the Council that the resolution was to vacate lettered lots on what was an approved final map that was dedicated to the City of Perris. Since the recordation of the maps, the applicant has formed an HOA would take care of all the landscaping within those areas that are called out, primarily along Ramona Expressway, Chamlan Way, Avalon Way, Avalon Parkway and Bradley Road. In essence we are vacating these letter lots so the ownership can go back to the HOA for their maintenance, she reported.

Community Development Director Gutierrez

There were no public comments.

M/S/C (ROGERS/MOTTE) To approve Street Vacation 02-0250, a proposal to revert the ownership of lettered lots in the Villages of Avalon from the City of Perris to Barratt American. Applicant: Barratt American, Inc.

*Approved Street Vacation 02-0250, a proposal to revert the ownership of lettered lots in the Villages of Avalon from the City of Perris to Barratt American
Approved 5-0*

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

Councilmember Landers requested to make a motion to add a closed session urgency item to the agenda for the performance evaluation of the City Manager. He stated he knew the Council needed four votes to add an urgency item. Councilmember Landers stated a matter had come to the attention of the Council after the agenda was posted. Councilmember Landers added the issue needed to be discussed and direction given.

*Councilmember Landers requested a motion to add a closed session urgency item to the agenda for the performance evaluation of the City Manager
4/5 vote needed*

M/S/C (LANDERS/YARBROUGH) To approve to add a closed session item to the agenda for the performance evaluation of the City Manager.

*Approve to add a closed session urgency item to the agenda for the performance evaluation of the City Manager
Motion died due to lack of quorum
Vote*

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

9.1 CONTINUED PUBLIC HEARINGS: None

10. NON-HEARING ITEMS:

10.1 NEW BUSINESS:

- A. Consideration and discussion to amend the Code of Conduct to state that any member of the City Council, City of Perris can place items on the agenda.

*Consideration and discussion to amend the Code of Conduct to state that any member of the City Council, City of Perris can place items on the agenda
Approved 5-0*

Councilmember Landers stated previous requests to the Mayor on having items placed on the agenda had been refused. The current policy is for the Mayor and City Manager to set the agenda. This does not appear to be a formal policy that was officially adopted by the council but instead evolved. The City Council has the right on the Code of Conduct to amend, suspend or modify anything on its Code of Conduct. The Code of Conduct should be equal for everybody, just like our country is. Councilmember Landers added that he would like to bring this forward.

Councilmember Landers states Code of Conduct should be equal

City Manager, Vasquez stated, "I've been hearing from Mr. Landers that we all get along and that there's no controversy and it's a courtesy issue. It's a self-serving issue for Mr. Landers. It's an issue about a political ploy, it's about control, setting your own agenda, putting your items on the agenda. In the past Mr. Landers has been very direct in his attempts to control and circumvent the City Manager. He has directed staff to fire people without cause. He's directed staff to perform unlawful and unethical tasks. He's interfered with the administration of the City. This is another attempt to administer and take over the administration of the City. He's harassed City employees, he's coerced staff to approve improper real estate transactions for personal gain and he's forced

City Manager Vasquez responds

staff to provide a mechanism to increase compensation of the elected City Clerk and a number of others, I can go on forever. So that is my opinion of what this is all about.”

City Manager Vasquez continued

PUBLIC COMMENTS:

Brian Vidal, citizen of Perris announced that he agreed with Mr. Landers that any councilperson should be able to put an item on the agenda. He pointed out that Mr. Vasquez’s comments were shameful and hoped the Council would approve the agenda item.

Brian Vidal statements

Kelly Kaus addressed the City Council with concerns on agenda placement items. He stated that Mayor Landers had changed part of the policy, seven or eight years ago, but felt that the Mayor should allow citizens and other Councilmembers to put certain items on the agenda.

Kelly Kaus comments

Sister Marsha Allen addressed the Council and stated she hope the City Council would work behind the scenes and resolve their issues.

Sister Marsha Allen addresses the Council

Councilmember Rogers stated that she had the utmost respect for her colleagues and the process of democracy. Rogers praised the youth for their attendance. She was in agreement to have every Councilmember participate in putting items on the agenda.

Councilmember Rogers makes statements

Mayor Pro Tem Motte gave his view on the matter, he had found no problem with the current system, but would also favor each Councilmember should have a right to put an item on the agenda. Councilmember Motte would like a process in which staff would have input also, with research to be included. He also added he didn’t think Councilmembers should circumvent the City Manager.

Mayor Pro Tem Motte gives his view

Councilmember Yarbrough added that previously staff had struggled with obsessive agenda requests without sufficient documentation. The problem now was reversed where Councilmembers that have legitimate issues and concerns would like to bring those issues forward to be addressed. We need a process that works.

Councilmember Yarbrough gives his views

Mayor Busch stated his duty was to follow the duties that were set in place as previous Councilmembers had voted on. His concern was to bring forth agenda items in a professional and business like manner.

Mayor Busch responds to issue

M/S/C (BUSCH/MOTTE) To amend the Code of Conduct to state that any member of the City Council, City of Perris can place items on the agenda.

Amend the Code of Conduct to state that any member of the City Council, City of Perris can place items on the agenda 5-0 Approved

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

B. Discussion regarding Mid-Year Budget.

Discussion Mid-Year Budget

Councilmember Yarbrough addressed his concerns about the availability of budget information. He felt that materials should be readily available for Councilmembers and information that is complete.

Councilmember Yarbrough voiced concerns on budget Councilmember Yarbrough continues

City Manager Vasquez responded that the item had been placed late on the agenda. Two weeks ago he had sent a report to the Council regarding the Mid-Year Budget Workshop where budget information would be provided. We are looking to reduce our budget by 15% across the board for the cuts this year and for the proposed cuts next year. We were gearing for the workshop scheduled for next week.

City Manager Vasquez responds

Finance Director Rogers-Elmore addressed the budget projections. We will probably end the General Fund budget as June 30, 2003 at about 4.8 million dollars, which is 1.6 million over the prior year. The revenues came in at 2 million dollars more than projected. We had a very good year with construction revenues. Staff has made some very good efforts analyzing the balance sheet accounts and recognizing revenues in the proper funds. Last year we received about \$150,000 reimbursement of overpayments from the Sheriff's department. We have a very healthy fund balance at this point.

Finance Director Rogers-Elmore addressed budget projections

PUBLIC COMMENT:

Brian Vidal, citizen of Perris addressed the Council and expressed his views on placing items on the agenda. He questioned the chain of communication being broken.

Brian Vidal expresses his views

C. Consideration and discussion to approve the transfer of the City Attorney and City Attorney Services to Aleshire and Wynder, LLP.

Consideration and discussion to transfer City Attorney and City Attorney Services to Aleshire and Wynder LLP Approved 5-0

Introduced by: City Manager Vasquez

City Manager Vasquez stated that Eric Dunn, City Attorney was forming a new firm called Aleshire and Wynder, LLP.

PUBLIC COMMENT:

*Brian Vidal commends
City Attorney*

Brian Vidal, citizen of Perris commended the City Attorney for a job well done. He encouraged the Council to have an attorney in-house.

*Approve the transfer to the
City Attorney and City
Attorney Services to Aleshire
and Wynder, LLP
Approved
5-0*

M/S/C (ROGERS/YARBROUGH) To approve the transfer of the City Attorney and City Attorney Services to Aleshire and Wynder, LLP.

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

10.2 OLD BUSINESS: None

11. PUBLIC COMMENTS:

Brian Vidal, citizen of Perris commented on the placement of Agenda Item: Public Comments. He would prefer if it was placed at the beginning of the meeting and also at the end of the meeting.

*Brian Vidal comments on
placement of Public
Comments*

Kelly Kaus, citizen of Perris addressed the Council regarding politics in city government. He stated Perris City Council over a decade changed City Managers ten times.

*Kelly Kaus addresses the
Council*

Sister Marsha stated she would be encouraging more young people to attend the meetings.

*Sister Marsha encourages
young people to attend
meetings*

John Barnes, Businessman of Perris commented there needed to be more concentration on the City and less arguing between staff and Council.

*John Barnes comments that
there needs to be more
concentration on the City*

12. CITY COUNCIL COMMENTS:

Councilmember Landers apologized to his peers and added that he had utmost respect for the Mayor and Council.

*Councilmember Landers
apologizes to his peers for
comments that were made*

Councilmember Yarbrough added that the commitment from the Council majority was to move forward.

*Councilmember Yarbrough
states Council majority was to
move forward*

13. CITY COUNCIL COMMITTEE REPORTS:

Councilmember Landers stated he attended his first WRCOG meeting and thanked Council for the opportunity.

*Councilmember Landers
attends WRCOG meeting*

Mayor Busch reported the League of Cities had met, with a message from the League encouraging the Council's participation.

*Mayor Busch reports on the
League of Cities encourages
Council participation*

14. CITY MANAGER'S REPORT:

City Manager, Vasquez reported that the staff had been reporting on four development agreements to be completed in a timely fashion. The development agreements are with major developers in the community. Homes have been sold before they are completed; the City is in a growth mode.

*City Manager Vasquez reports on four development agreements
City Manager Vasquez continued*

15. AGENDA ITEMS/MEETING REQUESTS AND REVIEW:

M/S/C (LANDERS/YARBROUGH) To hold a Special Closed Session Meeting on Thursday, February 13, 2003 at 6:00 p.m. for review of the City Manager.

*Council votes to hold a Special Closed Session Meeting on Thursday, February 13, 2003 at 6:00 p.m. for review of the City Manager
Approved 5-0*

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

City Manager Vasquez informed the Mayor he had a question.

City Manager Vasquez asks for explanation

Mayor Busch stated he didn't think it was the proper time to ask a question since it was Agenda Items/Meeting Requests and Review.

Mayer Busch responds

City Manager Vasquez asked what the purpose of the evaluation was. He added that he was recently evaluated and he didn't see a need. He asked what the charges were and that they be made public now.

City Manager Vasquez asks what the purpose of the evaluation is

16. CLOSED SESSION:

A. Public Employee Performance Evaluation
Government Code Section 54957
City Attorney

City Attorney Eric Dunn reported that the review was held and the Council acted on the transfer of the City Attorney and City Attorney Services to Aleshire and Wynder, LLP in open session.

City Attorney Eric Dunn stated the council met in Closed Session to discuss 4.A of the City Council Work Session:

Public Employee Performance Evaluation Government Code Section 54957 – City Attorney, reporting that the review was held and the Council acted on the transfer of the City Attorney and City Attorney Services to Aleshire and Wynder, LLP in open session.

Public Employee Evaluation Government Code Section 54957

B. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9 © - One Case
City Attorney Eric Dunn reported on Item 4.B of the City Council Work Session:

Conference with Legal Counsel

Conference with Legal Counsel – Anticipated Litigation Government Code Section 54956.9 © – One Case, discussion was held and direction was given to the City Attorney but no reportable action was taken.

City Attorney Eric Dunn reported discussion was held and direction was given to the City Attorney but no reportable action was taken.

17. **ADJOURNMENT:** There being no further business, the City Council adjourned the meeting at 7:45 p.m.

Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Margaret Rey, City Clerk