

CITY OF PERRIS

MINUTES: Regular City Council Meeting
Date of Meeting: 12 February 2002
Time of Meeting: 6:00 p.m.
Place of Meeting: City Council Chamber-City Hall

1. CALL TO ORDER:

6:10 p.m. Called to Order

2. ROLL CALL:

All Present

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

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

3. INVOCATION:

Reverend Capers Performed the Invocation

4. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Yarbrough Led the Pledge

Mayor Pro Tem Yarbrough will lead the Pledge of Allegiance.

5. PRESENTATIONS:

A. Presentation of a Proclamation establishing February, 2002, as African-American History Month.

Mayor Busch presented the African-American History Month Proclamation to Ruth Gardner, President of the Perris African-American Committee.

Mayor Busch Presented the Proclamation to Ms. Gardner

6. APPROVAL OF MINUTES:

To approve the minutes of the City Council Work Session held January 29, 2002 and Regular City Council Meeting of January 29, 2002.

M/S/C (ROGERS/LANDERS) To approve the minutes of City Council Work Session held January 29, 2002 and Regular City Council Meeting of January 29, 2002.

City Council Work Session & Regular City Council Minutes of January 29, 2002 Approved: 5-0

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

7. **PUBLIC COMMENT ON CONSENT CALENDAR ITEMS ONLY:** None

8. **CONSENT CALENDAR**

A. To review and file Quarterly Investment Report for Period Ending December 31, 2001.

*Receive/File Quarterly
Investment Report
Ending 12/31/01
Approved: 5-0*

B. To approve the Program Supplement 013-M, Agreement 08-5198, for the existing Case Road Bridges, authorize the Mayor to sign the application and City Clerk to submit the originals and a certified minute order to Caltrans for final approval.

*Case Road Bridge
Program Supplement
013-M Agreement
Approved: 5-0*

C. To adopt Resolution Number 2914, a resolution designating representatives to the March Joint Powers Commission.

*Adoption of Resolution
Number 2914 March
Joint Powers
Commission
Representatives
Approved: 5-0*

To adopt Resolution Number 2914 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESIGNATING REPRESENTATIVES TO THE JOINT POWERS COMMISSION OF THE JOINT POWERS AUTHORITY CREATED TO FORMULATE AND IMPLEMENT PLANS FOR THE USE AND REUSE OF MARCH AIR FORCE BASE AND RESCINDING RESOLUTION NUMBER 2587.

D. To approve Tentative Tract Map 27481, Extension of Time Case No. 02-015: A request for a one-year extension of time. Tentative Tract Map 27481 is a proposal to subdivide a 1.38 acre parcel into seven (7) single-family residential lots. The project site is located south of Orange Avenue, north of Flame Avenue, and east of Medical Center Drive. Owner: Bhupindar Singh

*Tentative Tract Map
27481 Extension of
Time 02-015
Approved: 4-0
Abstain: Landers*

E. Approval of Warrants.

Warrants Approved: 5-0

Councilmember Landers requested to pulled Item D of the Consent Calendar.

*Councilmember
Landers' Pulled Item D*

M/S/C (ROGERS/MOTTE) To approve the balance of the Consent Calendar as presented.

*Balance of the Consent
Calendar
Approved: 5-0*

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

In regards to Item D, Extension of Time 02-015 for Tentative Tract Map 27481, Councilmember Landers abstained due the fact he represented the seven (7) lots on Orange Avenue.

*Councilmember
Landers' Abstention*

M/S/C (MOTTE/ROGERS) To approve Item D, Tentative Tract Map 27481, Extension of Time 02-015.

*Item D, Tentative Tract
Map 27481 Extension of
Time 02-015
Approved: 4-0
Abstain: Landers*

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

9. PUBLIC HEARINGS:

9.1 NEW PUBLIC HEARINGS:

- A. Consideration and discussion to approve Conditional Use Permit 01-0172: A request to construct a 55 foot high cellular telecommunication monopole at an existing mini storage facility and install ancillary equipment within one of the storage units. The proposed monopole and antenna array will be designed to resemble a palm tree. Applicant: Nextel Communications.

Conditional Use Permit 01-0172 Continued to March 26, 2002 City Council Meeting Continuance Approved: 5-0

Community Director Gutierrez said the applicant requested a continuance to the second meeting in March.

Community Director Gutierrez's Introduction

City Attorney Dunn recommended to open the public hearing and continue the public hearing in order for it not to be re-noticed.

City Attorney Dunn's Recommendation

Mayor Busch called for public comment on the subject matter. There being none, public comment was closed and called for a motion to continue the item.

PUBLIC COMMENT: None

M/S/C (ROGERS/MOTTE) To continue Conditional Use Permit 01-0172 to the March 26, 2002 City Council Meeting.

Conditional Use Permit 01-0172 Continued to March 26, 2002 City Council Meeting Approval of Continuance: 5-0

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

- B. Consideration and discussion to introduce, for first reading, Ordinance Number (next in order), Ordinance Amendment 02-0011: An ordinance amending the Zoning Ordinance and designating the duties of the Planning Commission.

Ordinance Amendment 02-0011 Continued to March 26, 2002 City Council Meeting Approval of Continuance: 5-0

To introduce, for first reading, Ordinance Number (next in order) entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING THE ZONING ORDINANCE AND DESIGNATING THE DUTIES OF THE PLANNING COMMISSION.

Community Director Gutierrez commented that staff required additional time to conduct a thorough analysis of the draft ordinance. Therefore, staff requested to continue the ordinance amendment to the March 26, 2002 City Council Meeting.

Community Director Gutierrez's Introduction

Mayor Busch called for public comment.

PUBLIC COMMENT:

Mr. Burton, 1020 Clayton Road, commented on the rezone, of his property located on 11th Street, from commercial to residential.

Mr. Burton's Comment

Mr. Burton's comment was not related to the agenda subject matter, therefore, Community Director Gutierrez said she would meet with Mr. Burton to discuss the concern of zoning.

Community Director Gutierrez's Comment

Mayor Busch called for public comment on the ordinance amendment, there being none he called for a motion to continue to the March 26th Council Meeting.

M/S/C (ROGERS/MOTTE) To continue Ordinance Amendment 02-0011 to the March 26, 2002 City Council Meeting.

Ordinance Amendment 02-0011 Continued to March 26, 2002 City Council Meeting Approval of Continuance: 5-0

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

9.2 CONTINUED PUBLIC HEARINGS: None

10. NON-HEARING ITEMS:

10.1 NEW BUSINESS:

A. Consideration and discussion to select the position of Mayor Pro Tem.

City Manger Vasquez introduced the item and indicated that at the last meeting of January 29th the Mayor expressed the desire for Council to consider appointment of Rita Rogers as Mayor Pro Tem. Therefore, the appointment of Mayor Pro Tem was to be ratified.

City Manager Vasquez's Introduction

City Attorney Dunn indicated this process required a nomination, second and a majority vote.

City Attorney Dunn's Comment

Councilmember Landers nominated Rita Rogers for Mayor Pro Tem.

Councilmember Landers' Nomination

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Landers complimented and voiced respect for Rita Rogers. He commended Mr. Yarbrough for his excellent performance as Mayor Pro Tem for the past four years.

Councilmember Landers' Comments

Councilmember Yarbrough said Ms. Rogers had been an honorable colleague to serve with and congratulated her. He commended Council on an excellent choice for Mayor Pro Tem.

Councilmember Yarbrough's Comments

Mayor Busch also congratulated Ms. Rogers and indicated she would do an excellent job.

*Mayor Busch's
Comments*

Mayor Pro Tem Rogers commended Councilmember Yarbrough's on the outstanding job as Mayor Pro Tem and was honored to follow in his footsteps. Mayor Pro Tem Rogers was proud to be part of the team that brought stability and civility back to City Hall, increased revenues, public safety and respected staff. Mayor Pro Tem introduced her daughter Robin, son Joseph and her good friend Pastor Davis.

*Mayor Pro Tem Rogers'
Comments*

M/S/C (LANDERS/MOTTE) To ratify Councilmember Rogers as Mayor Pro Tem.

*Ratification of Rita
Rogers as Mayor Pro
Tem
Approved: 5-0*

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

B. Consideration and discussion to adopt proposed Urgency Ordinance Number (next in order), an ordinance approving the increase in Sewer Rates for services provided by Eastern Municipal Water District (EMWD).

*Urgency Ordinance (next
in order) EMWD's Sewer
Rate Increase
Adoption Denied: 2-3*

To adopt proposed urgency Ordinance Number (next in order) entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INCREASING SEWER RATES FOR SERVICES PROVIDED BY EASTERN MUNICIPAL WATER DISTRICT (EMWD).

Finance Director Rogers-Elmore said the City's Utility Enterprise Fund currently bills on behalf of Eastern Municipal Water District (EMWD) for the transmission, treatment and disposal of sewerage via monthly invoices. Funds billed and collected by the City on behalf of EMWD were remitted to EMWD. The last increase was in November, 1996 and in late January 2002 EMWD increased their rates to be effective January 1, 2002 and be applied to the February 1, 2002 billings. There was no fiscal impact to the General Fund or the Sewer Enterprise Fund. The previous monthly rate of \$15.57 had been increased by \$.86 to \$16.43 per month.

*Finance Director Rogers-
Elmore's Presentation*

PUBLIC COMMENT:

Verniecia Davis, 250 W. 1st Street, Perris commented that the increase should be a benefit to the old area of Perris.

*Verniecia Davis'
Comments*

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Landers voiced opposition to the increase. He commented that Indian Hills had sewage problems. EMWD had \$350 million in reserve and they cannot help the people of Perris.

Councilmember Landers' Comments

Mayor Pro Tem Rogers commented that EMWD passed rates in December, 2001 and asked if during that cycle if they had a public hearing and input at a Board of Director Meeting where the public would had protested the increased. Also, did the City bill for EMWD and was the usual procedure to bill the residents what was billed to the City by EMWD. EMWD's Board of Directors incurred the increase and the public should had received a notification in their water bill to protest/attend the hearing.

Mayor Pro Tem Rogers' Comments & Queries

In response, Finance Director Rogers-Elmore indicated EMWD had a meeting for protest. The City did bill for EMWD and the City was a pass through for EMWD. The City collected \$5.64, per billing, for sewer rate and transmitted that collection to EMWD.

Finance Director Rogers-Elmore's Response

Councilmember Yarbrough said he attended EMWD's Board Meeting and there were concerns. He asked if there was no support how would it impact the decision process and City.

In response, City Attorney Dunn said the impact to the decision process would be that in order to adopt as an urgency ordinance tonight and become effective immediately required four (4) votes. If there was not four votes it would be introduced as a regular ordinance and would require a second reading and would not become effective until thirty (30) after passage. To adopt as an urgency ordinance required four votes making the finding that the immediate adoption was necessary to preserve the public safety and welfare. If not adopted then the amount would be a pass through to EMWD to pay for their treatment facilities and would not be effective.

City Attorney Dunn's Response & Comments

City Manager Vasquez remarked the urgency ordinance was basically a result of the timing. EMWD had hearings in December and the City did not receive the increase until late January, 2002. Therefore, they requested to be place on the agenda as an urgency ordinance because of the timing and effective date of February, 2002. If not adopted the fall back would be to schedule as a regular agenda item on the following agenda.

City Manager Vasquez's Comments

Mayor Pro Tem Rogers asked if that meant EMWD would not be able to implement the increase or would it impact the City.

Mayor Pro Tem Rogers' Query

In reply, City Manager Vasquez said it meant the increase would not be effective in the City of Perris. EMWD could not impose an increase until the Council approved it.

City Manager Vasquez's Response

City Attorney Dunn intervened and indicated the increase would not effect the customers on the City's sewer system.

City Attorney Dunn's Comment

Councilmember Yarbrough asked if there would be an impact to the City's sewer system if the ordinance was not adopted. The justification for the increase had been discussed at previous workshops. The utility (water) had a tremendous value to the City and companies had been approached as far as fine tuning the process administratively. Adoption of the ordinance should be the last step the City would take.

Councilmember Yarbrough's Query & Comments

In response, Finance Director Rogers-Elmore said there would be no impact.

Finance Director Rogers-Elmore's Response

Councilmember Motte voiced support of the adoption of the urgency ordinance.

Councilmember Motte's Comment

Mayor Busch did not support the urgency, but EMWD did provide services. EMWD had worked with the City in regards to the sewer problems in Indian Hills. They had, in joint venture, funded and loaned the City money for the school that was to be built in Enchanted Heights. The increase was considered reasonable.

Mayor Busch's Comments

M/S/C (MOTTE/BUSCH) To adopt proposed Urgency Ordinance Number (next in order), an ordinance approving the increase in Sewer Rates for services provided by Eastern Municipal Water District (EMWD).

Urgency Ordinance (next in order) EMWD's Sewer Rate Increase Adoption Denied: 2-3

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

C. Consideration and discussion to adopt proposed Resolution Number 2915, a resolution appointing the City of Perris City Attorney.

Adoption of Resolution Number 2915, Appointment of City of Perris City Attorney Approved: 5-0

To adopt proposed Resolution Number 2915 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPOINTING THE CITY OF PERRIS CITY ATTORNEY.

City Manager Vasquez commented the City contracted with Burke, Williams & Sorensen to provide legal services for the City. The proposal was an administrative action to appoint Eric Dunn as City Attorney. Mr. Dunn had served the City as Deputy City Attorney. Therefore, it was recommended to adopt the resolution.

City Manager Vasquez's Presentation

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Motte voiced support to adopt the resolution.

*Councilmember Motte's
Comment*

Councilmember Yarbrough commented on the transition from Rutan & Tucker; not a single lawsuit served since the transition to Burke, Williams & Sorensen and also the zero litigation to this point.

*Councilmember
Yarbrough's Comments*

Councilmember Landers asked if there was a contract; were there any clauses within the contract to address; and was it a six month appointment period.

*Councilmember Landers'
Queries*

In response, City Manager Vasquez said the contract was in effect until the end of the fiscal year and would be reevaluated at budget time.

*City Manager Vasquez's
Response*

Mayor Pro Tem Rogers voiced support to adopt the resolution and looked forward to working with Mr. Dunn.

*Mayor Pro Tem Rogers'
Comments*

Mayor Busch voiced support to adopt the resolution and Mr. Dunn was a team player. The contract was for a period of one year, but there was a clause, upon notification, to terminate at any time.

*Mayor Busch's
Comments*

City Attorney Dunn intervened and pointed out the contract had no time limit and was not being revised. The City could terminate the firm at any time.

*City Attorney Dunn's
Comments*

M/S/C (LANDERS/YARBROUGH) to adopt proposed Resolution Number 2915, a resolution appointing the City of Perris City Attorney.

*Adoption of Resolution
Number 2915,
Appointment of City of
Perris City Attorney
Approved: 5-0*

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

City Attorney Dunn thanked the Council for their positive comments; enjoyed working with staff; and hoped he had earned confidence from staff and Council.

*City Attorney Dunn's
Comments*

D. Consideration and discussion to approve additional funding for a second engine company for the winter months of 2002, to allow the Fire Department to continue safe and aggressive suppression of fires, and to be able to respond to multiple incidents without delay.

*Additional Funding –
Second Engine Company
for 2002 Winter Months
Approved: 5-0*

In Chief Williams' absence City Manager Vasquez introduced the proposal. The proposal was a recommendation to augment fire funds. In the past the State had funded apparatus and personnel during the winter months. The personnel was not available due to needs elsewhere. The funding request would fund additional personnel to serve as back-up to the regular fire personnel for the winter months. The cost would be approximately \$72,000 and would provide back-up

*City Manager Vasquez's
Presentation*

for the Perris community. State monies would be forth coming and do not know how long the back-up would be required. During the summer months there would be no problem with personnel shortage. Therefore, staff recommended Council to approve additional funding and authorize funds to be dispersed from the City's reserves to pay for the service.

Con't. City Manager Vasquez's Presentation

PUBLIC COMMENT:

Mr. Vidal commented the \$72,000 for additional staff should be spent on a temporary mobile station in the north end of the City and would be a benefit.

Mr. Vidal's Comments

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Motte voiced support of the proposal and commented on the \$3.2 million reserve.

Councilmember Motte's Comments

Councilmember Landers asked for status for the north end fire station.

In answer, City Manager Vasquez said they had been occupied with the CFDs for funding of future fire service and attention had not been directed to seek a new station. But, the City had conferred with the Fire Department to identify locations and it was pertinent to locate a fire station within a five minute response time to the service area. There were two locations identified; a funding source would need to be obtained and acquisition would occur. The primary concern was to pursue on-going cost for providing the service. Barratt had agreed to be part of the CFD to pay for fire services.

City Manager Vasquez's Response & Comments

Mayor Pro Tem Rogers voiced support and commented that the City's reserves were healthy and the request was necessary for public safety. It was a temporary measure until the State resumes the staffing level at the fire station. Through the CFDs and other measures the Council would be able to solve the problem very shortly.

Mayor Pro Tem Rogers' Comments

Councilmember Yarbrough voiced support of the proposal and commented the short term solution would be to contract with the Moreno Valley Station. Another alternative would be to create a volunteer crew and place a fire engine in the north end.

Councilmember Yarbrough's Comments

Mayor Busch commented on Moreno Valley providing services, which would be short term, and the proposal was essential to public safety.

Mayor Busch's Comments

M/S/C (YARBROUGH/LANDERS) to approve additional funding for a second engine company for the winter months of 2002.

Additional Funding – Second Engine Company for 2002 Winter Months Approved: 5-0

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

10.2 OLD BUSINESS:

A. Consideration and discussion to rescind the August 28, 2001, Purchase Agreement between the City of Perris and the Perris Public Utility Authority.

Rescind August 28, 2001 Purchase Agreement between City of Perris & Public Utility Authority Approved: 5-0

City Manager Vasquez said the City entered into a purchase agreement to sell the Sewer/Water System to Utility Authority. The sale was not consummated due to the incomplete appraisal. Since then the Public Utility Authority was established and there was the need for the sale of the utilities system. To avoid issues and further costs it was recommended to rescind the purchase. The Utility Authority would continue to exist, but would not allow the sale to take place.

City Manager Vasquez's Presentation

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Mayor Pro Tem Rogers voiced pleasure that the City's finance was healthy that Council could take this measure.

Mayor Pro Tem Rogers' Comments

M/S/C (LANDERS/ROGERS) to rescind the August 28, 2001, Purchase Agreement between the City of Perris and the Perris Public Utility Authority.

Rescind August 28, 2001 Purchase Agreement between City of Perris & Public Utility Authority Approved: 5-0

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

11. PUBLIC COMMENT:

Mr. Vidal commented on matching paint color for graffiti removal.

Mr. Vidal's Comment

Ms. Gardner, 18401 Haines Street, thanked the Mayor, Council, Public Services Director Owens and his staff, City Manager, Police Chief Kestell and Fire Chief Williams for their support, participation, and assistance to the Black History Parade held on Saturday, February 9, 2002. Ms. Gardner presented Mayor Busch, on behalf of the City, with a Certificate of Appreciation of Support.

Ms. Gardner's Comments & Presentation of Certificate of Appreciation of Support to Mayor Busch

Mayor Busch thanked Ms. Gardner, on behalf of the City, in accepting the certificate.

Mayor Busch's Comment

Ms. Hill, 20805 Verta Street, thanked the City for the support and assistance to the parade. She presented Ms. Gardner with a Certificate of Appreciation.

Ms. Hill's Comment & Presentation

Ms. Davis, 250 W. 1st Street, saluted the Council, Mayor and staff for the support of the Black History Month Parade. She commented on the positive growth of Perris and leadership.

Ms. Davis' Comments

12. CITY COUNCIL COMMENTS:

Mayor Pro Tem Rogers commended Ms. Gardner on the excellent coordination of the parade and the people honored. She also commented on meeting with Kevin Biggers of Governor Gray Davis' office regarding special language for the hardship school district to benefit the community's hardship school district.

Mayor Pro Tem Rogers' Comments

Councilmember Motte commented that the Fund Balance reflected the value of assets.

Councilmember Motte's Comment

Councilmember Landers commented on community unity and the City's progress; status of the Web Site; agendas on the Web Site and in Spanish.

Councilmember Landers' Comments

Councilmember Yarbrough congratulated the Parade Committee and commented on the diverse community; and the importance of culture. Also, the utility was the one important asset the City had.

Councilmember Yarbrough's Comments

Mayor Busch commended the Parade Committee. He commented on the excellent luncheon which hosted Police Chief Kestell on February 6th and announced his attendance at the March Air Reserve Base Change of Command Ceremony.

Mayor Busch's Comments

Police Chief Kestell thanked the Mayor, Council and staff for the luncheon and the opportunity to meet City staff and community representatives.

Police Chief Kestell's Comments

13. CITY COUNCIL COMMITTEE REPORTS: None

14. CITY MANAGER'S REPORT:

City Manager Vasquez commented on the parade and the community company it invoked; recognized City staff for the assistance with the parade; and announced appreciation of the Temecula Police Explorers assistance at the parade.

City Manager Vasquez's Comments

15. AGENDA ITEMS/MEETING REQUESTS AND REVIEW:

Mayor Pro Tem Rogers requested to agendize the review of the Gas Franchise; and review of the street repair ordinance for utility companies repair of streets. There was an inter-utility coordinating council that would work with the City Engineer.

Mayor Pro Tem Rogers' Agenda Requests

Mayor Busch announced the magnificent job on Oleander Road Extension and indicated the completion date would be in May, 2002, but the City's side would be sooner.

Mayor Busch's Announcement

Mayor Busch cited the Closed Session items and adjourned City Council Meeting which would continue after Closed Session. The Mayor called the Redevelopment Agency Meeting to order at 7:28 p.m.

7:28 p.m. City Council Meeting adjourned to Redevelopment Agency Meeting

City Council took recess at 7:34 p.m. and reconvened to Closed Session at 7:50 p.m.

*7:50 p.m. Closed Session
Convened*

16. CLOSED SESSION:

A. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9 (a)
City of Perris v. Stratford (Evans Road)

*No Reportable Action
Taken*

B. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9 (b) – One Case

*No Reportable Action
Taken*

City Attorney Dunn reported direction was given to legal counsel and no reportable action taken on Closed Session Items A or B.

*City Attorney Dunn's
Closed Session Report*

17. ADJOURNMENT: By unanimous consent the Regular City Council Meeting was adjourned at 8:27 p.m.

*8:27 p.m. Regular City
Council Meeting
Adjourned*

Respectfully Submitted,

Margaret Rey, City Clerk