

CITY OF PERRIS

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

1. CALL TO ORDER:

6:00 p.m. Called to Order

2. ROLL CALL:

*Four Councilmembers Present
Absent: Landers*

Council Members Present: Motte, Rogers, Yarbrough, Busch

Absent: Landers

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

3. INVOCATION:

Pastor Markley Gave Invocation

4. PLEDGE OF ALLEGIANCE:

Councilmember Motte Led the Pledge

5. PRESENTATIONS:

A. Presentation of a Proclamation for the American Cancer Society.

Mayor Busch's Presentation to American Cancer Society

Mayor Busch introduced the American Cancer Society representatives Ms. Ramirez and Mr. Henderson and presented the Relay of Life Proclamation.

Ms. Ramirez announced the American Cancer Society Relay of Life Event to be held April 20, 2002 and thanked the City of Perris for their participation.

American Cancer Society Ms. Ramirez's Announcement

Mr. Henderson, Chairperson for the Relay of Life Event, commented this year's event was in its third year in Moreno Valley; purpose of the relay was to raise funds and community involvement. The activities at the event included: cancer treatment/rehabilitation information; community service resources; self help programs. The event started at 9:00 a.m. on Saturday, April 20th through Sunday, April 21st. Mr. Henderson thanked the City for their support.

Relay of Life Event Chairperson Mr. Henderson's Presentation

B. Presentation of a POW/MIA picture to Perris City and a cap to Mayor Busch from the Perris Post 595. Commander, Iral Evans distributed packets to Council, which contained information of the various programs the American Legion supported. He announced a Chili Cook Off in April, 2002; a Formal Flag Retirement Ceremony on May 18th at the American Legion Hall and a Memorial Day Service May 27th at the Perris Valley Cemetery.

*Commander Iral
Evans' Presentation
POW/MIA*

Ms. Summers, Chili Cook Off Chairperson, announced the Chili Cook Off Event would be held on April 20th from 10:00 a.m. to 6:00 p.m. at the Perris American Legion. The activities at the event included: live music; food; raffle; vendors; and a children's contest.

*Chili Cook Off
Chairperson Ms.
Summers'
Announcement*

Mayor Busch indicated the event would be video taped and aired on Government Channel. The Mayor acknowledged the Public Safety Commission in regards to the installation of the guardrail at Goetz Road. There was an accident a week ago where a vehicle hit the guardrail which saved four lives.

*Mayor Busch's
Comments*

6. APPROVAL OF MINUTES:

*February 26, 2002
Regular City Council
Minutes
Approved: 4-0
Absent: Landers*

To approve the minutes of the Regular City Council Meeting held February 26, 2002.

M/S/C (ROGERS/MOTTE) To approve the minutes of the Regular City Council Meeting held February 26, 2002.

AYES: Busch, Rogers, Yarbrough, Motte

NOES:

ABSENT: Landers

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS ONLY:

Mr. Vidal commented on the assessment for Maintenance District Number 84-1; indicated fifty trees were replaced last year. Twenty of the trees died and requested replacement.

*Mr. Vidal's
Comments*

8. CONSENT CALENDAR

A. To adopt Resolution Number 2921, a resolution ordering preparation of the Engineer's Report for Maintenance District Number 84-1.

*Resolution 2921
Ordering
Preparation
Engineer's Report-
Maintenance District
84-1. Approved: 4-0
Absent: Landers*

To adopt proposed Resolution Number 2921 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2002/2003 IN THE CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT.

- B. To adopt Resolution Number 2922, a resolution ordering preparation of the Engineer's Report for Landscape Maintenance District Number 1.

*Resolution 2922
Ordering Preparation
Engineer's Report-
Landscaping
Maintenance District
1
Approved: 4-0
Absent: Landers*

To adopt proposed Resolution Number 2922 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2002/2003 IN THE CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT.

- C. To adopt Resolution Number 2923, a resolution ordering preparation of the Engineer's Report for Flood Control Maintenance District Number 1.

*Resolution 2923
Ordering Preparation
Engineer's Report-
Flood Control
Maintenance District
1
Approved: 4-0
Absent: Landers*

To adopt proposed Resolution Number 2923 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2002/2003 IN THE CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT.

- D. To approve amendment of the Current Year Budget to include Emergency Medical Services Revenue and the Expenditure of those funds.

*Amendment to
Current Year Budget
Approved: 4-0
Absent: Landers*

- E. To approve and accept the City's Annual Financial Report and Single Audit, Year Ended June 30, 2001.

*Approve & Accept
City's Annual
Financial
Report/Single Audit
Approved: 4-0
Absent: Landers*

- F. Approval of Warrants.

*Warrants Approved:
4-0
Absent: Landers*

M/S/C (YARBROUGH/MOTTE) To approve the Consent Calendar as presented.

*Consent Calendar
Approved: 4-0
Absent: Landers*

AYES: Busch, Rogers, Yarbrough, Motte

ABSENT: Landers

9. PUBLIC HEARINGS:

9.1 NEW PUBLIC HEARINGS: None

9.2 CONTINUED 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. *(Continued from February 12, 2002 City Council)*

Conditional Use Permit 01-0172- Cellular Telecommunication Monopole Approved: 4-0 Absent: Landers

Community Director Gutierrez indicated the request was to approve a conditional use permit to allow a cellular telecommunication monopole. The monopole was reduced from 65 feet to 55 feet due the concerns expressed by March JPA. There were conditions required for landscaping along Perris Boulevard and property lines; and fencing would be wrought iron. Subject to the conditions contained in the staff report, staff recommended Council to approve the conditional use permit.

Community Director Gutierrez's Presentation

PUBLIC COMMENT:

Ms. Sako, Nextel Communications representative, thanked staff for their aide in processing the request and was available to answer any questions.

Nextel Communications Ms. Sako's Comments

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Yarbrough commented on March JPA concerns with height and indicated they installed a monument, in front of the Air Museum, that exceeded the height limit.

Councilmember Yarbrough

Mayor Busch asked status of an ordinance for wireless communications and would this request comply with the proposed ordinance.

Mayor Busch's Queries

In response, Community Director Gutierrez said authorization was received to prepare an ordinance and it was anticipated the draft would be available in two months for Council's consideration. The request would comply with the proposed ordinance.

Community Director Gutierrez's Response

M/S/C (ROGERS/YARBROUGH) To approve Conditional Use Permit 01-0172

Conditional Use Permit 01-0172- Cellular Telecommunication Monopole Approved: 4-0 Absent: Landers

AYES: Busch, Rogers, Yarbrough, Motte

NOES:

ABSENT: Landers

Councilmember Landers arrived at 6:45 p.m.

6:45 p.m. Councilmember Landers Arrived

10. NON-HEARING ITEMS:

10.1 NEW BUSINESS:

Mayor Busch indicated Items A, B and C would be heard jointly and motioned separately.

*Mayor Busch's
Comment*

Ms. Shepherd, Assessment Maintenance District Engineer, introduced Flood Control Maintenance District 1; Landscape Maintenance District 1 and Maintenance District 84-1 and defined the process of annexation. The property within the districts were owned by KB Homes, Inc.

*Shepherd & States
Ms. Shepherd's
Presentation*

Maintenance District 84-1:

- Funding for maintenance of street lights and traffic signals;
- One Tract had a total of 167 residential units;
- Annual maintenance of improvements totaled \$10,500;
- Cost would be \$62.78 per single family unit; plus three inflation factors: common labor; energy for traffic signals and street lights; six month tax roll reserve; and would be considered the maximum assessment;
- All cost were divided by the assessment units in the district;
- Other areas developed would share in the cost of street lights; traffic signals along Evans and Bradley Roads;
- Assessments would be based on actual costs; and no assessment would be levied until eighteen months after the lights had been energized;
- In October, 2001 KB Homes paid a deposit to the City to pay for the eighteen month maintenance for the first phase (Tract 29993); and a similar deposit would be deposited as soon as the remaining tracts were installed.

Landscaping Maintenance District 1:

- Funding for maintenance of parks and street landscaping;
- Improvement constructed by annexation of the area included irrigation system; landscaping, sidewalks; medians; landscaping totaled 78,430 square feet;
- Replacement Funds would be established for sole use of capital improvement; and a fund would be established for use of Graffiti Removal;
- Estimated annual maintenance cost totaled \$46,014; for an annual assessment of \$275.53 per single family unit plus four inflation factors: common labor; energy for lighting; EMWD water rate; six month tax roll reserve;
- No assessments levied until improvements had been constructed and accepted by the City; and at that time, the assessments would be based on actual costs that were presented in an annual report;
- Parks: proposed annual assessment of \$66.89 per home;
- Park improvements, as required by May Ranch Specific Plan Area, may include a fifteen acre addition to the existing park; a linear park within Metropolitan Water District easement;
- Recommended assessment of \$342.54 plus inflation factors be considered as the maximum assessment; \$275.53 for street landscaping and \$66.98 for future parks was included.

Flood Control Maintenance District 1:

- Funding for maintenance of storm drain facilities;
- Annual cost for maintenance of the storm drain was review/researched by Public

Works Department; estimated costs provided by contractors that currently work for the City; owners received bids that confirmed City's estimates; Riverside County Flood Control District did the final review;

- Maintenance cost would provide for detailed upkeep required for this type of facility which included: spraying; mowing; vandalism; dumping; rodent and snake control;
- Total estimated annual maintenance cost would be \$33,530;
- If cost was divided by the units the annual assessment would be \$200.78 per single family home, plus two inflation factors: common labor and a six month tax roll reserve; and was considered as the maximum assessment;
- Other areas to benefit from the channel were in the process of development; Barratt American; Tract 30380 would be conditioned to annex to the Benefit zone 14 and assessed maintenance costs for the channel/storm drains; Villages of Avalon revenue for the maintenance of the channel would be provided by a Home Owners Association;
- Upon development of other areas and establishment of other revenue it was anticipated that the annual assessment would be equal to \$23.90 per single family home, plus inflation factors.

*Con't. Shepherd &
States Ms. Shepherd's
Presentation*

In summary, Ms. Shepherd said all of the districts' assessments would total \$606.07, if development ceased in all the other areas, the channel was built and the 167 units remained. What may happen would be the assessment for Maintenance District 84-1 would be in the area of \$40.00. For parks constructed, in the future, the immediate assessment would be computed in the area of \$339.43. If all the areas developed, the benefit from the flood control channel, then it would compute \$23.90 which would be a total assessment of \$403.33 for all districts.

PUBLIC COMMENT:

Mr. Shepherd, KB Home, Inc., commented on concerns of their development agreement language and responsibility for the flood control channel. He suggested to set up the assessment to include all the potential beneficiaries; condition to cite the lower number for the assessment; and obligate the builder to incur any deficient that may exist when the City accepted the channel. He recommended revisions to the Flood Control Maintenance District 1 report.

*KB Home, Inc. Mr.
Shepherd's
Comments*

CITY COUNCIL COMMENTS AND DISCUSSION:

Mayor Pro Tem Rogers asked Mr. Shepherd if he was in agreement with Landscape Maintenance District 1 and Maintenance District 84-1 as presented. She posed a question to City Manager Vasquez regarding the current development agreement and language in regards to the assessment.

*Mayor Pro Tem
Rogers' Queries*

In reply, Mr. Shepherd indicated they requested a revision to the Flood Control Maintenance District 1 report.

*KB Home, Inc. Mr.
Shepherd's Reply*

In answer, City Manager Vasquez commented the development agreement language did not accommodate KB Home.

*City Manager
Vasquez's Reply*

Ms. Shepherd, Shepherd & Staats, said there was never a question that KB Home would be responsible for the maintenance of the flood control channel and provide for that until all homes were sold. If there was no development who would pay for the channel.

*Shepherd & Staats,
Ms. Shepherd's
Comments*

City Manager Vasquez said the City would like to continue discussion with KB Home to resolve the issues and recommended Council to continue and approve the proposals. There was thirty days to present specific language and addendum that would clearly delineate what the arrangement would be and presented to Council.

*City Manager
Vasquez's Comments*

Mayor Pro Tem Rogers said she had questions on Item A, Flood Control Maintenance District 1 and asked if the Villages of Avalon and Citation Homes had been annexed to the district and assessments placed.

*Mayor Pro Tem
Rogers' Queries*

In response, Ms. Shepherd said Citation Homes and Barratt American had not been annexed into the Flood Control Maintenance District 1.

*Shepherd & Staats
Ms. Shepherd's
Response*

City Attorney Dunn said it was a matter of timing and KB Home was the first builders. There was one tract with 167 units and the cost of \$33,000 to maintain annually and if no other units were built it would still cost to maintain. Assessments were usually imposed on developed property. Mr. Shepherd suggested to spread the assessment; and had the Barratt and Citation Projects developed the cost would be divided equally creating a lower assessment rate.

*City Attorney Dunn's
Comments*

City Manager Vasquez intervened and indicated as development occurred the cost would be equally distributed and KB Home's reduced.

*City Manager
Vasquez's Comment*

City Attorney Dunn said staff recommended to adopt the resolutions; set the May 14th public hearing; present a supplemental report to Council for actual approval on May 14th.

*City Attorney Dunn's
Comments*

A. Consideration and discussion to adopt proposed Resolution Number 2924 a Resolution of Intention to levy assessments, order annexation of Tracts 29654, 29993 and 29994 to Flood Control Maintenance District 1 (May Ranch) and setting a public hearing date.

*Resolution 2924 to
Levy Assessments;
Order Annexation of
Tracts 29654, 29993
& 29994 to Flood
Control Maintenance
District 1 (May
Ranch) & Setting a
Public Hearing Date
for May 14, 2002
Approved: 5-0*

To adopt proposed Resolution Number 2924 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO AUTHORIZE LEVYING ASSESSMENTS UPON CERTAIN PARCELS OF REAL PROPERTY, TO ORDER ANNEXATION OF TRACTS 29654, 29993, AND 29994 TO BENEFIT ZONE 14, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

M/S/C (LANDERS/MOTTE) To approve staff's recommendation to adopt Resolution 2924, levying assessments; annex Tracts 29654, 29993 and 29994 to Flood Control Maintenance District 1 and set a public hearing for May 14th.

AYES: Busch, Rogers, Yarbrough, Landers, Motte

NOES:

*Resolution 2924-Levy Assessments; Order Annexation Tracts 29654, 29993 & 29994 to Flood Control Maintenance District 1 (May Ranch) & Setting a Public Hearing Date for May 14, 2002
Approved: 5-0*

B. Consideration and discussion to adopt proposed Resolution Number 2925 ordering preparation of a district map for proposed boundaries of annexation; adoption of proposed Resolution Number 2926, a Preliminary Resolution approving the Engineer's Report and adoption of Resolution Number 2927, a Resolution of Intention to order annexation to Benefit zone 35, Landscape Maintenance District Number 1 and setting a public hearing date. (Tracts 29654, 29993 & 29994)

*Resolution 2925 Order Preparation of District Boundary Map; Resolution 2926 Preliminary Approval of Engineer's Report; Resolution 2927 Order Annexation to Benefit Zone 35, Landscape Maintenance District 1, Assess Cost & Expense & Set May 14, 2002 for Hearing (Tracts 29654, 29993 & 29994)
Approved: 5-0*

1) To adopt proposed Resolution Number 2925 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS, APPOINTING THE ENGINEER OF WORK, ORDERING THE PREPARATION OF A DISTRICT MAP INDICATING THE PROPOSED BOUNDARIES OF AN ANNEXATION TO THE CITY OF PERRIS LANDSCAPING MAINTENANCE DISTRICT NUMBER 1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION OF BENEFIT ZONE 35 TO LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 (TRACTS 29654, 29993, AND 29994).

*Resolution 2925 Ordering Preparation of District Boundary Map; Provide Engineer Services in the Annexation of Benefit Zone 35 to Landscape Maintenance District 1 (Tracts 29654, 29993 & 29994)
Approved: 5-0*

2) To adopt proposed Resolution Number 2926 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR ANNEXATION OF TRACTS 29654, 29993 AND 29994 TO CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1.

*Resolution 2926 Preliminary Approval Engineer's Report (Tracts 29654, 29993 & 29994)
Approved: 5-0*

3) To adopt proposed Resolution Number 2927 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO BENEFIT ZONE 35, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO BENEFIT ZONE 35, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF TRACTS 29654, 29993, AND 29994 TO BENEFIT ZONE 35, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

***Resolution 2927
Ordering Annexation
to Benefit Zone 35 of
Landscape
Maintenance District
1; Assess Cost &
Expense; Set Public
Hearing for May 14,
2002 (Tracts 29654,
29993 & 29994)
Approved: 5-0***

M/S/C (LANDERS/MOTTE) To approve staff's recommendation to adopt Resolution 2925, Resolution 2926 and Resolution 2927 to Landscape Maintenance District 1 and set a public hearing for May 14th.

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

***Resolution 2925
Ordering Preparation
of District Boundary
Map; Resolution
2926 Preliminary
Approval of
Engineer's Report;
Resolution 2927
Order Annexation to
Benefit zone 35,
Landscape
Maintenance District
1, Assess Cost &
Expense & Set May
14, 2002 for Hearing
(Tracts 29654, 29993
& 29994)
Approved: 5-0***

C. Consideration and discussion to adopt proposed Resolution Number 2928 ordering preparation of the annexation boundaries; adoption of proposed Resolution Number 2929, a Preliminary Resolution approving the Engineer's Report and adoption of Resolution Number 2930, a Resolution of Intention to annex Tracts 29654, 29993 and 29994 to Maintenance District Number 84-1 and setting a public hearing date.

***Resolution 2928
Order Preparation
District Boundary
Map; Resolution
2929 Preliminary
Approval of
Engineer's Report;
Resolution 2930
Annex Tracts 29654,
29993 & 29994 to
Maintenance District
84-1; Assess Cost &
Expense & Setting
May 14, 2002 for
Hearing
Approved: 5-0***

1) To adopt proposed Resolution Number 2928 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS, APPOINTING THE ENGINEER OF WORK, ORDERING THE PREPARATION OF A DISTRICT MAP INDICATING THE PROPOSED BOUNDARIES OF AN ANNEXATION TO THE CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION TO MAINTENANCE DISTRICT NUMBER 84-1 (TRACTS 29654, 29993, AND 29994).

*Resolution 2928
Order Preparation
District Boundary
Map; Provide
Engineer Services-
for Annexation to
Maintenance District
84-1 Tracts 29654,
29993 & 29994)
Approved: 5-0*

2) To adopt proposed Resolution Number 2929 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR ANNEXATION OF TRACTS 29654, 29993 AND 29994 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1.

*Resolution 2929
Preliminary
Approval Engineer's
Report (Tracts
29654, 29993 &
29994)
Approved: 5-0*

3) To adopt proposed Resolution Number 2930 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO MAINTENANCE DISTRICT NUMBER 84-1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF TRACTS 29654, 29993, AND 29994 TO MAINTENANCE DISTRICT NUMBER 84-1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

*Resolution 2930
Order Annexation to
Maintenance District
84-1; Assess Cost &
Expense; Set a
Hearing Date for
May 14, 2002 (Tracts
29654, 29993 &
29994)
Approved: 5-0*

M/S/C (LANDERS/MOTTE) To approve staff's recommendation to adopt Resolution 2928, Resolution 2929 and Resolution 2930 to Maintenance District 84-1 and set a public hearing for May 14th.

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

*Resolution 2928
Preparation District
Boundary Map;
Provide Engineer
Service; Resolution
2929 Preliminary
Approval of
Engineer's Report;
Resolution 2930
Order Annexation to
Maintenance District
84-1; Assess Cost &
Expense; Set May
14th 2002 for Hearing
(Tracts 29654, 29993
& 29994)
Approved: 5-0*

D. Consideration and discussion to introduce, for first reading, proposed Ordinance Number 1095, an ordinance providing for the pass through of sewer rates adopted by Eastern Municipal Water District.

*Ordinance 1095
Providing Pass
Through Sewer
Rates Adopted by
EMWD
Approved: 5-0*

To adopt proposed Ordinance Number 1095 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, PROVIDING FOR THE PASS THROUGH OF SEWER RATES ADOPTED BY EASTERN MUNICIPAL WATER DISTRICT.

City Attorney Dunn commented there was an urgency ordinance presented to Council to increase sewer rates which was previously adopted by Eastern Municipal Water District (EMWD). There was discussion on urgency or if the rate was required. Subsequently, it was found there was a forty year Interagency Agreement, from 1980, where both parties agreed to act as the others agent for specific billing services. The City would not gain any revenue, but EMWD would follow through with a hearing. In the past twenty years there were some years where an increase was adopted by an ordinance, urgency ordinance or no ordinance, but it was passed through. City Attorney Dunn's recommendation was to adopt an ordinance to clean up prior ordinances and allow the pass through to be automatic pursuant to the Interagency Agreement and subject to EMWD adoption of a resolution in accordance with all required procedures and hearings for protest.

*City Attorney
Dunn's
Presentation:
40 Year Interagency
Agreement; Both
Parties Act as others
Billing Service
Agent; Adopt
Resolution to Clear
up Prior
Ordinances; Allow
Pass Through
Automatically
Pursuant to the
Agreement &
Subject to EMWD's
Adoption of
Resolution in
Accordance with all
Required Procedures
& Hearings*

Councilmember Yarbrough commented the information should had been presented at the last meeting and informed the Council that he spoke with Betty Gibbel/EMWD to schedule a workshop. All Interagency Agreement should be reviewed annually. The City was not in a position to deny the increase.

*Councilmember
Yarbrough's
Comments*

Mayor Pro Tem Rogers voiced concern of compensation in man hours for billing services.

*Mayor Pro Tem
Rogers' Comment*

In response, City Attorney Dunn indicated that pursuant to the agreement there was no compensation. The compensation was that EMWD did other billing for the City. By approving the ordinance the billing practice would continue and pass through of increase would be adjusted.

*City Attorney
Dunn's Response*

M/S/C (MOTTE/BUSCH) To adopt proposed Ordinance Number 1095, an ordinance providing for the pass through of sewer rates adopted by Eastern Municipal Water District.

*Ordinance 1095
Providing Pass
Through Sewer
Rates Adopted by
EMWD
Approved: 5-0*

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

10.2 OLD BUSINESS:

- A. Consideration and discussion to adopt proposed Resolution Number 2931, a resolution declaring intention to grant a franchise to Southern California Gas Company.

To adopt proposed Resolution Number 2931 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DECLARING ITS INTENTION TO GRANT A FRANCHISE TO SOUTHERN CALIFORNIA GAS COMPANY.

City Manger Vasquez commented, in 1953 the City granted a franchise to Southern California Gas Company; it expired in 1953; and had not been renegotiated. A proposed agreement was presented to the City last year, but there was no agreement in regards to terms and conditions of the lease agreement. Negotiations had occurred and two outstanding issues were the term of the Lease Agreement and the repair of street cuts. The City requested reduction of the term and negotiated for an opener every ten years. The issue of street cuts was based on the specifications presented by the City Engineer and would be adhered to by the Gas Company. The proposed resolution was to set a public hearing; was not an approval of the franchise agreement; and recommendation was to adopt the resolution as presented by staff.

PUBLIC COMMENT:

Mr. Albaugh, Public Affairs Manager Southern CA. Gas Company, commented the company agreed with the negotiated agreement and requested Council to move forward with the franchise procedures.

CITY COUNCIL COMMENTS AND DISCUSSION:

Mayor Pro Tem Rogers voiced pleasure that the agreement had been negotiated.

Councilmember Motte also voiced pleasure that the agreement had been negotiated.

Councilmember Landers asked who would perform the street cuts and repair and voiced concern with repair of streets be uniform.

In response, Mr. Albaugh indicated the company had their own crews to perform the work with exception of major construction projects where work under direct supervision. The goal was to repair in a better condition as found and all the work performed was guaranteed.

Councilmember Yarbrough voiced his appreciation of the Gas Company working with staff and arriving at a solution.

***Resolution 2931
Declaring Intention
to Grant a Franchise
to Southern
California Gas
Company
Approved: 5-0***

***City Manager
Vasquez's
Presentation:
Franchise Expired
in 1953 & not
Renegotiated; Lease
Agreement & Repair
of Street Cuts
Outstanding Issues;
Reduction of Term
& Negotiate Re-
opener every Ten
Years; Gas Company
to Adhere to City
Engineer's
Specifications; Set a
Public Hearing***

***Public Affairs
Manager Southern
CA. Gas Company
Mr. Albaugh's
Comments***

***Mayor Pro Tem
Rogers' Comment***

***Councilmember
Motte's Comment***

***Councilmember
Landers' Query &
Comment***

***Public Affairs
Manager Southern
CA. Gas Company
Mr. Albaugh's
Response***

***Councilmember
Yarbrough's
Comment***

City Attorney Dunn indicated the hearing was to be scheduled within a twenty to sixty day window and to designate the date for the hearing.

*City Attorney
Dunn's Comment*

M/S/C (ROGERS/LANDERS) To adopt proposed Resolution Number 2931, a resolution declaring intention to grant a franchise to Southern California Gas Company and to set a hearing for April 30, 2002.

*Resolution 2931
Declaring Intention
to Grant a Franchise
to Southern
California Gas
Company & to Set
Hearing for April 30,
2002
Approved: 5-0*

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

11. PUBLIC COMMENT:

Ms. Vargas, commented on a safety issue for the Val Verde School children, which was the lack of sidewalks in the direction of Val Verde School (Orange Avenue and Indian Avenue). One year ago the City Engineer informed her that the improvements would be completed in one year; there was still the concern of safety; and requested Council to address the safety issue.

*Ms. Vargas'
Comments*

Ms. Gibble, Eastern Municipal Water District, related that EMWD processed 6500 billing accounts for the City's trash charges; 500 of the billings included City's sewage charges; and there was a Source Reduction Recycling Element (SRRE) Fee also billed. The City billed 2,000 accounts for EMWD. There was no charge to the City for the billings as it was a reciprocal agreement.

*Eastern Municipal
Water District, Ms.
Gibbel's Comments*

Mr. McAleavy invited Council to a Volunteer Appreciation Dinner on April 11th at the Senior Center at 6:30 p.m. The dinner was to recognize the Perris Citizens Patrol, Police Explorers, and Perris Volunteer Fire Company. Mr. McAleavy gave the volunteer hours for each group and compared the hours in wages/benefits at an average of \$21.28 per hour.

*Mr. McAleavy's
Comments*

Mr. Vidal commented on Council's past discussion of the northern Community Facilities District (CFD); parcel assessment; approval of CFDs; CFDs would not work alone; urgent need of a Fire Station; and implementation of a parcel assessment.

*Mr. Vidal's
Comments*

12. CITY COUNCIL COMMENTS:

Mayor Pro Tem Rogers commented on the first Town Hall Meeting held in Enchanted Heights; issues remain the same (safety, sewer, street repairs); meeting was successful and would be held again in ninety days. She commended Councilmember Yarbrough for the community meeting concept. The League of California Cities Conference was held in Banning and was attended by Mayor Busch, City Manager Vasquez and herself. Representatives from Riverside County presented an update on the Riverside County Integrated Plan. On Tuesday, March 19th, she would be serving as Val Verde Principal for the day.

*Mayor Pro Tem
Rogers' Comments*

Councilmember Yarbrough commented on launching the Community Outreach Program by the end of this month or the first week of April where the volunteer groups would be introduced to the community. The safety issue of Val Verde School was identified a year and a half ago and the City Engineer secured funding for the project; other engineering issues occurred, but the City was very close to begin the sidewalk project.

*Councilmember
Yarbrough's
Comments*

Councilmember Landers commented on his FPPC violation charges.

*Councilmember
Landers' Comment*

13. CITY COUNCIL COMMITTEE REPORTS: None

14. CITY MANAGER'S REPORT:

Assistant City Manager Apodaca reported the City's Website went online March 7th. The site was designed to provide on-going information about community events; and City Departments. There was a feature where information could be created and updated. The Website address was *perris-ca.org*.

*Assistant City
Manager Apodaca's
Report*

15. AGENDA ITEMS/MEETING REQUESTS AND REVIEW:

Councilmember Yarbrough requested to agendaize analysis regarding all the Interagency Agreements for the City to review.

*Councilmember
Yarbrough's Request*

Mayor Busch cited the Closed Session items and called the Redevelopment Agency Meeting to order.

16. CLOSED SESSION:

- A. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956-9 (b) – One Case

*No Reportable
Action Taken*

Mayor Busch called the City Council Meeting back to order.

*City Council Called
Back to Order*

City Attorney Dunn said Closed Session Item 16.A was discussed and no reportable action taken.

*City Attorney
Dunn's Closed
Session Report*

17. ADJOURNMENT: By unanimous consent the Regular City Council Meeting was adjourned at 9:10 p.m.

*9:10 p.m. Regular
City Council
Meeting Adjourned*

Respectfully Submitted,

Margaret Rey, City Clerk

