

CITY OF PERRIS

MINUTES: Regular City Council Meeting
Date of Meeting: 28 May 2002
Time of Meeting: 6:00 p.m.
Place of Meeting: City Council Chamber-City Hall

1. CALL TO ORDER:

6:05 p.m. Called to Order

2. ROLL CALL:

All Present

Council Members Present: Landers, Motte, Rogers, Yarbrough, 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, and City Clerk Rey.

3. INVOCATION:

Pastor Markley Gave Invocation

4. PLEDGE OF ALLEGIANCE:

Councilmember Landers Led the Pledge

5. PRESENTATIONS/ANNOUNCEMENTS:

A. Announcement of the June 1, 2002 City of Perris Community Outreach Meeting Social Event. The public is welcome to join and meet the Mayor, Council and volunteer organizations to find out what services are available and to enjoy the community outreach social event.

Mayor Busch made an announcement regarding invitation to the public to the June 1, 2002 Community Outreach Social Event at Nan Sanders Elementary School on Saturday, June 1st from 11:00 a.m. to 1:00 p.m.

Mayor Busch's Announcement Re: 6/1/02 Community Outreach Social Event & Gymnasium Renovation Grant of \$350,000

He also announced that the City received a \$350,000 Competitive Grant for the renovation of the Bob Glass Gymnasium. The City would file the remaining paperwork that was required.

B. Eastern Municipal Water District Board Member, will present awards to winners of the District's 2002 "Water is Life" poster contest.

Eastern Municipal Water District Representative Ms. Gibbel & Board Member Mr. Ashley Presented the Awards

Mayor Busch announced this was the tenth annual Eastern Municipal Water District 2002 Poster Contest.

*Mayor Busch's
Announcement of
EMWD 10th Annual
Poster Contest*

Ms. Betty Gibbel introduced Mr. Ashley, Director and Ms. Rodriguez, Conservation Program Representative, thanked the numerous people, agencies involved, described the poster contest and expressed appreciation to the City of Perris for being a sponsor. Ms. Gibbel, Mr. Ashley and Mayor Busch presented awards to the 3rd, 2nd and 1st Place Winners.

*Eastern Municipal
Water District Ms.
Gibbel's Introduction*

6. APPROVAL OF MINUTES:

*Minutes of City Council
Work Session 5/14/02 &
Regular City Council
5/14/02
Approved: 4-0
Abstain: Rogers*

To approve the minutes of the City Council Work Session Meeting of May 14, 2002 and Regular City Council Meeting of May 14, 2002.

M/S/C (LANDERS/YARBROUGH) To approve the minutes of the City Council Work Session Meeting of May 14, 2002 and Regular City Council Meeting of May 14, 2002.

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

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS ONLY: None

8. CONSENT CALENDAR

A. To adopt, for second reading, Ordinance Number 1100, an ordinance amending Title 19 of the Perris Municipal Code.

*Adoption Ordinance
1100 - Amending Title
of Perris Municipal
Code-New Horizons
Specific Plan (ZC 01-
0179)
Approved: 5-0*

To adopt Ordinance Number 1100 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING TITLE 19 OF THE PERRIS MUNICIPAL CODE RELATING TO THE NEW HORIZONS SPECIFIC PLAN ZONING DESIGNATION (ZONE CHANGE 01-0179).

B. Approval of Revised Final Parcel Map 29874 (Case No. 02-0201). A proposal to revise approved Final Parcel Map 29874 to remove reference to abandoned undeveloped streets within the single parcel of 17.57 acres. The site is located south of Mt. Baldy Street, east of Diana Street and west of Navajo Road. Owner: Perris Elementary School District.

*Revised Final Parcel
Map 29874-Referenced
to Abandoned
Undeveloped Streets
Removed
Approved: 5-0*

C. To approve appropriation of an additional \$8,911 from the Development Impact Fees for the Rotary Park Phase II Project; approve the contract with Gledson/Cashman Construction, Inc. for the sum of \$458,101 with 10% contingency; and reject all other bids and authorize the City Clerk to return all other bid bonds after contract approval.

*Appropriation
Additional Funding;
Gledson & Cash
Construction, Inc.; &
Authorize City Clerk to
Return all other Bid
Bonds - Rotary Park
Phase II
Approved: 5-0*

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

*Consent Calendar
Approved: 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 2950 establishing Community Facilities District Number 2001-1 (May Farms) of the City of Perris. (Continued from April 30, 2002 City Council Meeting).

*Adoption of Resolution
2950 Establishment of
CFD 2001-1; Levy
Special Tax; &
Establishing
Appropriations Limit
Approved: 5-0*

To adopt proposed Resolution Number 2950 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS; ESTABLISHING COMMUNITY FACILITIES DISTRICT NUMBER 2001-1; AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NUMBER 2001-1; ESTABLISHING AN APPROPRIATIONS LIMIT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID DISTRICT.

Before the hearing was formally opened, Mayor Busch called for property owners or registered voters in the District or the territory proposed to be annexed who wish to file a written protest. If so, they must file with the City Clerk at this time. For the purpose of majority protest, only one written protest is to be considered.

*Mayor Busch's Opening
of the Hearing*

There being no written protests, the hearing was official opened. A presentation by staff and the consultants about the formation of the District. After that, Council would receive comments and question and any oral protest from any interested persons. When all comments had been received the hearing was closed.

City Clerk Rey stated that notice of the public hearing had been given and the affidavit attesting to publication of such notice was on file in the City Clerk's office.

*City Clerk Rey's
Statement – Public
Hearing Notice &
Affidavit on File in City
Clerk's Office*

Mr. Messinger of Burke, Williams & Sorensen, LLP, the proceeding was to form CFD 2001-1 (May Farms) which would provide for financing of public facilities through the issuance of bonds in the May Farm Project. This evening the process was completed up to, but not including, the Resolution of issuance of bonds. The issuance of bonds would occur when development issues and planning issues had been resolved. Four items were acted upon: 1) Resolution of Formation; 2) Resolution Authorizing Incurrance of Indebtedness and the necessity to do so; 3) election was to be held and a resolution declaring the results would be acted upon; and 4) introduction of the special ordinance.

*Burke, Williams &
Sorensen, LLP, Mr.
Messinger's
Presentation*

City Attorney Dunn commented there were a series of items that related to the KB Home Project and the first four dealt with CFD 2001-1 to finance infrastructure. It did not involve the existing May Ranch homes.

*City Attorney Dunn's
Comments Re: Relation
to KB Home Project;
CFD 2001-1 for
Infrastructure
Financing*

In response, Mr. Messinger said the May Ranch Development was refinanced earlier this year and the items tonight had no connection with May Ranch.

*Burke, Williams &
Sorensen, LLP, Mr.
Messinger's Comments
Re: Item No Connection
with May Ranch
Development*

Mayor Busch called for public comment.

PUBLIC COMMENT:

Mr. Soriano commented that May Ranch had no responsibility with May Farms. It was confirmed that Mr. Soriano was correct and the item was only for the new property that was in the process of development.

*Mr. Soriano's Comment
Re: May Ranch Had No
Responsibility*

Mr. Messinger distributed corrected pages of the first resolution for Council's consideration. Page three of the resolution referenced that the special tax would be collected in accordance with the special tax rate and the apportionment that was contained in the report distributed by Lynn Gruber of MuniFinancial. Exhibit C to the resolution correctly reflected the facilities that were authorized in accordance with the report by MuniFinancial. This would bring the resolution into conformity with the report. It would be appropriate to consider the resolution determining the validity of prior proceedings and establishing the district.

*Mr. Messinger's
Comments Re:
Corrected Pages of the
Resolution*

CITY COUNCIL COMMENTS AND DISCUSSION: None

Mayor Busch closed the public hearing. He called for discussion of the proposed formation of the district, levy of the special tax and issuance of bonded indebtedness and the resolution determining the validity of prior proceedings, establishing Community Facilities District 2001-1, authorizing the levy of special tax within CFD 2001-1, establishing an appropriations limit and taking certain other actions relating to said district.

*Mayor Busch Closed
Public Hearing &
Called for Discussion*

M/S/C (ROGERS/YARBROUGH) To adopt Resolution Number 2950, determining the validity of prior proceedings, establishing Community Facilities District 2001-1, authorizing the levy of special tax within CFD 2001-1, establishing an appropriations limit and taking certain other actions relating to said district.

*Adoption of Resolution
2950 Establishment of
CFD 2001-1; Levy
Special Tax; &
Establishing
Appropriations Limit
Approved: 5-0*

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

B. Consideration and discussion to adopt Resolution Number 2951, determining the necessity to Incur Bonded Indebtedness and calling a special election within proposed Community Facilities District Number 2001-1 (May Farms) of the City of Perris. (Continued from April 30, 2002 City Council Meeting).

*Adoption of Resolution 2951, Incur Bonded Indebtedness of \$48,000,000 & Calling Special Election within CFD 2001-1 (May Farms)
Approved: 5-0*

To adopt proposed Resolution Number 2951 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NUMBER 2001-1 (MAY FARMS) OF THE CITY OF PERRIS, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$48,000,000 WITHIN SAID DISTRICT; AND CALLING A SPECIAL ELECTION.

Mayor Busch cited the resolution determining the necessity to incur bonded indebtedness in the amount not to exceed \$48,000,000 within CFD 2001-1 and calling a special election.

Mayor Busch Cited the Resolution

M/S/C (ROGERS/MOTTE) To adopt Resolution Number 2951, determining the necessity to Incur Bonded Indebtedness in the amount not to exceed \$48,000,000 within Community Facilities District Number 2001-1 (May Farms) of the City of Perris and calling a special election.

*Adoption of Resolution 2951, Incur Bonded Indebtedness of \$48,000,000 & Calling Special Election within CFD 2001-1 (May Farms)
Approved: 5-0*

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

City Clerk Rey opened the ballots and announced the results of the election. She cited: Official ballot Community Facilities District 2001-1 May Farms of the City of Perris: Improvement Area 1, special bond tax appropriations limit election May 28, 2002. The ballot was marked YES.

City Clerk Rey Opened Ballots & Announced Results for CFD 2001-1 (May Farms)

Mr. Messinger indicated there were seven improvement areas created and there was one ballot for each area with the exception Improvement Area 6. Area 6 had two property owners: KB Home and May Family Trust. Therefore, a total of eight ballots would be canvassed.

Mr. Messinger's Comments Re: Improvement Area 6-Two Property Owners

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 2 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

City Clerk Rey Opened Ballots & Announced Results for Improvement Areas 2, 3, 4, 5 & 6

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 3 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 4 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

*Con't. City Clerk Rey
Opened Ballots &
Announced Results for
Improvement Areas 2, 3,
4, 5 & 6*

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 5 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 6 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

Mr. Messinger indicated that Improvement Area 6 contained the two ballots submitted by the two property owners.

*Mr. Messinger's
Comment Re:
Improvement Area 6*

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 6 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

*City Clerk Rey Opened
Ballots & Announced
Results for
Improvement Areas 6 &
7*

City Clerk Rey cited: Community Facilities District 2001-1 (May Farms) of the City of Perris Improvement Area 7 – Special Bond Tax and Appropriations Limit Election May 28, 2002. Ballot indicated YES.

Mr. Messinger said this concluded the election and it would be appropriate now to consider the resolution declaring the results as canvassed by the Elections Official of the City.

*Mr. Messinger's
Comment Re: Election
Concluded*

Mayor Busch said with the results of the election being unanimous in favor of the levy of special taxes on property within the district and issuance of bonded indebtedness we may now proceed with further action for the district.

*Mayor Busch's
Announced Proceeding
with Further Action for
CFD 2001-1*

C. Consideration and discussion to adopt Resolution Number 2952 declaring the results of a special election relating to the establishment of Community Facilities District Number 2001-1 (May Farms) of the City of Perris.

*Adoption of Resolution
2952, Declaring Special
Election Results
Approved: 5-0*

To adopt proposed Resolution Number 2952 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NUMBER 2001-1 (MAY FARMS) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT, THE ISSUANCE OF BONDED INDEBTEDNESS AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN.

Mayor Busch cited the resolution and called for a motion.

Mayor Busch Cited the Resolution & Called for a Motion

M/S/C (ROGERS/MOTTE) To adopt Resolution Number 2952 acting in its capacity as the legislative Body of Community Facilities District 2001-1 (May Farms), Declaring the Results of a Special Election Relating to the Levying of a Special Tax within said District, the Issuance of Bonded Indebtedness and the Establishment of an Appropriations Limit and directing the recording of a Notice of Special Tax Lien.

*Adoption of Resolution 2952, Declaring Special Election Results
Approved: 5-0*

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

D. Consideration and discussion to introduce for first reading Ordinance Number 1101 authorizing the levy of special tax within Community Facilities District Number 2001-1 (May Ranch) of the City of Perris.

*Introduced Ordinance Number 1101, Authorizing Levy of Special Tax within CFD 2001-1 (May Farms)
Approved: 5-0*

To introduce for first reading proposed Ordinance Number 1101 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NUMBER 2001-1 (MAY FARMS) OF THE CITY OF PERRIS AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT.

Mayor Busch cited the resolution and directed Council to consider for adoption the resolution

Mayor Busch Cited the Resolution & Called for a Motion

M/S/C (ROGERS/LANDERS) To introduce for first reading proposed Ordinance Number 1101, acting in its capacity as the Legislative Body of Community Facilities District 2001-1 (May Farms) of the City of Perris authorizing the levy of special tax within said district.

*Introduced Ordinance Number 1101, Authorizing Levy of Special Tax within CFD 2001-1 (May Farms)
Approved: 5-0*

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

E. Consideration and discussion to adopt proposed Resolution Number 2953, approving General Plan Amendment 02-0091; adopt proposed Resolution Number 2954, adopting May Ranch Specific Plan Amendment Number 2 (SPA 02-0081); introduce, for first reading, proposed Ordinance Number 1102, adopting Development Agreement Amendment No. 3 for May Ranch (DA) 02-0092, and approve Revised Tentative Tract 29994 (Case No. 02-0080); Tentative Tract 30490 (Case Number 02-0078); Tentative Tract 30518 (Case No. 02-0079); and adopt Draft Negative Declaration 2108. A request to amend various aspects of the May Ranch Specific Plan and approve three tracts within the specific plan.

*Adoption of Resolution 2953, Approving GPA 02-0091
Adoption of Resolution 2954, Adopting May Ranch SPA (02-0081)
Introduction of Ordinance 1102, Adopting the Third DA Amendment 02-0092
Approved: 5-0
Tentative Tract Maps 29994, 30490, 30518
Continued to June 11, 2002
Approved: 5-0*

To adopt proposed Resolution Number 2953 entitled:

*Adoption of Resolution 2953, Approving GPA 02-0091; Adoption of Negative Declaration 2108
Approved: 5-0*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION NUMBER 2108, AND APPROVING GENERAL PLAN AMENDMENT NUMBER 02-0091 FOR THE MAY RANCH SPECIFIC PLAN TO CHANGE THE GENERAL PLAN CIRCULATION ELEMENT TO REMOVE LOOP ROAD (MAY RANCH PARKWAY) AND REALIGN RIDER STREET, AND AMEND THE LAND USE DESIGNATIONS OF THE GENERAL PLAN LAND USE MAP AS IT PERTAINS TO THE MAY RANCH SPECIFIC PLAN AMENDMENT NUMBER 02-0081, AND MAKING FINDINGS IN SUPPORT THEREOF.

To adopt proposed Resolution Number 2954 entitled:

*Adoption of Resolution 2954, Adopting May Ranch SPA 02-0081
Approved: 5-0*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT NUMBER 02-0081 (MAY RANCH SPECIFIC PLAN) TO CHANGE THE DENSITY WITHIN PLANNING AREAS 12 THROUGH 19 AND 21, ELIMINATE THE LOOP ROAD (MAY RANCH PARKWAY), CHANGE THE BOUNDARIES OF PLANNING AREAS 3 AND 11 THROUGH 21, APPROVE AN ALTERNATIVE LAND USE MAP, AND APPROVE MINOR CHANGES TO THE DEVELOPMENT STANDARDS WITHIN THE MAY RANCH SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF.

To introduce proposed Ordinance Number 1102 entitled:

*Introduction of Ordinance 1102, Approving the Third DA Amendment 02-0092
Approved: 5-0*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE MAY RANCH SPECIFIC PLAN (DEVELOPMENT AGREEMENT 02-0092).

Mr. Miller, Project Planner, introduced the proposal. The foremost of the proposal was the Specific Plan Amendment 02-0081 to the May Ranch Specific Plan. The major areas of that were:

Project Planner, Mr. Miller's Presentation

- 1) Elimination of May Ranch Parkway as an arterial road south of Morgan Street;
- 2) Reduction in lot sizes;
- 3) Adjustments to lot sizes in densities throughout various planning areas (detailed in Table 3 & 4 of the Staff Report/Page 6);
- 4) Reduction of lots sizes reduced the maximum number of dwelling units to 3,320 from 3,883 dwelling units; and
- 5) Revision to development standards (Table 5/Page 7).

Also included in the proposal were:

- Three tentative tract maps to be considered for approval;
- Revised and restated Development Agreement for consideration; Future amendments, of the agreement, would revise and restate the agreement for one comprehensive document. The developer requested modifications to the agreement.
- Staff recommended conditions presented in the report and there were extensive discussions with KB Home regarding the conditions; the conditions reflected standard conditions that were applied to all projects; there were recommendations with respect to the specific projects. There were still some areas of differences.
- City Engineer revised two conditions.

Therefore, staff recommended approval of the projects subject to the conditions as presented. KB Home had a letter to present to Council, which had 68 points of concerns and issues with respect to the conditions. The alternative for Council would be to continue the items to a date certain in order to maintain the public hearing and ask staff to further discuss clarification to the conditions with KB Home. Council would need to provide direction to staff. Mr. Miller requested City Attorney Dunn to address issues of the development agreement.

*Con't. Project Planner,
Mr. Miller's
Presentation*

City Attorney Dunn said the original agreement was approved in 1991 and had been amended twice with the latest amendment in 2001. The third amendment was to seek a comprehensive solution to all the planning issues, financial issues and encourage KB Home's participation in the Public Safety CFD. There were several amendments to the agreement, but KB Home indicated it was their suggested draft. There was also an addendum to the staff report.

*City Attorney Dunn's
Presentation Re:
Development Agreement
& General Issues*

General issues of the agreement included:

- City's support for the formation for the CFDs;
- KB Home's support for the Public Safety CFD;
- KB Home's advance payment of \$800,000 to fund cost of widening Rider Street;
- KB Home's advance payment of \$500,000 to fund cost/construct a fire station;
- No off-set or reduction in the City's Fire/Safety Impact Fees;
- Off-set of financial issues a credit would be applied against the existing development agreement fee for the advances and reduction in the bonding capacity that KB Home CFD;
- Extension on the cap of infrastructure fee for ten years for Phase II, Phase III, IV, V and VI; however it allowed the City to increase the impact fee up to \$1,000 per unit.

The form of the development agreement that was passed left out one issue of the method or timing of payment for those advances. It was staff's opinion that advance funds might be necessary to pay for engineering cost, property acquisition, architectural design cost. Therefore, a portion of the advance to be paid after the development agreement. As it was now written it would be paid when the City was ready to construct.

PUBLIC COMMENT:

Mr. Mounts, KB Home Consultant, commented that there were two outstanding development agreements and a specific plan amendment that had a long history. Revisions were balanced to reflect today's situation and incorporated the points City Attorney Dunn outlined. They desired to review and discuss those points of concerns within the letter.

*KB Home, Mr. Mounts'
Presentation*

Mr. Burnell, T & B Planning Consultants, presentation included overhead of Phases/Planning areas: summary of lot revisions in Phases II, III, IV and V; and Phase VI the consolidation of parks.

T & B Planning Consultants, Mr. Burnell's Presentation

Mr. Kelly, May Ranch resident, commented on the urgent need of a fire station in the area and voiced objection to the relocation/separation of parks next to the commercial area.

Mr. Kelly's Comments

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Landers voiced objection to act on the proposal if it would not hinder the process. He adamantly voiced the desire to review the concerns addressed and commented on the urgent need of a fire station.

Councilmember Landers' Comments Re: Objection to Act & Review of Concerns Addressed

Mr. Mounts commented that there were four or five points of clarification, of the specific plan, that could be discussed with staff. He requested to separate the tentative map, since there was no clear resolution on the conditions. But, desired to move forward with the Specific Plan and Development Agreement. The Public Safety CFD would be voted on June 10th. But, what was not completely resolved was the tentative map conditions.

KB Home, Mr. Mounts' Response

Mayor Pro Tem Rogers asked if Community Director Gutierrez had a chance to review the documentation as presented from KB Home and commented on the late letter today. What would that do to your recommendation for the Council to approve this as presented by staff's recommendation.

Mayor Pro Tem Rogers' Query Re: KB Home's Letter

In response, Community Director Gutierrez said she had discussed the five conditions pertaining to the specific plan, but not the other remaining items for clarification. Since, four of the five had been concurred with and one was outstanding. One minor modification had been agreed upon which clarified the language and left the options open to do what would be appropriate at that time. The last item requested had to do with the width of lots on the cul-de-sacs. Staff's position was to retain the current condition as proposed since it was standard throughout the City. The City had ordinance amendments that increased the lot frontage on cul-de-sacs and there would be no reason to treat this project differently. The remainder of concerns pertained to the conditions of the tentative tracts.

Community Director Gutierrez's Response

In response, Mr. Mounts said it was a point of clarification. The way the specific plan was drafted did not include that clause and the City's standard was applicable.

KB Home, Mr. Mounts' Response

Mayor Pro Tem Rogers asked the City Attorney if Council could take action with the exception of the tentative tract maps. The development agreement was important because of the advance payment for the fire station as well as the infrastructure for Rider Street.

Mayor Pro Tem Rogers' Query Re: Exclusion of Action on Tentative Tract Maps

In response, City Attorney Dunn said action could be taken on the Specific Plan and Development Agreement Amendments without action on the maps as long as Council was satisfied with the conditions and plan. Council might want to discuss the issue of the advance payment, which was the last outstanding issue.

City Attorney Dunn's Response

City Manager Vasquez commented that the conditions recommended were standard and the advance payment was the only item outstanding. Therefore, he recommended to take action on the proposal.

City Manager Vasquez's Comment Re: Advance Payment Issue

Mr. Mounts said the advance payment issue had been discussed. It was KB Home position that they would advance \$1.3 million (\$800,000 for Rider Street when ready for construction) and the \$500,000 would be advanced when the fire station was in the position to be constructed. KB Home gave their guarantee, accepted the Fire CFD, would pay the fire impact fee at \$431 per unit, and requested a cap on a future fee as it was in the original agreement.

KB Home, Mr. Mounts' Comment Re: Advance Payment

Assistant City Manager Apodaca commented certain conditions and trade-offs were agreed to. The \$1.3 million was not a gift it was a condition of the development agreement and was an advance on what KB Home agreed to. In return for the advance, the City agreed to the ten-year cap on fees, which was fair.

Assistant City Manager Apodaca's Comments Re: Advance Payment

In response, Mr. Mounts said they took the development agreement fee of \$1,000 per unit and would be paid annually. KB Home essentially accelerated twelve to fifteen years worth of development agreement money not knowing exactly how many units to be built and over what time frame it would be paid. Those were two huge uncertainties for exchange of \$1.3 million. Mr. Mounts offered to advance 25% of either advance (\$500,000 or \$800,000).

KB Home, Mr. Mounts' Response

In response, City Attorney Dunn said it would be recommended in negotiation to obtain 25% of both advances and KB Home's offer tonight would be up to Council. There were certain costs that needed to be addressed: 1) Rider Street – cost of condemnation, design, planning/environmental review; 2) Fire Station – cost of an architect.

City Attorney Dunn's Response

Councilmember Yarbrough asked KB Home if they concurred with the conditions regarding the setbacks. The conditions were standards for all developers.

Councilmember Yarbrough's Query & Comment

In response, Mr. Mounts said they concurred with the specific plan. But, were unable to resolve the tentative tract map conditions and would be resolved.

KB Home, Mr. Mounts' Response

Mayor Busch commented that staff had followed and were consistent with the conditions as recommended. Mayor Busch call for public comments.

Mayor Busch's Comment Re: Conditions & Called for Public Comments

An unidentified person asked if portion of the May Family property was commercial. It was confirmed that it was commercial.

Unidentified Person's Query

Mayor Busch closed the public hearing and called for a motion.

*Mayor Busch Closed the Public Hearing
City Attorney Dunn's Query Re: 25% Advance Payment & Cited Ordinance 1102*

City Attorney Dunn, asked for a clarification as to an offer made to have an advance of the advance for the Fire Station on Rider Street. City Attorney Dunn cited the title of Ordinance 1102.

M/S/C (ROGERS/YARBROUGH) To continue the items regarding Tentative Tract 29994, Tentative Tract Map 30490, Tentative Tract Map 30518 to the June 11th Council meeting.

Tentative Tract Maps 29994, 30490 & 30518 Continued to June 11, 2002

M/S/C (ROGERS/YARBROUGH) To adopt Resolution Number 2953 adopting the findings, adopting Negative Declaration 2108, approving General Plan Amendment 02-0091 amending the General Plan Land Use and Circulation Element. Approve Resolution Number 2954 adopting findings and approving Specific Plan Amendment 02-0081 to the May Ranch Specific Plan subject to the attached Conditions of Approval and adopt Ordinance Number 1102, approving the Third Amendment for the Development Agreement for May Ranch Specific (DA 02-0092) based upon the information, findings, and subject to the recommended Conditions of Approval.

Adoption of Resolution 2953, Adopting Negative Declaration 2108; Approving GPA 02-0091; Adoption of Resolution 2954, Approving SPA 02-0081 Introduce Ordinance 1102, Approving the Third DA Amendment 02-0092 Approved: 5-0

M/S/C (ROGERS/YARBROUGH) To advance the 25% of the \$800,000 payment for construction of the proposed Northern Fire Station.

To Advance the 25% of \$800,000 Payment for Fire Station Construction Approved: 5-0

AYES: Landers, Motte, Rogers, Yarbrough, Busch

NOES:

F. Consideration and discussion to approve Conditional Use Permit 02-0021. A proposal to construct a 65 foot wireless telecommunication facility and install ancillary equipment behind an existing commercial building in the Community Commercial (CC) Zone. The site is located at 3845 Perris Boulevard. Applicant: Spectrasite Communications, Inc., 2301 Dupont Drive, Suite 200, Irvine, CA. 92612.

Conditional Use Permit 02-0021 Approved: 5-0

Community Director Gutierrez introduced the proposal and gave site location. There was one letter of opposition received and staff had been unable to contact the person. With the treatment provided the monopole would be consistent and compatible with the area. The proposal was exempt from CEQA and consistent with the current zoning and General Plan. Therefore, staff recommended approval of the proposal.

Community Director Gutierrez's Introduction

PUBLIC COMMENT:

Mr. Forgey, Expedine Wireless, 24835 E. La Palma Avenue, Suite H, Yorba Linda, CA 92887, presented a sample of the material and type of quality for the monopine tree. There were no other wireless equipment within two miles of the proposed location. Service technicians would perform routine maintenance and the facility provided vital communications in emergency situations.

Expedine Wireless, Mr. Forgey's Presentation

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Motte asked if there was another monopole palm tree in the same area that was approved.

Councilmember Motte's Query Re: Monopole Location

In response, Community Director Gutierrez indicated that it was a palm tree and was at the opposite end of the same location.

Community Director Gutierrez's Response

Mayor Busch commented on a letter from March Joint Powers Authority that requested the applicant to complete an FAA Form 7460.

Mayor Busch's Query Re: March JPA Letter

In response, Mr. Forgey said they completed the form and met the requirements of the FAA. Staff had a copy of the confirmation letter.

Mr. Forgey's Response

M/S/C (LANDERS/MOTTE) To approve Conditional Use Permit 02-0021.

*Conditional Use Permit 02-0021
Approved: 5-0*

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

9.2 CONTINUED PUBLIC HEARINGS:

A. Consideration and discussion to introduce proposed Ordinance Number (next in order), Ordinance Amendment 02-0066, amending Chapter 19.50, Chapter 19.54 and Section 19.81.080A. (Continued from May 14, 2002 City Council Meeting).

*Introduction of Ordinance Number (next in order), Ordinance Amendment 02-0066 Continued to June 11, 2002
Approved: 5-0*

To introduce proposed Ordinance Number (next in order) entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING CHAPTER 19.50 (DEVELOPMENT PLAN REQUIREMENTS) AND CHAPTER 19.54 (AUTHORITY AND REVIEW PROCEDURES) AND SECTION 19.81.080A (FINDINGS FOR SECOND DWELLING UNITS) OF THE PERRIS MUNICIPAL CODE.

Mr. Miller, Project Planner, said this was an ordinance that addressed items that surfaced after the creation of the Planning Commission. In regards to Chapter 19.54, Authority and Review Procedures, Mr. Miller indicated there was a matrix that spelled out what each application encompassed. The Draft Development Review Matrix was not part of the ordinance it was an administrative policy. But, it did put very explicit criteria so that one would be able to review and determine the type of application that would be appropriate.

Project Planner, Mr. Miller's Presentation

CITY COUNCIL COMMENTS AND DISCUSSION: None

Councilmember Landers noted two items that required further study.

*Councilmember
Landers' Comment*

City Attorney Dunn indicated if the ordinance was introduced and made significant revisions it would be required to reintroduce.

*City Attorney Dunn's
Comments Re:
Introduction of
Ordinance*

M/S/C (LANDERS/YARBROUGH) To continue the public hearing for introduction of proposed Ordinance Number (next in order), Ordinance Amendment 02-0066, amending Chapter 19.50, Chapter 19.54 and Section 19.81.080A to June 11, 2002.

*Introduction of
Ordinance Number
(next in order),
Ordinance Amendment
02-0066 Continued to
June 11, 2002
Approved: 5-0*

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

10: NON-HEARING ITEMS:

10.1 NEW BUSINESS:

A. Consideration and discussion to approve Revised Street Naming Case Number 02-0065. An application to name one additional street within Tract Map 24111. Applicant: Cornerstone Group for Tanamera Homes.

*Revised Street Naming
Case 02-0065
Approved: 5-0*

Community Director Gutierrez indicated the proposal was a revision to the previous approval of two street names that applied to this subdivision. Since then the applicant filed for process of approval of final map and desired to add another street name of 'Sandy Creek Court.' Staff recommended Council to approve the name as proposed.

*Community Director
Gutierrez's Introduction*

M/S/C (YARBROUGH/LANDERS) To approve Revised Street Naming Case Number 02-0065 and grant the applicant the one additional street name as presented in the staff report.

*Revised Street Naming
Case 02-0065
Approved: 5-0*

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

B. Consideration and discussion to adopt the plans and specifications for Case Road Rehabilitation and authorize City Clerk to proceed with bid advertisement.

*Adoption of Plans &
Specification for Case
Road Rehabilitation &
Authorize City Clerk to
Advertise Bid*

City Engineer Motlagh commented that this project consisted of removal and replacement of pavement along Case Road between Perris Boulevard to Mapes Road. The existing pavement was twenty-six feet in width and was in a deteriorated condition. There were two bridges included within the rehabilitation. One bridge crossed over San Jacinto River and the other was for the feeder to the river. Grants were

*City Engineer
Motlagh's Presentation*

obtained for the bridges and was a separate project. Due to environmental process and approval from Caltrans the estimated time for that project was two years from now. This proposed project was reflected within the budget and \$700,000 was allocated. During the design stage it was found there was a concrete bed under the existing pavement.

*Con't. City Engineer
Motlagh's Presentation*

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Motte voiced pleasure in fruition of the proposed project.

*Councilmember Motte's
Comment*

M/S/C (LANDERS/MOTTE) To adopt the plans and specifications for Case Road Rehabilitation and authorize City Clerk to proceed with bid advertisement.

*Adoption of Plans &
Specification for Case
Road Rehabilitation &
Authorize City Clerk to
Advertise Bid*

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

C. Consideration and discussion to approve the Perris Valley Seniors Incorporated Board Members' request to dedicate the Perris Senior Citizens Center Poolroom in the memory of Perris Volunteer Paul Kinder.

*Dedication of the Perris
Senior Citizens Center
Poolroom in the
Memory of Mr. Paul
Kinder & Dedication
Criteria to be Presented
in the Near Future
Approved: 5-0*

City Manager Vasquez indicated the request was from the Perris Valley Seniors to dedicate the poolroom in the memory of Paul Kinder who was a long-standing board member and active resident whose memory would like to be remembered by placement of his name in the poolroom. Mr. Kinder was fond of playing pool and was the Perris Valley Seniors' Treasurer. Staff recommended approval and desired to present further recommendations/study to determine the appropriate method of naming City facilities in order to follow criteria.

*City Manager Vasquez's
Presentation*

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Landers commented on no criteria for dedication and voiced honor and support in dedication of the poolroom in the memory of Mr. Paul Kinder.

M/S/C (LANDERS/ROGERS) to approve the Perris Valley Seniors Incorporated Board Members' request to dedicate the Perris Senior Citizens Center Poolroom in the memory of Perris Volunteer Paul Kinder and to present, in the near future, a criteria for dedication of City facilities.

*Dedication of the Perris
Senior Citizens Center
Poolroom in the
Memory of Mr. Paul
Kinder & Dedication
Criteria to be Presented
in the Near Future*

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

10.2 OLD BUSINESS: None

11. PUBLIC COMMENT:

Unidentified speaker commented on the street/road name duplication; not enough care had been given to the naming; and the difficulty for delivery businesses.

Unidentified Speaker's Comment

Mr. Vidal commented on Council's decisions; what is meant to serve the City; request for additional car allowance; and the request for increase of pay for the City Clerk. The reward to serve was not the money/stipend it was the honor to serve the people and City.

Mr. Vidal's Comments

12. CITY COUNCIL COMMENTS: None

13. CITY COUNCIL COMMITTEE REPORTS:

Mayor Pro Tem Rogers reported on her attendance to the League of Cities Lobbying Day in Sacramento and upon her return she faxed Council a copy of the budget deficit cities would face. For cities and counties the deficit was over 1.2 billion dollars and other cities processed position papers as how it would affect their city. She requested the City of Perris to process a similar paper to send to the local legislators the affects of fees on our City. On Friday, May 24th, City Manager Vasquez and herself attended the Val Verde Advisory Committee. The district had eleven school projects, rehabilitation of three schools; and eight new school sites. They expect a growth of 11,000 students to 30,000 students within this area.

Mayor Pro Tem Rogers' Report

Mayor Busch reported that last Thursday, May 23rd, Council had the honor to host seven business people from China. City Clerk Rey, City Manager Vasquez, Assistant City Manager Apodaca and Mayor hosted the Chinese group at a luncheon at the Oaks. The Chinese group toured National RV, Lowe's facility and March Air Reserve Base. The group was from the City of Maanashan, Anhui, P.R. of China which had a population 1.2 million. Steel was their main industry. The Council was invited to visit their city and they presented a Friendship City Resolution that would be agendized.

Mayor Busch's Report

14. CITY MANAGER'S REPORT: None

15. AGENDA ITEMS/MEETING REQUESTS AND REVIEW: None

16. CLOSED SESSION: None

17. ADJOURNMENT: By unanimous consent the Regular City Council Meeting was adjourned at 8:10 p.m.

**8:10 p.m. Regular City
Council Meeting
Adjourned**

Respectfully Submitted,

Margaret Rey, City Clerk