

CITY OF PERRIS

MINUTES: Regular City Council Meeting
Date of Meeting: 08 October 2002
Time of Meeting: 6:00 p.m.
Place of Meeting: City Council Chambers-City Hall

1. **CALL TO ORDER:** The Honorable Mayor Busch opened the Regular City Council Meeting at 6:05 p.m. and requested City Clerk Rey to call the roll.

6:05 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, Finance Director Rogers-Elmore, Community Development Director Gutierrez, City Engineer Motlagh, Police Chief Kestell, Community Services Director Owens and City Clerk Rey.

3. **INVOCATION:**

*Pastor Brown Gave
Invocation*

4. **PLEDGE OF ALLEGIANCE:**

*Councilmember Yarbrough
Led the Pledge*

5. **PRESENTATIONS/ANNOUNCEMENTS:**

A. Presentation of a Proclamation declaring October 22, 2002 as United Way of the Inland Valleys United Way Night.

*Mayor Busch Presented the
United Way Night
Proclamation to Ms. Hollis*

Mayor presented the United Way Night Proclamation to Ms. Hollis, United Way of the Inland Valleys United Way representative.

Ms. Hollis, representative, accepted the proclamation and thanked the Council. She invited Council and the public to the Farmers Fairs October 22nd United Way Night.

*United Way Representative,
Ms. Hollis' Acceptance of
the Proclamation &
Invitation*

B. Presentation of a Proclamation commending Falun Gong, for their accomplishments and promoting better health around the world.

*Mayor Busch Presented
Falun Gong Proclamation
to Assistant Professor Feng*

Mayor Busch presented a Proclamation commending Falun Gong to representative Assistant Professor Feng.

Professor Feng accepted and expressed gratitude for the recognition and thanked the City of Perris on behalf of all Falun Gong Practitioners in California. He gave brief background of Falun Gong Practice.

*Professor Feng's
Comments Re: Gratitude &
Background of Falun Gong*

Mayor Busch announced and invited the public to the October 26th Halloween Festival/Haunted House Event from 6:00 p.m. to 9:00 p.m. The Mayor requested Ms. Guccione to comment on her attendance to the League of Cities Conference.

*Mayor Busch's Announced
Perris Recreation's
Halloween Festival Event &
Requested Ms. Guccione's
Update on the Conference*

Ms. Guccione thanked the City for their support in the delegation of the Perris High School Students to attend the League of California Cities Conference. It was an experience for them and they had learned how to make a difference within their community. The students invited Council to attend the High School Home Coming football game on Friday, October 11th. The students were excited about starting a relationship with Council and requested Council to participate in their school activities.

*Ms. Guccione's Comments
Re: High School Students
Attendance to League of CA
Cities*

6. APPROVAL OF MINUTES:

*Meeting Minutes of City
Council Work Session
9/10/02 & Regular City
Council 9/10/02
Approved: 5-0*

To approve the meeting minutes of City Council Work Session of September 10, 2002 and Regular City Council of September 10, 2002.

M/S/C (LANDERS/YARBROUGH) To approve the meeting minutes of City Council Work Session of September 10, 2002 and Regular City Council of September 10, 2002.

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

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS ONLY: None

8. CONSENT CALENDAR:

A. Approval of Warrants.

*Consent Calendar
Approved: 5-0*

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

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

9. PUBLIC HEARINGS: None

9.1 NEW PUBLIC HEARINGS: None

9.2 CONTINUED PUBLIC HEARINGS: None

10. NON-HEARING ITEMS:

10.1 NEW BUSINESS:

- A. Consideration and discussion to introduce proposed Ordinance Number (next in order) amending Chapter 2.37 of the Perris Municipal Code to designate alternate Planning Commission Members.

*Staff to Implement
Council's Suggestions &
Revisions Regarding the
Proposed Ordinance
Approved: 5-0*

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING CHAPTER 2.37 OF THE PERRIS MUNICIPAL CODE TO DESIGNATE ALTERNATE PLANNING COMMISSION MEMBERS.

Community Development Director Gutierrez introduced the amendment and indicated that the draft ordinance had not been advertised. The draft ordinance was for Council's review; would be advertised for public hearing and adopted at a future hearing. The Planning Commission concurred on four points: 1) alternates officially designated by ordinance; 2) given a term; 3) used only to fill a vacancy of an un-expired term; and 4) trained as the budget permitted. Community Development Director Gutierrez gave the twelve summaries of the ordinance's provisions:

*Community Development
Director Gutierrez's
Introduction*

1. Planning Commission shall have two alternates;
2. Alternates will not have a vote on the Commission;
3. Alternates will not participate in deliberation of the Commission;
4. Alternates will not receive compensation for attending meetings;
5. Term of the alternates shall expires on December 31, 2005 and on December 31 every four years thereafter;
6. City Council may, but is not required to fill a vacant regular seat by appointing one of the alternates.
7. An alternate will not be counted in determining if a quorum is present;

Also included for purposes of clarification was the inclusion of the word 'regular' in several sections of Chapter 2 and those provisions include:

8. Planning Commission shall select from one of its regular members a chairperson pro tempore who will conduct the meeting in the absence of the chairperson;
9. Planning Commission shall meet at least once a month;
10. Special meetings of the Commission can be called by the chairperson or three regular members thereof in accordance with the Ralph M. Brown Act;
11. Three regular members shall constitute a quorum;
12. Planning Commission of its regular members as secretary.

The Planning Commission forwarded their recommendation to Council for consideration.

PUBLIC COMMENT:

Ms. Haughney, a citizen and an alternate, commented on three objectives for alternates: 1) commissioner's resignation; 2) prolonged absence of a commissioner; and 3) to form a quorum. There may be an occasion where there was not a quorum readily available for a special meeting. Number seven of the provisions indicated that an alternate would not be counted in determining a quorum; and the language should be written to reflect that it would be an option/discretion of the chairperson to form a quorum with an alternate. She thanked Council for appointing her an alternate and suggested that the City open training sessions for the alternates.

*Ms. Haughney's Comments
Re: Objectives of Alternates
& Revision/Addition of
Language & Training*

CITY COUNCIL COMMENTS AND DISCUSSION:

Councilmember Landers concurred with the training of alternates; indicated that they should be sworn in; and should attend the commission meetings as a learning process. They should serve as needed and in the absence of a commissioner; should be counted in determining a quorum; and compensated.

*Councilmember Landers'
Comments Re: Alternates'
Training; Swearing In;
Meeting Attendance;
Quorum & Compensation*

Mayor Pro Tem Rogers apologized for the comment made in regards to the statement that a volunteer did not exist and indicated that the volunteers were a key to the City; volunteerism should be encouraged; their time and effort was very valuable.

*Mayor Pro Tem Rogers'
Comments: Encourage
Volunteerism; Concurred
with Training; & Alternate
as Quorum*

In regards to the alternates, Mayor Pro Tem Rogers commented that the alternate's role was to fill in if a regular existing member could not make a meeting. She concurred that the training was vital; and agreed that the purpose of an alternate would be to determine a quorum as needed.

Councilmember Yarbrough concurred that training was vital and indicated that they should have a vote when utilized. The commission meetings were public and alternates could be heard. They should be compensated as the budget permitted. The commission was an important tool and supported the alternate concept.

*Councilmember
Yarbrough's Comments Re:
Training; Compensation of
Alternates*

Councilmember Motte voiced support of training, vote and compensation for alternates and requested that the Planning Commission Meeting minutes be presented to Council.

*Councilmember Motte's
Comments Re: Alternates
Training, Vote &
Compensation*

Mayor Busch voiced support of revisions to the recommendations presented and proposed to consider televising of the Planning Commission meetings.

*Mayor Busch's Comments
Re: Alternates Training,
Vote & Compensation*

City Attorney Dunn recommended to direct staff to present a report on cost for televising of the Planning Commission Meeting and hold discussion when agendaized.

*City Attorney Dunn's
Recommendation Re:
Televising of Planning
Commission Meetings*

Community Development Director Gutierrez indicated that the Chairperson and Planning Commissioners were not present due the fact that they were attending the State APA Conference.

Community Development Director Gutierrez's Comment Re: Planning Commissioners @ Conference

M/S/C (LANDERS/ROGERS) To direct staff to implement the suggestions Council had addressed and present at the next City Council meeting.

Staff to Implement Council's Suggestions & Revisions Regarding the Proposed Ordinance Approved: 5-0

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

B. Consideration and discussion to appoint members to the General Plan Advisor Committee (GPAC) as deemed appropriate.

Consensus: Council & Mayor to Submit a List of Interested Participants to Staff to Form a Committee of Twelve Members

Community Development Director Gutierrez introduced the subject and indicated that one mechanism for public participation in the Comprehensive General Plan Amendment was to create the GPAC. Within the report the composition of the GPAC reflected segments of the community and people with interest, which would be the desired make-up of the committee. A notice requesting/inviting people to submit a letter of interest for participation on the GPAC were processed. Staff received eight letters of interest and others that had expressed interest were included in the General Plan Advisory Committee List. The list totaled approximately twenty-six names, of which most had confirmed, if appointed, would serve. The interested people filled the various categories, which included youth sports/parks, etc.

Community Development Director Gutierrez's Introduction

STAFF COMMENTS:

City Manager Vasquez commented that in review of the list of names and composition of the GPAC appeared large (15-17 people), which would be difficult to staff; to bring about consensus and review of plans. It was suggested to reduce the size of the committee. Council needed to consider that when Council made appointments a committee would be subject to the Brown Act, which would require publication and noticing of meetings.

City Manager Vasquez's Comments Re: Appointment of Advisory Committee List & Subject to Brown Act

Community Development Director Gutierrez indicated that the committee would meet six to eight times throughout the next eighteen to twenty-four months. The GPAC would review draft documents as they are generated; mini-visioning; follow through with opportunities and constraints identified; review of the alternate land use maps; and the Circulation Element Staff was reaching out to the entire community and it was easier to do in groups.

Community Development Director Gutierrez's Comments Re: GPAC Meetings & Role

City Manager Vasquez commented that there would be focus groups that staff would meet with to receive further input. The GPAC would not be the only mechanism that would be utilized.

*City Manager Vasquez's
Comments Re: Focus
Groups Input*

PUBLIC COMMENT: None

CITY COUNCIL COMMENTS AND DISCUSSION:

Mayor Pro Tem Rogers commented that there were nine letters of interest; eighteen interested people, which totaled twenty-seven people. This was a large group. In her experience, meetings were open to the public. The group could be reduced to ten or twelve, with everyone's input. She asked if large community forums or focus groups open to the public had ever been considered and requested representation from service groups.

*Mayor Pro Tem Rogers'
Comments Re: Number of
Interested People*

In response, Community Development Director Gutierrez said they had considered as much outreach as possible. The list was intended to give more than the original eight or nine that were submitted. It was at the discretion of Council to appoint the GPAC. When appointments were made they tend to be more committed or dedicated to the effort. The meetings would be covered by the Brown Act and would be open to the public for input. The decrease in numbers would be helpful.

*Community Development
Director Gutierrez's
Response*

In regards to the list, Councilmember Landers requested to add Mr. Vidal's name.

*Councilmember Landers'
Comment Re: Addition of
Mr. Vidal*

Community Development Director Gutierrez indicated that Mr. Ralph Short was inadvertently left off the list and requested his name to be included within the list.

*Community Development
Director Gutierrez's
Comment Re: Addition of
Mr. Short*

Councilmember Motte voiced support of the list.

*Councilmember Motte's
Comment Re: Support of
List*

Councilmember Yarbrough commented that it would be feasible to reduce the group in order to manage, implement, and to move forward with the committee. He suggested to: 1) split the number into focus groups; or 2) Council selects a committee.

*Councilmember
Yarbrough's Comment Re:
Reduction of the GPAC*

Mayor Busch asked how were the Downtown Specific Plan community meetings organized.

*Mayor Busch's Query Re:
Organization of Downtown
Specific Plan Committee*

In response, Community Development Director Gutierrez said the advisory committee for the Downtown Specific Plan was actually a group of fifteen to twenty people, which was led by staff with the assistance from consultants. Several community at large meetings were held and were very well attended. The GPAC is not much different, the number was the same.

*Community Development
Director Gutierrez's
Response*

In regards to the Brown Act, City Attorney Dunn stated when the City Council appointed people to a committee that committee would fall under the Brown Act.

*City Attorney Dunn's
Comment Re: Brown Act*

Mayor Busch suggested to follow the same order/organization of the Downtown Specific Plan Advisory Committee.

*Mayor Busch's Comments
Re: GPAC in same order as
the Downtown Specific Plan
Advisory Committee*

Community Development Director Gutierrez indicated the formation of the GPAC was at Council's discretion. Council could opt to create the GPAC as an ad-hoc committee to avoid the Brown Act requirement. In any event the meetings would be notice/advertised.

*Community Development
Director Gutierrez's
Comment Re: Formation at
Council's Discretion*

In regards to the Brown Act, City Attorney Dunn indicated that an ad-hoc committee could be subject to the requirements of the act, if it included anyone besides two council members. The Brown Act requirements could be avoided if staff gave Council a list of names at selected times. If appointments were made and included members of the community, then those would be noticed in public meetings and attendance of the public.

*City Attorney Dunn's
Comments Re: Subject to
the Brown Act
Requirements*

City Manager Vasquez commented on the suggestion of staff submitting a list to Council, which would formulate a committee and was not directly appointed by Council would not be subject to the Brown Act. When Council selected a person it would be considered an appointment.

*City Manager Vasquez's
Comments Re: Council's
Selection Subject to Brown
Act*

City Attorney Dunn confirmed that Council's selection was an appointment and subject to the Brown Act. Any advisory committee that consisted of anyone else besides one or two council members became a body under the Brown Act. No motion was required, City Attorney Dunn indicated that Council was to direct the Planning Director to select the advisory committee. The committee would advise the director and staff with input and input would be presented to Council. Therefore, it would be a Staff Advisory Committee.

*City Attorney Dunn's
Comments Re:
Appointments Subject to
Brown Act & Staff Advisory
Committee vs. GPAC*

It was the consensus that individual Councilmembers and Mayor submit a list of interested participants to staff and direct staff to compile the information to form a committee based on the twelve members.

*Consensus: Council &
Mayor to Submit a List of
Interested Participants to
Staff to Form a Committee
of Twelve Members*

10.2 OLD BUSINESS: None

11. PUBLIC COMMENT:

Mr. Lyons commented on the publicity of City officials' personal lives and requested Council to team up and resolve the issue.

Mr. Lyons' Comment

Mr. Vidal also commented on the publicity and indicated he requested, one month ago, for Mayor Pro Tem Rogers to show proof of residency. He suggested obtaining direction from the City Attorney for resolution of the residency issue.

Mr. Vidal's Comments

Ms. Larios invited Council to the Perris Hispanic Chambers of Commerce's Halloween Mixture on Wednesday, October 30th at the Perris Convention Center from 6:00 p.m. to 9:00 p.m. She requested to advertise the event on the Government Channel 3. The Hispanic Chambers hoped to conduct a candidate forum and rally in the month of October.

Ms. Larios' Comments

12. CITY COUNCIL COMMENTS:

Mayor Pro Tem Rogers announced that Rancho Verde High School's homecoming game was on October 19th and at 6:15 p.m. was the dedication of the Fred Workman Stadium.

Mayor Pro Tem Rogers' Announcement Re: Rancho Verde High School Homecoming Game & Dedication of Fred Workman Stadium

Councilmember Landers voiced appreciation of being able to attend the League of CA Cities Conference with Council, City Attorney, City Manager and Assistant City Manager. The conference was very informative and gave the opportunity to mingle with other city officials.

Councilmember Landers' Comments Re: League of CA Cities Conference

Councilmember Motte commented that while at the League of CA Cities, he learned a new term 'Environmental Justice'. The description of the term was that all neighborhood communities would require similar facilities, which was a new area of law and general plan.

Councilmember Motte's Comment Re: Environmental Justice

Regarding the League of California Cities, the Honorable Mayor commented on the number of beneficial sessions offered to elected officials, City Manager, which included the City Clerk of Perris.

Mayor Busch's Comments Re: Conference's Sessions

The Mayor took the opportunity to personally congratulate Margaret Rey on receiving her certification as a Certified City Clerk.

Congratulations to City Clerk Rey on Certification

13. CITY COUNCIL COMMITTEE REPORTS:

Mayor Busch reported the Riverside County Transportation Committee monthly meeting was to be held on Wednesday, October 9th. The RCEP Program within the major corridors would be discussed. The Mayor requested the City Manager to present an update of the TAC Committee.

Mayor Busch's Report Re: RCTC

In regards to the City Managers' Advisory Committee, City Manager Vasquez indicated that the advisory committee had met on the CETAP and major thoroughfares for expansion and investment of transportation dollars were designated. The two major corridors proposed within the Perris area were Cajalco/Ramona Expressway Corridor, which connected the 215 to 15 and the expansion to a thoroughfare. The other proposal was to improve Ethanac Road instead of Cajalco. The City Managers in Moreno Valley and Perris had endorsed the Cajalco/Ramona Expressway Corridor. The City Engineer and City Manager Vasquez recommended that the City endorse Cajalco as opposed to Ethanac. The Cajalco Corridor was a direct route to Perris and improvement would be an advantage to the citizens and visitors. In selection there was strong direction towards Ethanac Road.

City Manager Vasquez's Report Re: City Manager's Advisory Committee

City Engineer Motlagh indicated this issue would be discussed at the October

City Engineer Motlagh's

9th RCTC meeting and their staff recommended that Ethanac be considered for further studies. The City Managers from Moreno Valley, Riverside and Corona had gone on record in opposition of that recommendation and insisted that Cajalco Corridor be the key east/west corridor. The City of San Jacinto's had not taken an official position but, the council member who would be in attendance at tomorrow's meeting was in support of the Cajalco Corridor. With the support of Cajalco Corridor the commission may be swayed to revise staffs' recommendation. Ethanac was recommended due to Cajalco's environmental issues/problems (in relation to Lake Matthews) with obtaining permits from federal agencies. The federal agencies had a problem with designating Cajalco as a freeway. Developers/property owners could easily improve Ethanac.

*Comments:
Cajalco\Ramona
Expressway Corridor vs.
Ethanac Road*

Community Development Director Gutierrez commented that the City had a position to take at a later date to respond to environmental documents. Those documents had not been seen, but the review period was extended to mid November.

*Community Development
Director Gutierrez's
Comments Re:
Environmental Review
Extended*

14. CITY MANAGER'S REPORT:

Police Chief Kestell reported that the Sheriff/Police Department had Megan's database available in computer system. The hours of operation would be Tuesdays and Thursdays from 8:00 a.m. to 12:00 p.m. The Chief recommended that if City officials were interested in reviewing the information to call the station at (909)940-6200 for an appointment. The Megan's Law Pin Map had been placed via a link through the Sheriff's web site to the State Department of Justice.

*Police Chief Kestell's
Report Re: Megan's Law
Computer Data Base &
Megan's Law Pin Map on
Web Site*

Councilmember Motte suggested including the Megan information in the City's Newsletter.

*Councilmember Motte's
Comment Re: Include
Megan's Law Information
into City's Newsletter*

City Manager Vasquez announced that Fire Chief Williams would be in training for two months.

*City Manager Vasquez's
Announcement*

Fire Chief Williams commented that he was selected by the State Agency to attend a six-month long Law Enforcement training class in Sacramento. He would return in the second week of May. There would be an appropriate individual to report to the City Manager.

*Fire Chief Williams' Report
Re: Law Enforcement
Training Class*

15. AGENDA ITEMS/MEETING REQUESTS AND REVIEW: None

Mayor Busch cited the closed session items and recessed City Council meeting to Redevelopment Agency meeting.

*City Council Meeting
Recessed to the
Redevelopment Agency
Meeting*

City Council recessed to Closed Session at 7:50 p.m.

*7:50 p.m. Recessed to
Closed Session*

16. CLOSED SESSION:

A. Public Employee Performance Evaluation
Government Code Section 54957

*No Reportable Action
Taken*

1. City Attorney
2. City Manager

City Attorney Dunn reported closed session was held to discuss Item 16.A of the agenda. The Public Employee Performance Evaluation of the City Attorney and City Manager was discussed and direction was given to staff on creation of a process for conducting evaluations, but no reportable action was taken.

*City Attorney Dunn's
Closed Session Report*

17. ADJOURNMENT: By unanimous consent the Regular City Council Meeting was adjourned at 8:30 p.m.

*8:30 p.m. Regular City
Council Meeting
Adjourned*

Respectfully Submitted,

Margaret Rey, City Clerk