

*For further information on an agenda item, please contact the City at  
101 North "D" Street, or call (951) 943-6100*

**AGENDA  
JOINT MEETING OF THE CITY COUNCIL, SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC  
FINANCE AUTHORITY, PUBLIC UTILITY AUTHORITY,  
HOUSING AUTHORITY, PERRIS JOINT POWERS  
AUTHORITY AND PERRIS COMMUNITY ECONOMIC  
DEVELOPMENT CORPORATION OF THE CITY OF PERRIS**

**Tuesday, June 14, 2016**

**6:30 P.M.**

**City Council Chambers**

**(corner of San Jacinto and Perris Boulevard)**

**101 North "D" Street**

**Perris, California**

***CLOSED SESSION: 5:30 P.M.***

***ROLL CALL:***

Rogers, Yarbrough, Burke, Rabb, Busch

A. Conference with Legal Counsel - Potential Litigation - Government  
Code Section 54956.9 (d)(4) - 3 cases

**1. *CALL TO ORDER:* 6:30 P.M.**

**2. *ROLL CALL:***

Rogers, Yarbrough, Burke, Rabb, Busch

**3. *INVOCATION:***

**4. *PLEDGE OF ALLEGIANCE:***

Mayor Pro Tem Rogers will lead the Pledge of Allegiance.

**5. *PRESENTATIONS/ANNOUNCEMENTS:***

*At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.*

- A. Presentation of Award Certificates to recipients of the Hispanic Association of Small Business Academic Achievement Awards.
- B. Roma Ferriter, Director of Community Engagement will announce the “North County Health Services Open House and Ribbon Cutting Ceremony” being held on Wednesday, June 15, 2016 at the North County Health Services Perris Health Center.

**6. APPROVAL OF MINUTES:**

- A. Approve the Minutes of the Regular Joint Meeting of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority held May 31, 2016.

**7. CONSENT CALENDAR:**

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. Public comment is limited to three (3) minutes.*

- A. Adopt Resolution Numbers (next in order) regarding Annexation of CUP 14-09-0001 to Maintenance District No. 84-1, located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. (Ownership of: Bahram Tchami).

The Proposed Resolution Numbers (next in order) are 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 OF CUP 14-09-0001 INTO MAINTENANCE DISTRICT NUMBER 84-1

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 CUP 14-09-0001 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1

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 CUP 14-09-0001 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 ON AUGUST 30, 2016

- B. Adopt Resolution Numbers (next in order) regarding Annexation of CUP 14-09-0001 to Landscape Maintenance District No. 1 (LMD 1), located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. (Ownership of: Bahram Tchami).

The Proposed Resolution Numbers (next in order) are 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 LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION OF BENEFIT ZONE 117 (CUP 14-09-0001) TO LANDSCAPE MAINTENANCE DISTRICT NUMBER 1

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 CUP 14-09-0001 TO BENEFIT ZONE 117, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1

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 117, 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 117, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID

ANNEXATION AS ANNEXATION OF CUP 14-09-0001 TO BENEFIT ZONE 117, 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 ON AUGUST 30, 2016

- C. Adopt Resolution Number (next in order) regarding Annexation of CUP 14-09-0001 to Flood Control Maintenance District No. 1, located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. (Ownership of: Bahram Tchami).

The Proposed Resolution Number (next in order) is 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 CUP 14-09-0001 TO BENEFIT ZONE 84, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON AUGUST 30, 2016

- D. Receive and file the SAS 114 Audit Planning Letter from Teaman, Ramirez & Smith, Inc. (City Audit Firm).
- E. Adopt Resolution Number (next in order) amending the Rubbish Collection Charges pursuant to Agreement with CR&R.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING RUBBISH COLLECTION CHARGES AS PERMITTED IN SECTION 7.16.050 (D) OF THE PERRIS MUNICIPAL CODE AND RESCINDING RESOLUTION NUMBER 4911

- F. Adopt Resolution Number (next in order) regarding Article XIII B Appropriation (GANN) Limit for Fiscal Year 2016-2017.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016-2017

**PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA  
CONSTITUTION**

- G. Approval to review the Biennial Conflict of Interest Code and submit a report identifying necessary revisions to the code reviewing body pursuant to Government Code § 87306.5.**
- H. Approve the License Agreement Renewal with Family Services Association of Western Riverside County for the use of the Senior Center to provide meal service to seniors.**
- I. Approve the installation of a stop sign at the intersection of Sorrell Lane and Poppy Court.**
- J. Approve the Goetz Road Right-of-Way Improvements between Ellis and Ethanac.**
- K. Approve the Contract with JLC Engineering regarding the Nuevo Bridge Widening and Road Improvements.**
- L. Approve the Cooperative Agreement regarding the Perris Valley Master Drainage Plan – Line “J.”**
- M. Approve the Façade Improvement Project for the Dora Nelson Museum located at 316 East 7<sup>th</sup> Street.**
- N. Approve the Perris Valley Chamber of Commerce Sponsorship.**
- O. Adopt Resolution Numbers (next in order) regarding the Disposition and Development Agreement (DDA) with AMCAL Multi-Housing, Inc. for a proposed affordable housing mixed-use development in the 100 block of South “D” Street (northeast corner of “D” and 2<sup>nd</sup> Streets).**

**The Proposed Resolution Numbers (next in order) are entitled:**

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF PERRIS, APPROVING THE DEVELOPER AND DISPOSITION AGREEMENT BY AND BETWEEN THE PERRIS HOUSING AUTHORITY AND AMCAL MULTI-HOUSING, INC.**

**A RESOLUTION OF THE COMMUNITY ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF PERRIS, APPROVING THE DEVELOPER AND DISPOSITION AGREEMENT BY AND BETWEEN THE PERRIS HOUSING AUTHORITY AND AMCAL MULTI-HOUSING, INC.**

- P. Approve the Agreement for Code Enforcement Services between the City of Perris and the County of Riverside.
- Q. Approve Final Parcel Map 36726 (FPM 16-05078), a Final Map to merge six existing parcels into one industrial lot for industrial development located south of Nance Street, north of Markham Street, and between Webster and Indian Avenues within the Perris Valley Commerce Center (PVCC) Specific Plan. (Applicant: Russell Pierce, Integra Pacific, LLC).
- R. Adopt Resolution Number (next in order) regarding the intent to overrule an inconsistency finding of the Riverside County Airport Land Use Commission (ALUC) for a proposed 202 unit multifamily residential development north of Orange Avenue, between Barrett Avenue and Perris Boulevard, with the March Air Reserve Base Land Use Plan. (Applicant: Peter Kulmatticki (GPA 15-05205, ZC 15-05206, DPR 15-00014, TPM 15-05205 (TPM 37014).

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO COMMENCE THE PROCESS TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY AND ALLOWING A MAXIMUM DENSITY OF 12 UNITS PER ACRE IN ACCORDANCE WITH THE INFILL POLICY OF THE MARCH AIRPORT LAND USE COMPATIBILITY PLAN, THEREBY ALLOWING 202 UNITS FOR DEVELOPMENT PLAN REVIEW 15-00014, GENERAL PLAN AMENDMENT 15-05207, ZONE CHANGE 15-05206, AND TENTATIVE PARCEL MAP 15-05202 (TPM 37014)

- S. Approve City Hall Campus Demolition of Dilapidated Structures.

## 8. **PUBLIC HEARINGS:**

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. Public comment is limited to three (3) minutes.*

- A. Consideration to adopt Resolution Numbers (next in order) regarding Annexation of APN 320-250-049 into CFD 2001-3 (North Perris

Public Safety District) – Annexation No. 22. Project: Fast5Xpress Car Wash. (Owner: SFP E).

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 22 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO ANNEXATION NO. 22 AND ORDERING THE ANNEXATION OF SUCH TERRITORY, THE LEVYING OF A SPECIAL TAX WITHIN THE AREA OF ANNEXATION NO. 22 AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

Introduced by: Jennifer Erwin, Assistant Director of Finance

**PUBLIC COMMENT:**

- B. Consideration to introduce the First Reading of Ordinance Numbers (next in order) repealing Chapter 10.44 of the Perris Municipal Code: Bicycles and repealing Chapter 1.20 of the Perris Municipal Code: Prisoner Labor.

The Proposed First Reading of Ordinance Numbers (next in order) is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTIONS 10.44.010, 10.44.020, 10.44.030, 10.44.040, 10.44.060, AND 10.44.070 OF CHAPTER 10.44 OF TITLE 10 OF THE CITY OF PERRIS MUNICIPAL CODE REGARDING THE REGISTRATION AND LICENSING OF BICYCLES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTION 1.20.010 OF

CHAPTER 1.20 OF TITLE 1 OF THE CITY OF PERRIS  
MUNICIPAL CODE REGARDING PRISONER LABOR

Introduced by: Jennifer Erwin, Assistant Director of Finance

PUBLIC COMMENT:

- C. Consideration to adopt Resolution Number (next in order) regarding the ALUC Overrule of the Riverside County Airport Land Use Commission's (ALUC) decision that the proposed 77 unit single family residential planned development located on the northwest corner of Murrieta Road and Water Avenue is inconsistent with their March ARB Airport Land Use Plan. (Applicant: Tom Mungari).

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY FOR DEVELOPMENT PLAN REVIEW 15-00012 PLANNED DEVELOPMENT OVERLAY ZONE 15-05197 GENERAL PLAN AMENDMENT 15-05199 ZONE CHANGE 15-05200 AND TENTATIVE TRACT MAP 36797

Introduced by: Clara Miramontes, Director of Development Services

PUBLIC COMMENT:

9. **BUSINESS ITEMS: (not requiring a "Public Hearing"):**

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. Public Comment is limited to three (3) minutes.*

- A. Update on the Hometown Heroes Active Military Banner Program.

Introduced by: Michael McDermott, Chief Operating Officer

PUBLIC COMMENT:

- B. Consideration to adopt Resolution Numbers (next in order) regarding Medical Marijuana Tax and Dispensary Regulation Ordinances for Submission to Voters as Ballot Measures.

Introduced by: Clara Miramontes, Director of Development Services

PUBLIC COMMENT:



**1. TAXES**

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY OF PERRIS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE, ENTITLED THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 5005

AN ORDINANCE OF THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA APPROVING AND IMPLEMENTING A MARIJUANA TAX OF UP TO 10 CENTS PER \$1.00 OF PROCEEDS ON MARIJUANA DISPENSARIES OPERATING IN THE CITY; AND APPROVING AND IMPLEMENTING A MARIJUANA CULTIVATION TAX OF UP TO \$25 PER SQUARE FOOT OF SPACE UTILIZED AS CULTIVATION AREA IN THE CITY, BY ADDING CHAPTER 3.40 (MARIJUANA TAX) TO TITLE 3 (REVENUE AND FINANCE) OF THE PERRIS MUNICIPAL CODE

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS(S) AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE

**2. REGULATORY PROGRAM**

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE, ENTITLED THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE, AT THE

GENERAL ELECTION TO BE HELD ON TUESDAY,  
NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 5005

AN ORDINANCE OF THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA TO PERMIT AND REGULATE MEDICAL MARIJUANA DISPENSARIES, BY ADDING CHAPTER 5.54 (MEDICAL MARIJUANA DISPENSARIES) TO TITLE 5 (BUSINESS REGULATIONS AND LICENSES); BY AMENDING SECTION 19.36.020 (PERMITTED USES) OF CHAPTER 19.36 (CN COMMERCIAL NEIGHBORHOOD), SECTION 19.38.020 (PERMITTED USES) OF CHAPTER 19.38 (CC COMMERCIAL COMMUNITY), AND SECTION 19.44.020 (LAND USES AND PERMIT REQUIREMENTS) OF CHAPTER 19.44 (INDUSTRIAL ZONES) OF TITLE 19 (ZONING); BY REPEALING SUBSECTION (A) ENTITLED "PROHIBITION AGAINST THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES" AND AMENDING SUBSECTION (B) ENTITLED "ZONING DISTRICT COMPLIANCE" OF SECTION 19.02.020 (LIMITATIONS ON LAND USE) OF CHAPTER 19.02 (GENERAL PROVISIONS) OF TITLE 19 (ZONING); AND, BY REPEALING THE DEFINITION OF "MEDICAL MARIJUANA DISPENSARY" IN SECTION 19.08.010 (DEFINITIONS) OF CHAPTER 19.08 (DEFINITIONS) OF TITLE 19 (ZONING), OF THE PERRIS MUNICIPAL CODE

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY OF PERRIS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE

Introduced by: Clara Miramontes, Director of Development Services

PUBLIC COMMENT:

**10. PUBLIC COMMENT/CITIZEN PARTICIPATION:**

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be*

*agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Public comment is limited to three (3) minutes.*

**11. COUNCIL COMMUNICATIONS:**

*(Committee Reports, Agenda Items, Meeting Requests and Review etc.)*

*This is an opportunity for the Mayor and City Councilmembers to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.*

**12. CITY MANAGER'S REPORT:**

**13. ADJOURNMENT:**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building Official (951) 443-1029. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**CITY COUNCIL/  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/  
PERRIS PUBLIC FINANCE AUTHORITY/  
PERRIS PUBLIC UTILITIES AUTHORITY/HOUSING  
AUTHORITY/PERRIS JOINT POWERS AUTHORITY/PERRIS  
COMMUNITY ECONOMIC DEVELOPMENT CORPORATION  
AGENDA SUBMITTAL**

TO: The Honorable Mayor and Members of the City Council  
FROM: Nancy Salazar, City Clerk *NS*  
DATE: June 14, 2016  
SUBJECT: *Approval of Minutes*

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**BACKGROUND:** None.

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**FISCAL IMPACT:** None.

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- **RECOMMENDATION:** Motion to approve the Minutes of the Regular Joint Meeting held on May 31, 2016 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority.

Prepared by: Judy L. Haughney, CMC, Records Clerk *JLH*  
Approved by: Nancy Salazar, City Clerk

**Attachments:**

- Minutes of the Regular Joint Meeting held on May 31, 2016 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority

## ***CITY OF PERRIS***

### MINUTES:

Date of Meeting: May 31, 2016

06:30 PM

Place of Meeting: City Council Chambers

### CLOSED SESSION

**Mayor Busch called the Closed Session to order at 6:00 p.m.**

### ROLL CALL

**Present: Rabb, Rogers, Yarbrough, Burke, Busch**

**Staff Present: City Manager Belmudez, Assistant City Attorney Neumeyer and City Clerk Salazar**

- A. Conference with Real Property Negotiators – Government Code Section 54956.8 Property: APN #'s: 313-092-022 and 313-092-007 City Negotiator: Richard Belmudez. City Manager Negotiating Parties: Arjun Nagarkati, President AMCAL Multi-Housing, Inc. Under Negotiation: Price and terms of payment

**The City Council adjourned to Closed Session at 6:02 p.m.**

1. CALL TO ORDER: 6:30 P.M.

**The City Council re-convened in Open Session and Mayor Busch called the Regular City Council meeting to order at 6:30 p.m.**

2. ROLL CALL: Rabb, Rogers, Yarbrough, Burke, Busch

**City Councilmember's present: Rabb, Rogers, Yarbrough, Burke, Busch**

**Staff Members Present: City Manager Belmudez, Assistant City Attorney Neumeyer, City Engineer Motlagh, Assistant City Manager Carr, Deputy City Manager Madkin, Redevelopment & Economic Development Manager McDermott, Police Captain Ford, Fire Chief Barnett, Director of Development Services Miramontes, Capital Improvement Project Manager Morales, Assistant Director of Administrative Services Carlos, Assistant Director of Community Services and Housing Chavez, Assistant**

Finance Director Erwin, Assistant Director of Public Works Hartwill, Public Information Officer Vargo and City Clerk Salazar.

3. INVOCATION: Pastor Noland Turnage The Grove Community Church 227 N. "D" Street Perris, CA 92570

**In the absence of Pastor Noland Turnage, Pastor Ted Norton of New Life Fellowship, gave the Invocation.**

4. PLEDGE OF ALLEGIANCE:

**Councilman Rabb led the Pledge of Allegiance.**

**Closed Session Report-Assistant City Attorney Neumeyer reported the the City Council met in Closed Session. The City Council gave direction to staff, but there was no reportable action taken.**

5. PRESENTATIONS/ANNOUNCEMENTS:

- A. Presentation by Juan Rodriguez, Recreation Leader announcing "Parks Make Life Better" City Photo Contest.

6. APPROVAL OF MINUTES:

- A. Approved the Minutes of the Regular Joint Meeting of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority held May 10, 2016.

The Mayor called for a motion.

M/S/C: Moved by Tonya Burke, seconded by David Starr Rabb to Approve the Minutes as presented.

AYES: David Starr Rabb, Rita Rogers, Mark Yarbrough, Tonya Burke, Daryl Busch

NOES:

ABSENT:

ABSTAIN:

7. CONSENT CALENDAR:

**The Mayor called for Public Comment. There was no Public Comment.**

- A. Adopted the Second Reading of Ordinance Number 1326 repealing Chapter 3.04 of the Perris Municipal Code, Emergency Water Reserve Fund.

The Second Reading of Ordinance Number 1326 is entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PERRIS, CALIFORNIA, REPEALING SECTIONS 3.04.010  
AND 3.04.020 OF CHAPTER 3.04 OF TITLE 3 OF THE CITY  
OF PERRIS MUNICIPAL CODE REGARDING AN  
EMERGENCY WATER RESERVE FUND

- B. Approved Development Impact Fee (DIF) and Transportation Uniform Mitigation Fee (TUMF) Credit Agreements for Ethanac Road Improvements for Tract 32666, Richland Communities, located along future Ethanac Road just west of the San Jacinto River.
- C. Received and Filed the Investment Report for Quarter Ended March 31, 2016.
- D. Adopted Resolution Numbers 5001, 5002 and 5003 regarding Annexation of Parcel Map 37043 to Landscape Maintenance District No. 1 (LMD 1) located east of the southeast corner of Perris Boulevard and Ramona Expressway. (Ownership of: Ramona Expressway and Perris Investments, LLC).

Resolution Number 5001 is 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 LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION OF BENEFIT ZONE 119 AND BENEFIT ZONE 120 (PARCEL MAP 37043) TO LANDSCAPE MAINTENANCE DISTRICT NUMBER 1

Resolution Number 5002 is 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 PARCEL MAP 37043 TO BENEFIT ZONE 119 AND BENEFIT ZONE 120, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1

Resolution Number 5003 is 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 119 AND BENEFIT ZONE 120, 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 119 AND BENEFIT ZONE 120, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF PARCEL MAP 37043 TO BENEFIT ZONE 119 AND BENEFIT ZONE 120, 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 ON AUGUST 30, 2016

- E. Adopted Resolution Number 5004 regarding Annexation of Parcel Map 37043 to Flood Control Maintenance District No. 1, location east of the southeast corner of Perris Boulevard and Ramona Expressway. (Ownership of: Ramona Expressway and Perris Investments, LLC).

Resolution Number 5004 is 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 PARCEL MAP 37043 TO BENEFIT ZONE 86, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON AUGUST 30, 2016

- F. Adopted Resolution Numbers 5005 and 5006 regarding the General Municipal Election for November 8, 2016.

Resolution Number 5005 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CALLING FOR, AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE



Resolution Number 5006 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 8, 2016

G. Approved Check Register for April 2016.

The Mayor called for a motion.

M/S/C: Moved by Mark Yarbrough, seconded by Rita Rogers to Approve the Consent Calendar as presented.

AYES: David Starr Rabb, Rita Rogers, Mark Yarbrough, Tonya Burke, Daryl Busch

NOES:

ABSENT:

ABSTAIN:

8. PUBLIC HEARINGS:

A. Adopted Resolution Number 5007 regarding Annexation of Parcel Map 36010 to the City's Flood Control Maintenance District (FCMD 1) No. 1, located between Markham Street and the Ramona Expressway between Brennan Avenue and Indian Avenue. (Ownership of: Prudential).

Resolution Number 5007 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PARCEL MAP 36010 TO BENEFIT ZONE 87, CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2016-2017

**This item was presented by Roxanne Shepherd, Shepherd & Staats, Inc.**

**The Mayor opened the Public Hearing at 6:41 p.m. There was no Public Comment.**

**The Mayor closed the Public Hearing at 6:41 p.m.**

**The Mayor asked City Clerk Salazar to open the ballot.**

**City Clerk Salazar opened the ballot and announced that the ballot was marked "yes".**

The Mayor called for a motion.

M/S/C: Moved by Rita Rogers, seconded by Mark Yarbrough to Approve Resolution Number 5007 as presented.

AYES: David Starr Rabb, Rita Rogers, Mark Yarbrough,  
Tonya Burke, Daryl Busch

NOES:

ABSENT:

ABSTAIN:

9. **BUSINESS ITEMS:**

A. **Consideration to approve a restaurant attraction/incentive package.**

**This item was presented by Chief Operating Officer McDermott.**

**The Mayor called for Public Comment. There was no Public Comment.**

**The following Boardmember's spoke:**

**Rogers**

**Busch**

The Mayor called for a motion.

M/S/C: Moved by Mark Yarbrough, seconded by Tonya Burke to Approve a \$350,000.00, self-extinguishing, zero interest business loan to Applebee's (Apple SoCal, LLC), inclusive of a five year operating covenant and authorize the Chief Executive Officer or his designee to execute all documents in a form approved by the Corporation's Counsel, and related expenditures and actions.

AYES: David Starr Rabb, Rita Rogers, Mark Yarbrough,  
Tonya Burke, Daryl Busch

NOES:

ABSENT:

ABSTAIN:

B. **Update regarding March Air Reserve Base and Perris Valley Airport Influence Areas within the City of Perris.**

**This item was introduced by Director of Development Services Miramontes and turned over to Nick Johnson- Johnson Aviation for the presentation.**

**The Mayor called for Public Comment. There was no Public**

**Comment.**

**Mayor Pro Tem Rogers left the Council Chambers at 7:13 p.m. and returned at 7:15 p.m.**

**The following Councilmember's spoke:**

- Busch**
- Yarbrough**
- Rogers**

**10. PUBLIC COMMENT/CITIZEN PARTICIPATION:**

**The following people spoke at Public Comment:**

- Michael Weir**
  
- Cindy Espinoza**

**11. COUNCIL COMMUNICATIONS:**

**The following Councilmember's spoke:**

- Burke**
- Rogers**
- Rabb**
- Yarbrough**
- Busch**

**12. CITY MANAGER'S REPORT:**

**13. ADJOURNMENT:**

**There being no further business the Mayor adjourned the Regular City Council meeting at 8:01 p.m.**

**Respectfully Submitted,**

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**Nancy Salazar, City Clerk**

CITY COUNCIL  
AGENDA SUBMITTAL

Meeting Date June 14, 2016

SUBJECT: Annexation of CUP 14-09-0001 to Maintenance District No. 84-1

REQUESTED ACTION:

1. Adoption of Resolution Ordering Preparation of the Engineer's Report
2. Adoption of Resolution Preliminarily Approving Engineer's Report
3. Adoption of Resolution of Intention to Annex CUP 14-09-0001 to Maintenance District No. 84-1 and setting a public hearing date of August 30, 2016

CONTACT: Habib Motlagh, City Engineer

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BACKGROUND/DISCUSSION: CUP 14-09-0001 is a 1.38-acre development located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. The project is under the ownership of Bahram Tchami, and, as a condition of approval, is required to annex into MD 84-1.

This district was formed to finance the annual maintenance of streetlights and traffic signals installed in conjunction with new development. The project specifically benefits from a traffic signal located at the intersection of Nuevo Road and Old Nuevo Road. The project also specifically benefits from 3 streetlights to be maintained under MD 84-1.

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BUDGET (or FISCAL) IMPACT:

The maximum annual assessment is \$268.24, plus inflation factors not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, and 2) the Southern California Edison rate increase(s) effective in subsequent years.

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Reviewed by:

Assistant City Manager 

City Attorney \_\_\_\_\_

- Attachments:
1. Resolution Ordering Preparation of the Engineer's Report
  2. Engineer's Report
  3. Resolution Preliminarily Approving Engineer's Report
  4. Resolution of Intention to Annex CUP 14-09-0001 to Maintenance District No. 84-1

Consent:

**RESOLUTION NUMBER**

**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 OF CUP 14-09-0001 INTO MAINTENANCE DISTRICT NUMBER 84-1**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as MAINTENANCE DISTRICT NO. 84-1 (the "District"); and

**WHEREAS**, it has been determined by the City Council of the City of Perris, County of Riverside, California, that the public interest, convenience and necessity requires the installation of streetlights, traffic signals and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof, all within the incorporated boundaries of the City of Perris, California; and

**WHEREAS**, the City Council has heretofore appointed Habib Motlagh, the City Engineer for the City of Perris, as the "Engineer of Work" for Maintenance District Number 84-1 and Shepherd & Staats, Incorporated has heretofore been appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code, State of California.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** The above recitals are true and correct, and are incorporated herein by this reference.

**Section 2.** That the public interest, convenience and necessity, requires the annexation to a maintenance district for the purpose of installing, constructing and maintaining the streetlights, traffic signals and other facilities authorized by Section 22525 of the Streets and Highways Code, State of California,

**Section 3.** That CUP 14-09-0001 be defined as that area to be annexed to the City of Perris Maintenance District Number 84-1.

**Section 4.** That the lands to be specially charged for the installation, construction, and maintenance of the facilities shall be the area within the boundaries of the annexation to the district generally indicated on the map entitled "Diagram of Annexation of CUP 14-09-0001 to Maintenance District Number 84-1, City of Perris, County of Riverside, State of California."

**Section 5.** That the proceedings are to be conducted for said annexation to the maintenance district under and in accordance with provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

**Section 6.** That Habib Motlagh, the City Engineer for the City of Perris, is hereby appointed the "Engineer of Work" and all provisions of Division 15 applicable to the Engineer shall apply to said "Engineer of Work" and Shepherd & Staats, Incorporated, is hereby appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of said Division 15 of the Streets and Highways Code.

**Section 7.** That Habib Motlagh, the City Engineer for the City of Perris, is hereby designated to sign all papers and documents in connection with the proceedings for the annexation to said maintenance district, acting in the capacity of the Engineer of Work.

**Section 8.** That the cost of maintaining the facilities set forth herein in subject annexation to the district shall be borne by the property owners within the subject annexation to the district, said cost to be assessed and collected in accordance with said Landscaping and Lighting Act of 1972.

**Section 9.** That the Engineer of Work is hereby ordered to prepare a report in accordance with Article 4 of said maintenance act, and is hereby directed to prepare and file such report with the City Clerk.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14th day of June, 2016, by the following called vote:

Ayes:

Noes:

Absent:

Abstain:

---

City Clerk, Nancy Salazar

**AGENCY:** City of Perris  
**PROJECT:** Annexation of CUP 14-09-0001  
To Maintenance District No. 84-1

**TO:** City Council  
City of Perris  
State of California

**REPORT PURSUANT TO "LANDSCAPING AND LIGHTING ACT OF 1972"**

Pursuant to the direction from the City Council, submitted herewith is the "Report," consisting of the following parts, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the **STATE OF CALIFORNIA**, being the "Landscaping and Lighting Act of 1972", as amended. This "Report" provides for the annexation into the District of additional parcels and the levy of assessments for the fiscal year commencing July 1, 2016 to June 30, 2017, for that area to be known and designated as:

**"Annexation of CUP 14-09-0001  
to Maintenance District No. 84-1"**

I do hereby assess and apportion the total amount of the costs and expenses upon the several parcels of land within said designated area liable therefore and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said maintenance works of improvement and appurtenances.

Executed this 14<sup>th</sup> day of June, 2016.

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**HABIB M. MOTLAGH, City Engineer  
CITY OF PERRIS  
STATE OF CALIFORNIA**

Final approval, confirmation and levy of the annual assessment and all matters relating to annexation and the Engineer's "Report" were made on the 30<sup>th</sup> day of August 2016, by adoption of Resolution No. \_\_\_\_\_ of the City Council.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**

A copy of the Assessment Roll and Engineer's "Report" were filed in the Office of the City Clerk on the 14<sup>th</sup> day of June 2016.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**



## Report

**PART 1. Plans and Specifications.** Generally, the work to be performed consists of the annual energy and maintenance costs for three streetlights. The street lights to be maintained are identified on SCE Atlas Map 10292031.

The site of CUP 14-09-0001 is shown on the Diagram within Part 4. In addition to the street lights, this area benefits from existing and future traffic signals. Of specific benefit is the traffic signal at the intersection of Nuevo Road and Old Nuevo Road.

The plans and specifications for all facilities are on file in the City of Perris Office of Community Development and, by reference, are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto. The plans and specifications sufficiently show and describe the general nature, location and extent of the improvements.

The street light improvements are owned by Southern California Edison (SCE). The traffic signals are owned by the City of Perris and are shown on the City of Perris Traffic Signal Location Map. Said Map and Atlas are on file in the City of Perris Office of Community Development and are made a part of this report to the same extent as if said documents were attached hereto.

**PART 2. An Estimate of the cost for the improvements to be maintained and/or improved for a given fiscal year includes labor, materials, electricity, and appurtenances. Incidental costs include engineering, legal, City Clerk, and administration expenses, including the processing of payments and the submittal of billings to the Riverside County Auditor for placement on the tax roll.**

The estimated annual cost for maintenance of the facilities is as follows:

	<u>Facility</u>	<u>Quantity</u>	<u>Annual Cost</u>	<u>Total Cost</u>
<b>Street Lights</b>				
	9500 Lumen	0	\$148.32	\$00.00
	22000 Lumen	3	203.28	609.84
<b>Traffic Signals</b>				
	Nuevo Road and Old Nuevo Road	30.00%	8,367.55	2,510.26
<b>Subtotal</b>				\$3,120.10
<b>Incidental Costs</b>				624.02
<b>City Contribution for Street Lights Resolution 4897 Adjustment</b>		3	-54.96	-164.88
				-3,311.00
<b>Balance to Assessment</b>				\$268.24

Zero costs will be incurred by the area within this annexation for the fiscal year commencing July 1, 2016 to June 30, 2017.

**PART 3.** The **Assessment Roll** shows the proportionate amount of the assessment to be charged in proportion to the benefits to be received by each lot or parcel within the exterior boundaries of the Diagram, enclosed herein as Part 4.

Street lighting and the orderly circulation of traffic directly benefits the area to be annexed to Maintenance District No. 84-1. Any share of the benefits received that does not provide a special benefit to the assessed properties is a general benefit provided by the improvements. The cost of the general benefit is not to be assessed to the properties in the district.

The cost of the general benefit is to be contributed by the City. This cost for lights is equal to the unit cost difference between a 9,500 lumen light and a 22,000 (or greater) lumen light. A 9,500 lumen light is the standard required on a local street. Other streets require a standard greater than 9,500 lumens in order to service a capacity greater than the local traffic.

Reference is made to the FY 2016/2017 annual proceedings for Maintenance District No. 84-1, as confirmed and set forth in Resolution 4998 approved on May 10, 2016. Under these proceedings, the benefit for the annual maintenance of streetlight and traffic signals is equal to \$46.28 per Benefit Unit, or single family home. For the purposes of this report, this assessment determines the net specific street light and traffic signal benefit.

The method of assessment is based on units, with a residential dwelling or condominium equal to one benefit unit. The relationship between residential lots and non-residential development has been established at 4.2 residential lots to one assessed acre based on the general density of the City as a whole. The assessed acreage is the net acreage of CUP 14-09-0001.

The current annual assessment reflecting the reasonable cost of providing for the maintenance and servicing of the improvements and appurtenant facilities is equal to \$46.28 per benefit unit, shown as follows:

$$\frac{1.0 \text{ Assessed Acre}}{4.2 \text{ Benefit Units}} \times \frac{\$268.24}{1.38 \text{ AC}} = \$46.28 \text{ per Benefit Unit}$$

Plus inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, and
- 2) the Southern California Edison rate increase(s) effective in subsequent years.

The assessment, by assessor parcel number, is as follows:

<u>Assessor Parcel Number</u>	<u>Net Acreage</u>	<u>Benefit Units</u>	<u>Estimated Annual Assessment</u>
305-240-026	0.00	0.000	\$00.00
305-262-010	0.00	0.000	00.00
305-262-030	<u>1.38</u>	<u>5.796</u>	<u>268.24</u>
Totals	1.38	5.796	\$268.24

For the current maximum annual assessment and the assessment for the fiscal year commencing July 1, 2016 to June 30, 2017, reference is made to the Assessment Roll included herein as Attachment No.1.

**PART 4.** **A Diagram of the Annexation.** The boundary of the area to be annexed is coincident with the boundary of CUP 14-09-0001. Said boundary is designated as "Diagram of Annexation of CUP 14-09-0001 to Maintenance District No. 84-1, City of Perris, County of Riverside, State of California." The Diagram is included herein as Attachment No. 2, which shows the boundaries of the area of annexation and benefit. Reference is made to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels. The lines and dimensions of each lot shall conform to those shown on the County Assessor's Maps for the fiscal year to which the "Report" applies.

**PART 5.** **A Consent and Waiver for Annexation** to the District has been signed by the owners of the area within the proposed annexation. Said consent and waiver is included herein as Attachment No. 3.

**Assessment Roll  
Annexation of CUP 14-09-0001 to  
Maintenance District No. 84-1  
City of Perris**

<b>Assessment Number</b>	<b>Assessor Parcel Number</b>	<b>Estimated Annual Assessment</b>	<b>Fiscal Year 2016/2017</b>
1	305-240-026	\$00.00	\$00.00
1	305-262-010	00.00	00.00
1	305-262-030	<u>268.24</u>	<u>00.00</u>
<b>Totals</b>		<b>\$268.24</b>	<b>\$00.00</b>

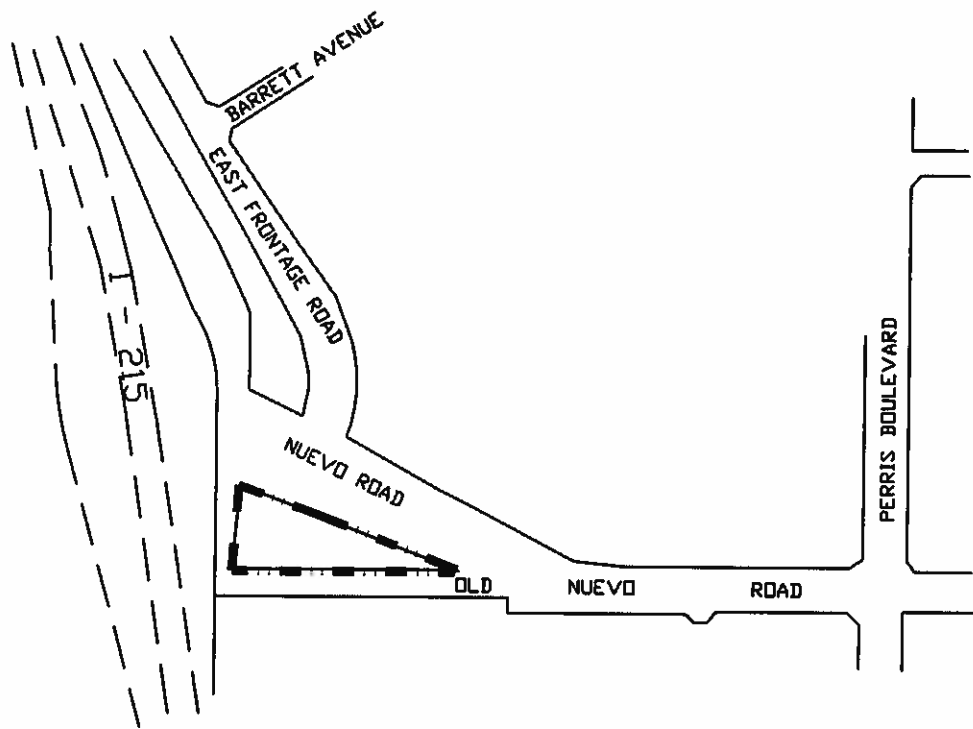
The Estimated Annual Assessment amount is subject to inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, and
- 2) the Southern California Edison rate increase(s) effective in subsequent years.

DIAGRAM OF ANNEXATION OF  
CUP 14-09-0001 TO MAINTENANCE DISTRICT 84-1  
CITY OF PERRIS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



**LEGEND**

- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

## **CONSENT AND WAIVER TO ANNEXATION**

WHEREAS, the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA, has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, said special maintenance districts known and designated as LANDSCAPE MAINTENANCE DISTRICT NO. 1 and MAINTENANCE DISTRICT NO. 84-1 (hereinafter referred to as the "Maintenance Districts"); and,

WHEREAS, the provisions of Article II of Chapter 2 of the Act authorize the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA to order the annexation of territory to the Maintenance Districts; and,

WHEREAS, the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA may, pursuant to said provisions of the Act, order the annexation of territory to the Maintenance Districts without notice and hearing or filing of an Engineer's "Report" as would otherwise be required by the provisions of the Act if all of the owners of property within the territory proposed to be annexed, have given written consent to the proposed annexation; and,

WHEREAS, the undersigned, the owners of all property within the territory proposed to be annexed to the Maintenance Districts, acknowledge that pursuant to the provisions of the Act, the undersigned would be entitled to notice and hearing and the preparation of an Engineer's "Report" pertaining to the annexation of the property, acknowledge that they are aware of the proposed annexation to the Maintenance Districts of the property owned by the undersigned, and waives any and all right which the undersigned may now have to notice and hearing or the filing of an Engineer's "Report" pertaining to the annexation of the undersigned's property to the Maintenance Districts.

NOW, THEREFORE, it is hereby declared by the undersigned property owners as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the undersigned, constituting the owners of the property described in Exhibit "A" attached hereto and incorporated herein by this reference and further constituting all of the property within the territory proposed to be annexed to the Maintenance Districts, hereby consent to the proposed annexation of said property to the Maintenance Districts without notice and hearing or filing of an Engineer's "Report" pertaining to such annexation.

Dated: 2/29/16



Signature

List Property Owner Name and Mailing Address

BAHRAM TCHAMI  
39139 LOS GATOS DR  
MURRIETA, CA 92563

Please have notarized

# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Riverside }

On February 29, 2016 before me, R.M. Reinagel Notary Public,  
(Here insert name and title of the officer)

personally appeared Bahram Tchami  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

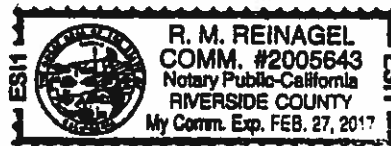
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

RMP

Notary Public Signature

(Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Consent & Waiver to  
(Title or description of attached document)

Signature  
(Title or description of attached document continued)

Number of Pages 2 Document Date NA

### CAPACITY CLAIMED BY THE SIGNER

- Individual ~~(s)~~
- Corporate Officer

\_\_\_\_\_  
(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and if needed should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signet(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signet(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public)
- Print the name(s) of document signet(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he she they~~ is ~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signet. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).

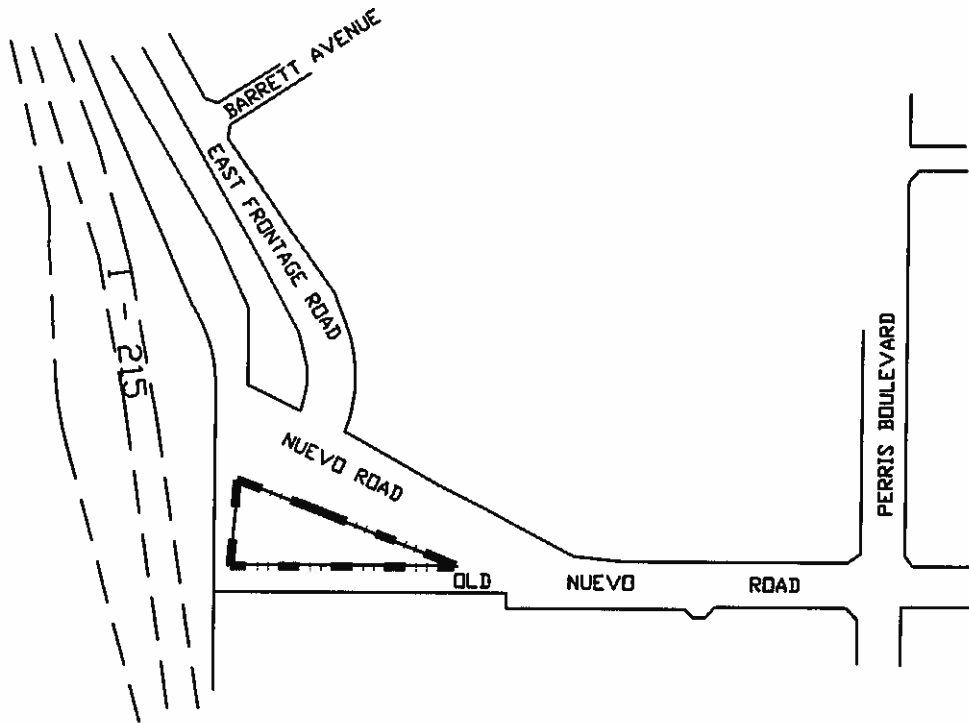


EXHIBIT "A" TO CONSENT AND WAIVER FOR  
ANNEXATION OF CUP 14-09-0001 TO  
MAINTENANCE DISTRICT NO. 84-1

CITY OF PERRIS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



**LEGEND**

- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

**RESOLUTION NUMBER**

**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 CUP 14-09-  
0001 TO CITY OF PERRIS MAINTENANCE DISTRICT  
NUMBER 84-1**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as MAINTENANCE DISTRICT NO. 84-1 (the "District"); and

**WHEREAS**, on the 14th day of June, 2016, the City Council of the City of Perris, County of Riverside, California ("the City Council") adopted its Resolution Number \_\_\_\_\_ directing the Engineer of Work to prepare and file with the City Clerk of said City a report in writing as required by the Act in connection with the annexation of CUP 14-09-0001; and

**WHEREAS**, said Engineer of Work has prepared and filed with the City Clerk of said City a report (the "Engineer's Report") in writing as called for in said resolution and under and pursuant to said act, which report has been presented to this City Council for consideration; and

**WHEREAS**, said City Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that no portion of the report requires or should be modified in any respect.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** The above recitals are true and correct, and are incorporated herein by this reference.

**Section 2.** That the Engineer's estimate prepared by the City Engineer of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby, preliminary approved and confirmed.

**Section 3.** That the diagram showing the District referred to and described in said report, the boundaries of the subdivisions of the land within said District as the same existed at the time of passage of said Resolution, is hereby preliminarily approved and confirmed.

**Section 4.** That the proposed assessment upon the subdivisions of land in said District is in proportion to the estimated benefit to be received by said subdivision, respectively, from said work and of the incidental expenses thereof, as contained in said report is hereby preliminarily approved and confirmed.

**Section 5.** That said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed District.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

Attest:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, City CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14th day of June, 2016, by the following called vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
City Clerk, Nancy Salazar

**RESOLUTION NUMBER**

**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 CUP 14-09-0001 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 ON AUGUST 30, 2016**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as MAINTENANCE DISTRICT NO. 84-1 (hereinafter referred to as the "District"); and

**WHEREAS**, the provisions of Article II of Chapter 2 of the Act authorize the City Council to order the annexation of territory to the District; and

**WHEREAS**, on the 14th day of June, 2016, the City Council of the City of Perris, County of Riverside, California ("the City Council") adopted its Resolution Number \_\_\_ directing the Engineer of Work to prepare and file with the City Clerk of said City a report in writing as required by the Act; and

**WHEREAS**, said Engineer of Work has prepared and filed with the City Clerk of said City a report (the "Engineer's Report") in writing as called for in said resolution and under and pursuant to said act, which report has been presented to this City Council for consideration; and

**WHEREAS**, said City Council has duly considered the Engineer's Report and each and every part thereof, and has found that each and every part of the Engineer's Report is sufficient, and that no portion of the report requires or should be modified in any respect; and

**WHEREAS**, the City now desires to declare its intention to annex certain property into the District, pursuant to the Act and, more specifically, Section 22587 thereof, and to take certain other actions as required by the Act;

***NOW, THEREFORE, BE IT RESOLVED***, by the City Council of the City of Perris, California, as follows:

***Section 1. Recitals.*** The Recitals set forth above are true and correct, and are incorporated herein by this reference.

***Section 2. Description of Work:*** That the public interest and convenience requires and it is the intention of the City Council of the City of Perris to annex CUP 14-09-0001 to the District, and to order the following work be done, to wit:

1. Installation, construction, maintenance, and servicing of streetlight and traffic signal facilities as authorized by Section 22525 of the Streets and Highways Code, State of California.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

***Section 3. Location of Work:*** The improvements to be maintained and serviced consist of the streetlights and traffic signals within said annexation.

***Section 4. Description of Assessment District:*** That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and this City Council hereby makes the expense of said work chargeable upon a District, which said District is assessed to pay the costs and expenses thereof, and which District is described as follows:

All that certain territory of the City of Perris included within the exterior boundary lines shown upon that certain "Diagram of Annexation of CUP 14-09-0001 to Maintenance District Number 84-1" heretofore approved by the City Council of said City by Resolution No. \_\_\_\_, indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the office of the City Clerk of said City.

Reference is hereby made to said map for a further, full, and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district.

***Section 5. Report of Engineer:*** The City Council of said City by Resolution Number \_\_\_\_ has preliminarily approved the report of the Engineer of Work which report indicated the amount of the proposed assessment, the district boundaries, assessment zones, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report for Annexation of CUP 14-09-0001, to Maintenance District Number 84-1", is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

**Section 6. Collection of Assessments:** The assessment shall be collected at the same time and in the same manner as taxes for the County of Riverside are collected. The Engineer of Work shall file a report annually with the City Council of said City and said City Council will annually conduct a hearing upon said report at their regular meeting before August 10th, at which time assessments for the next Fiscal Year will be determined. That the annual assessment reflecting the reasonable cost of providing for the maintenance, servicing and operation of the streetlights and traffic signals and appurtenant facilities is \$46.28 per Benefit Unit (single family home), plus an inflation factor not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, and 2) the Southern California Edison rate increase(s) effective in subsequent years.

**Section 7. Time and Place of Public Hearing:** Notice is hereby given that on August 30, 2016, at 6:30 p.m., in the City Council Chambers of the City Council of the City of Perris, California, 101 North "D" Street, in the City of Perris, State of California, is hereby fixed as the time and place for a hearing by this City Council on the question of the levying and collection of the proposed assessments. That any and all persons having any objections to the work or the extent of the annexation to the assessment district may appear and show cause why said work should not be done or carried out or why said annexation to the district should not be confirmed in accordance with this Resolution of Intention. City Council will consider all oral and written protests.

**Section 8. Landscaping and Lighting Act of 1972:** All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

**Section 9. Publication of Resolution of Intention:** The City Clerk shall cause this Resolution of Intention to be published one time as required by Section 22552 of the California Streets and Highways Code, occurring no later than 10 days prior to the public hearing at which the City Council will consider levying the proposed special assessments. The published notice will encompass one-eighth of a newspaper page. The Perris City News is hereby designated as the newspaper in which the City Clerk shall publish this Resolution of Intention. Upon completion of giving notice, the City Clerk is further directed to file in her office a proof of publication setting forth compliance with the requirements for publishing.

**Section 10. Mailing of Notice:** The City Clerk shall also give notice by a first-class mailing to all owners of property subject to any new or increased assessments. The notice shall be mailed no later than 45 days prior to the public hearing at which the City Council will consider levying the new or increased assessments and shall be at least in 10 point type. The form of said notice shall conform in all respects with the requirements of subdivision (b) of Section 53753 of the Government Code and pursuant to subdivision (c) of that section, each notice shall contain an assessment ballot whereon the property owner may indicate support or opposition to the proposed assessment.

**Section 11. Designation of Contact Person:** That this City Council does hereby designate, Habib Motlagh, City Engineer of the City of Perris, (951) 943-6504 as the person to answer inquiries regarding the District and the proposed annexation thereto.

**Section 12. Certification:** The City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

Attest:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14th day of June, 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Nancy Salazar

CITY COUNCIL  
AGENDA SUBMITTAL

Meeting Date June 14, 2016

SUBJECT: Annexation of CUP 14-09-0001 to Landscape Maintenance District No. 1 (LMD 1)

REQUESTED ACTION:

1. Adoption of Resolution Ordering Preparation of the Engineer's Report
2. Adoption of Resolution Preliminarily Approving Engineer's Report
3. Adoption of Resolution of Intention to Annex CUP 14-09-0001 to LMD 1 and setting a public hearing date of August 30, 2016

CONTACT: Habib Motlagh, City Engineer

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BACKGROUND/DISCUSSION: BACKGROUND/DISCUSSION: CUP 14-09-0001 is a 1.38-acre development located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. The project is under the ownership of Bahram Tchami.

The landscaping benefit includes maintenance of the irrigation system, landscaping, and appurtenances located within the Nuevo Road medians parallel to the northeast boundary of Benefit Zone 117. Future improvements, to be located in public rights-of-way and easements, include the slope north of the 8-foot wide concrete channel along the northeast boundary of Benefit Zone 117 and the southeast corner of Nuevo Road and Old Nuevo Road and entrance to CUP 14-09-0001.

As a condition of approval, the project is required to annex into LMD 1. This district was formed to finance the annual maintenance of landscape improvements installed in conjunction with new development.

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BUDGET (or FISCAL) IMPACT: The current maximum annual assessment is \$35,049.67 (\$297.47 for medians and \$34,752.20 for future improvements), plus inflation factors not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, 2) the Southern California Edison rate increase(s) effective in subsequent years, and 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

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Reviewed by:

Assistant City Manager 

City Attorney \_\_\_\_\_

- Attachments:
1. Resolution Ordering Preparation of the Engineer's Report
  2. Engineer's Report
  3. Resolution Preliminarily Approving Engineer's Report
  4. Resolution of Intention to Annex CUP 14-09-0001 to LMD 1

Consent:



**RESOLUTION NUMBER XXX**

**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 LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION OF BENEFIT ZONE 117 (CUP 14-09-0001) TO LANDSCAPE MAINTENANCE DISTRICT NUMBER 1**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as LANDSCAPE MAINTENANCE DISTRICT NO. 1 (the "District"), and created BENEFIT ZONE 117 therein (hereinafter referred to as the "Benefit Zone 117"); and

**WHEREAS**, it has been determined by the City Council of the City of Perris, County of Riverside, California, that the public interest, convenience and necessity requires the installation and planting of landscape materials and the installation and construction of an irrigation system and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof, all within the incorporated boundaries of the City of Perris, California; and

**WHEREAS**, the City Council has heretofore appointed Habib Motlagh, the City Engineer for the City of Perris, as the "Engineer of Work" for Landscape Maintenance District Number 1 and Shepherd & Staats, Incorporated has heretofore been appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code, State of California.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** The above recitals are true and correct, and are incorporated herein by this reference.

**Section 2.** That the public interest, convenience and necessity, requires the annexation to a maintenance district for the purpose of installing, constructing and maintaining the installation and planting of landscape materials and the installation and construction of an irrigation system and other facilities authorized by Section 22525 of the Streets and Highways Code, State of California.

**Section 3.** That CUP 14-09-0001 be defined as that area to be annexed to Benefit Zone 117, City of Perris Landscape Maintenance District Number 1.

**Section 4.** That the lands to be specially charged for the installation, construction, and maintenance of the facilities shall be the area within the boundaries of the annexation to the district generally indicated on the map entitled "Diagram of Annexation of CUP 14-09-0001, to Benefit Zone 117, Landscape Maintenance District Number 1, City of Perris, County of Riverside, State of California."

**Section 5.** That the proceedings are to be conducted for said annexation to the maintenance district under and in accordance with provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

**Section 6.** That Habib Motlagh, the City Engineer for the City of Perris, is hereby appointed the "Engineer of Work" and all provisions of Division 15 applicable to the Engineer shall apply to said "Engineer of Work" and Shepherd & Staats, Incorporated, is hereby appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of said Division 15 of the Streets and Highways Code.

**Section 7.** That Habib Motlagh, the City Engineer for the City of Perris, is hereby designated to sign all papers and documents in connection with the proceedings for the annexation to said maintenance district, acting in the capacity of the Engineer of Work.

**Section 8.** That the cost of maintaining the facilities set forth herein in subject annexation to the district shall be borne by the property owners within the subject annexation to the district, said cost to be assessed and collected in accordance with said Landscaping and Lighting Act of 1972.

**Section 9.** That the Engineer of Work is hereby ordered to prepare a report in accordance with Article 4 of said maintenance act, and is hereby directed to prepare and file such report with the City Clerk.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held 14th day of June, 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar

**AGENCY: City of Perris**

**PROJECT: Annexation of CUP 14-09-0001  
To Benefit Zone 117, Landscape Maintenance District No. 1**

**TO: City Council  
City of Perris  
State of California**

**REPORT PURSUANT TO "LANDSCAPING AND LIGHTING ACT OF 1972"**

Pursuant to the direction from the City Council, submitted herewith is the "Report," consisting of the following parts, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the **STATE OF CALIFORNIA**, being the "Landscaping and Lighting Act of 1972", as amended. This "Report" provides for the annexation into the District of additional parcels and the levy of assessments for the fiscal year commencing July 1, 2016 to June 30, 2017, for that area to be known and designated as:

**"Annexation of CUP 14-09-0001  
To Benefit Zone 117, Landscape Maintenance District No. 1"**

I do hereby assess and apportion the total amount of the costs and expenses upon the several parcels of land within said designated area liable therefor and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said maintenance works of improvement and appurtenances.

Executed this 14<sup>th</sup> day of June, 2016.

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**HABIB M. MOTLAGH, City Engineer  
CITY OF PERRIS  
STATE OF CALIFORNIA**

Final approval, confirmation and levy of the annual assessment and all matters relating to annexation and the Engineer's "Report" were made on the 30<sup>th</sup> day of August 2016, by adoption of Resolution No. \_\_\_\_\_ of the City Council.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**

A copy of the Assessment Roll and Engineer's "Report" were filed in the Office of the City Clerk on the 14<sup>th</sup> day of June 2016.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**

## Report

**PART 1. Plans and Specifications** for the improvements to be maintained and/or improved for a fiscal year have been or will be designed for acceptance by the City of Perris. In general, Benefit Zone 117 specifically benefits from the maintenance of the landscaping, irrigation, hardscape and appurtenances located in public rights-of-way and easements as follows:

- Nuevo Road medians parallel to northeast boundary of Benefit Zone 117
- Future improvements to the slope north of the 8-foot wide concrete channel along the northeast boundary of Benefit Zone 117
- Future improvements to the southeast corner of Nuevo Road and Old Nuevo Road and entrance to CUP 14-09-0001

Landscaping plans and specifications for the medians are on file in the City of Perris Office of Community Development. Landscaping plans and specifications for the slope and entrance to be maintained under Benefit Zone 117 are not required at this time and will be prepared in the future.

Upon final approval, plans and specifications for the improvements are or will be on file in the City of Perris Office of Community Development and, by reference, are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto. The plans and specifications will sufficiently show and describe the general nature, location and extent of all the improvements.

It is noted that the maintenance of all facilities located within the inside property-line is the responsibility of the property owner.

**PART 2. An Estimate** of the cost for the improvements to be maintained and/or improved for a given fiscal year includes labor, water, electricity, materials and plant replacement, and appurtenances. Incidental costs include annual engineering, legal, City Clerk, Finance Department, and Public Works expenses, including the processing of payments and the submittal of billings to the Riverside County Auditor for placement on the tax roll.

Due to the soil, water, exposure, and pedestrian traffic, plant replacement is estimated at a 5% die-off rate at 2-feet on-center. Tree trimming is scheduled to occur every other year. Mulch is applied every three years and irrigation replacement/repairs are scheduled to occur every fifth year.

The maximum annual assessment is based on the estimated cost of maintaining the improvements at maturity. The annual assessment levied will be based on the actual annual expenses incurred by Benefit Zone 117.

A 6-month tax roll reserve provides funding for the cost of servicing and maintenance prior to the receipt of tax collections from the County of Riverside. The fiscal year begins July 1 and the first installment from the tax roll collections is usually distributed by the County of Riverside the following January. A 6-month tax roll reserve, based on the annual cost of the improvements is \$17,524.83 (\$148.73 for medians and \$17,376.10 for other).

The quantities and annual cost for the public improvements are listed on the next page.

The quantities and annual cost for the public improvements are estimated as follows:

<u>Location</u>	<u>Square Feet (SF)</u>		<u>Assessed SF</u>		<u>Trees</u>	
	<u>Medians</u>	<u>Other</u>	<u>Medians</u>	<u>Other</u>	<u>Medians</u>	<u>Other</u>
Nuevo Road	3,080		308			
Slope		29,223		29,223		20
Entrance		<u>4,885</u>		<u>4,885</u>		<u>5</u>
Totals	3,080	34,108	308	34,108	0	25

**Benefit Zone 117 Annual Cost Estimate**

<u>Item</u>			<u>Unit</u>	<u>Unit Cost</u>	<u>Annual Cost</u>		
	<u>Medians</u>	<u>Other</u>			<u>Medians</u>	<u>Other</u>	<u>Total</u>
Maintenance	308	34,108	SF	\$0.52	\$160.16	\$17,736.16	\$17,896.32
Plant Replace	2	273	SF	15.75	31.50	4,299.75	4,331.25
Tree Trimming	0	13	Each	80.00	00.00	1,040.00	1,040.00
Mulch Application	1	94.74	CY	30.00	30.00	2,842.20	2,872.20
Irrigation Repairs	61.6	6,822	SF	0.06	<u>3.70</u>	<u>409.32</u>	<u>413.02</u>
Subtotal					\$225.36	\$26,327.43	\$26,552.79
Contingency					<u>22.53</u>	<u>2,632.74</u>	<u>2,655.27</u>
Total Maintenance					\$247.89	\$28,960.17	\$29,208.06
Incidentals					49.58	5,792.03	5,841.61
Balance to Assessment					\$297.47	\$34,752.20	\$35,049.67

Benefit Zone 117, for the fiscal year commencing July 1, 2016 to June 30, 2017, will incur zero costs.

**PART 3.**

The **Assessment Roll** shows the proportionate amount of the assessment to be charged in proportion to the benefits to be received by each lot or parcel within the exterior boundaries of Benefit Zone 117, as shown on the Diagram, enclosed herein as Part 4.

The area within CUP 14-09-0001 specifically benefits from the maintenance of the medians, slopes and entrances along the streets that provide ingress and egress to Benefit Zone 117.

The method of assessment is based on units, with the benefit units assigned to the net area within CUP 14-09-0001. The current maximum annual assessment reflecting the reasonable cost of providing for the maintenance and servicing of the public improvements and appurtenant facilities is equal to \$25,398.32 per net acre or benefit unit.

The annual assessments are subject to inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years,
- 2) the Southern California Edison rate increase(s) effective in subsequent years, and
- 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

For the current maximum annual assessment and the assessment for the fiscal year commencing July 1, 2016 to June 30, 2017, reference is made to the Assessment Roll included herein as Attachment No. 1.

The Benefit Units assigned, and corresponding current maximum annual assessment, per assessor parcel number, are listed as follows:

Assessor Parcel Number	Net Acreage/ Benefit Unit	Maximum Annual Assessment		
		Medians	Other	Total
305-240-026	0.00	\$00.00	\$00.00	\$00.00
305-262-010	0.00	00.00	00.00	00.00
305-262-030	<u>1.38</u>	<u>297.47</u>	<u>34,752.20</u>	<u>35,049.67</u>
Totals	1.38	\$297.47	\$34,752.20	\$35,049.67

**PART 4.** A Diagram of the Annexation. The boundary of the area to be annexed is coincident with CUP 14-09-0001. Said boundary is designated as "Diagram of Annexation of CUP 14-09-0001 to Benefit Zone 117, Landscape Maintenance District No. 1, City of Perris, County of Riverside, State of California". The Diagram is included herein as Attachment No. 2, which shows the boundaries of the area of benefit. Reference is made to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels. The lines and dimensions of each lot shall conform to those shown on the County Assessor's Maps for the fiscal year to which the "Report" applies.

**PART 5.** A Consent and Waiver for Annexation to the District has been signed by the owners of the area within the proposed annexation. Said consent and waiver are included herein as Attachment No. 3.

**Assessment Roll  
Annexation of CUP 14-09-0001 to  
Benefit Zone 117,  
Landscape Maintenance District No. 1, City of Perris**

<b>Benefit Zone and Assessment Number</b>	<b>Assessor Parcel Number</b>	<b>Estimated Annual Assessment</b>	<b>Fiscal Year 2016/2017</b>
117	305-240-026	\$00.00	\$00.00
117	305-262-010	00.00	00.00
117	305-262-030	<u>35,049.67</u>	<u>00.00</u>
<b>Totals</b>		<b>\$35,049.67</b>	<b>\$00.00</b>

The Estimated Annual Assessment amount is subject to inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years,
- 2) the Southern California Edison rate increase(s) effective in subsequent years, and
- 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.



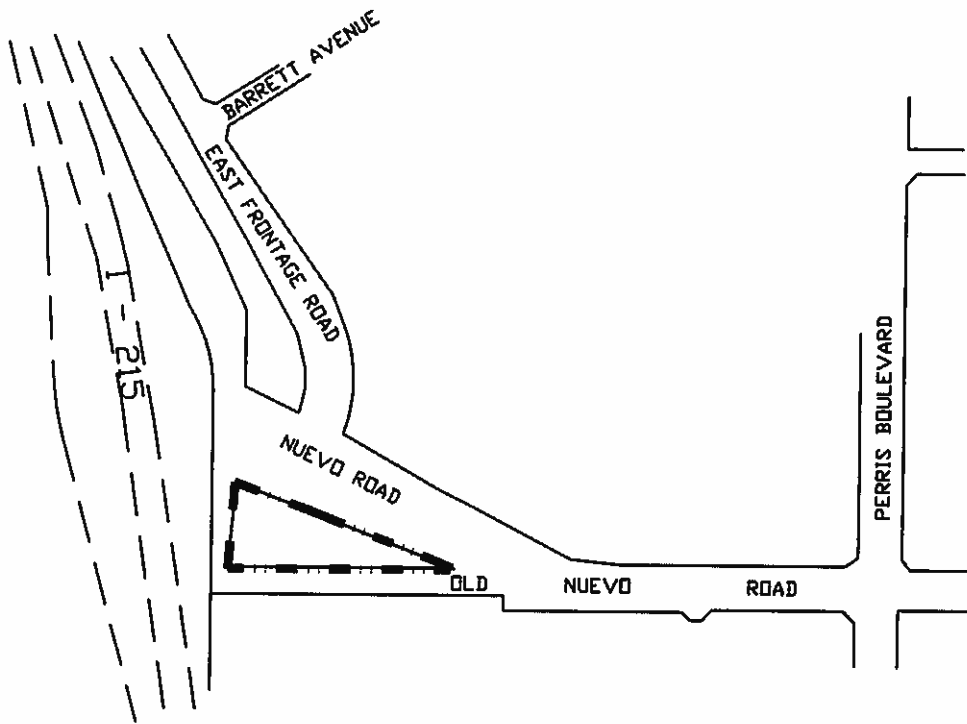
DIAGRAM OF ANNEXATION OF  
CUP 14-09-0001 TO BENEFIT ZONE 117  
LANDSCAPE MAINTENANCE DISTRICT NO. 1

CITY OF PERRIS

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



**LEGEND**

- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

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## CONSENT AND WAIVER TO ANNEXATION

WHEREAS, the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA, has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, said special maintenance districts known and designated as LANDSCAPE MAINTENANCE DISTRICT NO. 1 and MAINTENANCE DISTRICT NO. 84-1 (hereinafter referred to as the "Maintenance Districts"); and,

WHEREAS, the provisions of Article II of Chapter 2 of the Act authorize the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA to order the annexation of territory to the Maintenance Districts; and,

WHEREAS, the CITY COUNCIL of the CITY OF PERRIS, CALIFORNIA may, pursuant to said provisions of the Act, order the annexation of territory to the Maintenance Districts without notice and hearing or filing of an Engineer's "Report" as would otherwise be required by the provisions of the Act if all of the owners of property within the territory proposed to be annexed, have given written consent to the proposed annexation; and,

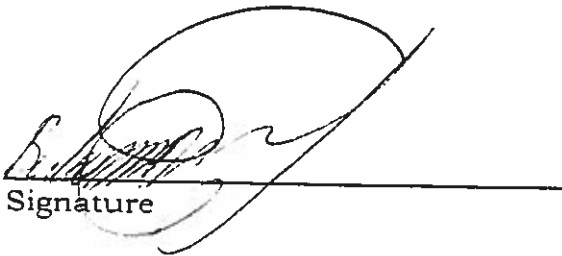
WHEREAS, the undersigned, the owners of all property within the territory proposed to be annexed to the Maintenance Districts, acknowledge that pursuant to the provisions of the Act, the undersigned would be entitled to notice and hearing and the preparation of an Engineer's "Report" pertaining to the annexation of the property, acknowledge that they are aware of the proposed annexation to the Maintenance Districts of the property owned by the undersigned, and waives any and all right which the undersigned may now have to notice and hearing or the filing of an Engineer's "Report" pertaining to the annexation of the undersigned's property to the Maintenance Districts.

NOW, THEREFORE, it is hereby declared by the undersigned property owners as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the undersigned, constituting the owners of the property described in Exhibit "A" attached hereto and incorporated herein by this reference and further constituting all of the property within the territory proposed to be annexed to the Maintenance Districts, hereby consent to the proposed annexation of said property to the Maintenance Districts without notice and hearing or filing of an Engineer's "Report" pertaining to such annexation.

Dated: 2/29/16

  
Signature

List Property Owner Name and Mailing Address

BAHRAM TEHAMI  
39139 LOS LATOS DR  
MURRIETA, CA 92563

Please have notarized

# ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Riverside )

On February 29, 2016 before me, R.M. Reinagel Notary Public,  
(Here insert name and title of the officer)

personally appeared Bahram Tchami  
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

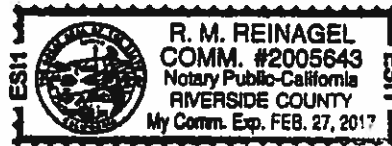
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

RMP

Notary Public Signature

(Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

#### DESCRIPTION OF THE ATTACHED DOCUMENT

Consent + Waiver 40  
(Title or description of attached document)  
Signature  
(Title or description of attached document continued)  
 Number of Pages 2 Document Date NA

#### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer  
 \_\_\_\_\_  
(Title)  
 Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and if needed should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notatization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public)
- Print the name(s) of document signer(s) who personally appear at the time of notatization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he she they~~ is are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).

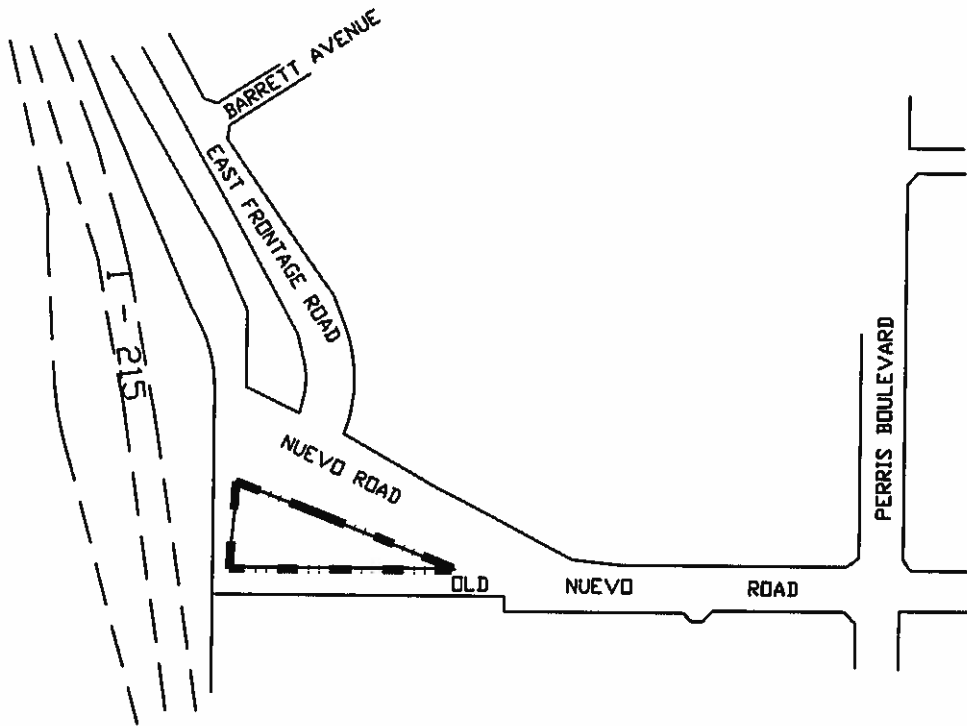
EXHIBIT "A" TO CONSENT AND WAIVER FOR  
ANNEXATION OF CUP 14-09-0001 TO BENEFIT ZONE 117  
LANDSCAPE MAINTENANCE DISTRICT NO. 1

CITY OF PERRIS

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



LEGEND

- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

**RESOLUTION NUMBER XXX**

**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 CUP 14-09-0001 TO BENEFIT ZONE 117, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as LANDSCAPE MAINTENANCE DISTRICT NO. 1 (the "District"), and created BENEFIT ZONE 117 therein (hereinafter referred to as the "Benefit Zone 117"); and

**WHEREAS**, on the 14th day of June, 2016, the City Council of the City of Perris, County of Riverside, California ("the City Council") adopted its Resolution Number \_\_\_\_\_ directing the Engineer of Work to prepare and file with the City Clerk of said City a report in writing as required by Act in connection with the annexation of CUP 14-09-0001 to Benefit Zone 117; and

**WHEREAS**, said Engineer of Work has prepared and filed with the City Clerk of said City a report (the "Engineer's Report") in writing as called for in said resolution and under and pursuant to said act, which report has been presented to this City Council for consideration; and

**WHEREAS**, said City Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that no portion of the report requires or should be modified in any respect.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** The above recitals are true and correct, and are incorporated herein by this reference.

**Section 2.** That the Engineer's estimate prepared by the City Engineer of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby, preliminary approved and confirmed.

**Section 3.** That the diagram showing the District referred to and described in said report, the boundaries of the subdivisions of the land within said District as the same existed at the time of passage of said Resolution, is hereby preliminarily approved and confirmed.

**Section 4.** That the proposed assessment upon the subdivisions of land in said District is in proportion to the estimated benefit to be received by said subdivision, respectively, from said work and of the incidental expenses thereof, as contained in said report is hereby preliminarily approved and confirmed.

**Section 5.** That said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed District.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held 14th day of June, 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar

**RESOLUTION NUMBER XXX**

**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 117, 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 117, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF CUP 14-09-0001 TO BENEFIT ZONE 117, 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 ON AUGUST 30, 2016**

**WHEREAS**, the City Council of the City of Perris (the "City") has previously formed special maintenance districts pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the "Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California, including the special maintenance district known and designated as LANDSCAPE MAINTENANCE DISTRICT NO. 1 (the "District"), and created BENEFIT ZONE 117 therein (hereinafter referred to as the "Benefit Zone 117"); and

**WHEREAS**, the provisions of Article II of Chapter 2 of the Act authorize the City Council to order the annexation of territory to the District; and

**WHEREAS**, on the 14th day of June, 2016, the City Council of the City of Perris, County of Riverside, California ("the City Council") adopted its Resolution Number \_\_\_ directing the Engineer of Work to prepare and file with the City Clerk of said City a report in writing as required by the Act; and

**WHEREAS**, said Engineer of Work has prepared and filed with the City Clerk of said City a report (the "Engineer's Report") in writing as called for in said resolution and under and pursuant to said act, which report has been presented to this City Council for consideration; and

**WHEREAS**, said City Council has duly considered the Engineer's Report and each and every part thereof, and has found that each and every part of the Engineer's Report is sufficient, and that no portion of the report requires or should be modified in any respect; and



**WHEREAS**, the City now desires to declare its intention to annex certain property into Benefit Zone 117 of the District, pursuant to the Act and, more specifically, Section 22587 thereof, and to take certain other actions as required by the Act;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, California, as follows:

**Section 1. Recitals.** The Recitals set forth above are true and correct, and are incorporated herein by this reference.

**Section 2. Description of Work:** That the public interest and convenience requires and it is the intention of the City Council of the City of Perris to annex CUP 14-09-0001 to Benefit Zone 117 of the District, and to order the following work be done, to wit:

1. Installation, construction, maintenance, and servicing of landscaping as authorized by Section 22525 of the Streets and Highways Code, State of California.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

**Section 3. Location of Work:** The improvements to be maintained and serviced include the irrigation system, landscaping, and appurtenances benefiting CUP 14-09-0001. The improvements, located in public rights-of-way and easements, are located in the Nuevo Road medians parallel to the northeast boundary of Benefit Zone 117. Future improvements, to be located in public rights-of-way and easements, include the slope north of the 8-foot wide concrete channel along the northeast boundary of Benefit Zone 117 and the southeast corner of Nuevo Road and Old Nuevo Road and entrance to CUP 14-09-0001.

**Section 4. Description of Assessment District:** That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and this City Council hereby makes the expense of said work chargeable upon a District, which said District is assessed to pay the costs and expenses thereof, and which District is described as follows:

All that certain territory of the City of Perris included within the exterior boundary lines shown upon that certain "Diagram of Annexation of CUP 14-09-0001 to Benefit Zone 117, Landscape Maintenance District Number 1" heretofore approved by the City Council of said City by Resolution No \_\_\_\_, indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the office of the City Clerk of said City.

Reference is hereby made to said map for a further, full, and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district.

**Section 5. Report of Engineer:** The City Council of said City by Resolution Number \_\_\_\_ has preliminarily approved the report of the Engineer of Work which report indicated the amount of the proposed assessment, the district boundaries, assessment zones, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report for Annexation of CUP 14-09-0001 to Benefit Zone 117, Landscape Maintenance District Number 1", is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

**Section 6. Collection of Assessments:** The assessment shall be collected at the same time and in the same manner as taxes for the County of Riverside are collected. The Engineer of Work shall file a report annually with the City Council of said City and said City Council will annually conduct a hearing upon said report at their regular meeting before August 10th, at which time assessments for the next Fiscal Year will be determined. That the annual assessment reflecting the reasonable cost of providing for the maintenance, servicing and operation of the public landscaping and appurtenant facilities is equal to \$25,398.32 per Benefit Unit, plus inflation factors not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, 2) the Southern California Edison rate increase(s) effective in subsequent years, and 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

**Section 7. Time and Place of Public Hearing:** Notice is hereby given that on August 30, 2016, at 6:30 p.m., in the City Council Chambers of the City Council of the City of Perris, California, 101 North "D" Street, in the City of Perris, State of California, is hereby fixed as the time and place for a hearing by this City Council on the question of the levying and collection of the proposed assessments. That any and all persons having any objections to the work or the extent of the annexation to the assessment district may appear and show cause why said work should not be done or carried out or why said annexation to the district should not be confirmed in accordance with this Resolution of Intention. City Council will consider all oral and written protests.

**Section 8. Landscaping and Lighting Act of 1972:** All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

**Section 9. Publication of Resolution of Intention:** The City Clerk shall cause this Resolution of Intention to be published one time as required by 22552 of the California Streets and Highways Code, with the publication occurring no later than 10 days prior to the public hearing at which the City Council will consider levying the proposed special assessments. The published notice will encompass one-eighth of a newspaper page. The Perris City News is hereby designated as the newspaper in which the City Clerk shall publish this Resolution of Intention. Upon completion of giving notice, the City Clerk is further directed to file in her office a proof of publication setting forth compliance with the requirements for publishing.

**Section 10. Mailing of Notice:** The City Clerk shall also give notice by a first-class mailing to all owners of property subject to any new or increased assessments. The notice shall be mailed no later than 45 days prior to the public hearing at which the City Council will consider levying the new or increased assessments and shall be at least in 10 point type. The form of said notice shall conform in all respects with the requirements of subdivision (b) of Section 54953 of the Government Code and pursuant to subdivision (c) of that section, each notice shall contain an assessment ballot whereon the property owner may indicate support or opposition to the proposed assessment.

**Section 11. Designation of Contact Person:** That this City Council does hereby designate, Habib Motlagh, City Engineer of the City of Perris, (951) 943-6504 as the person to answer inquiries regarding the District and the proposed annexation thereto.

**Section 12. Certification:** The City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held 14th day of June, 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Nancy Salazar

CITY COUNCIL  
AGENDA SUBMITTAL

Meeting Date June 14, 2016

SUBJECT: Annexation of CUP 14-09-0001 to Flood Control MD No. 1

REQUESTED ACTION: Adoption of Resolution of Intention to Annex CUP 14-09-0001 to Flood Control Maintenance District No. 1 and set a public hearing date of August 30, 2016

CONTACT: Habib Motlagh, City Engineer

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BACKGROUND/DISCUSSION: BACKGROUND/DISCUSSION: CUP 14-09-0001 is a 1.38-acre development located east of Interstate 215 and between Nuevo Road and Old Nuevo Road. The project is under the ownership of Bahram Tchami.

As a condition of approval, the project is required to annex into FCMD 1. This district provides revenue for the annual maintenance of interior streets (residential only) and flood control improvements installed in conjunction with new development.

The project will benefit from the maintenance and servicing of the public flood control facilities that protect CUP 14-09-0001 from inundation. The public facilities include a catch basin, undersidewalk drain, and 18-inch storm drain pipe, and a contribution towards an 8-foot wide concrete channel, along with 36-inch and dual 24-inch reinforced concrete pipe.

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BUDGET (or FISCAL) IMPACT: The maximum annual assessment is \$2,889.94, plus inflation factors 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, 2) the Southern California Edison rate increase(s) effective in subsequent years, and 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

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Reviewed by:

Assistant City Manager 

City Attorney \_\_\_\_\_

Attachments: 1. Engineer's Report  
2. Resolution of Intention to Annex CUP 14-09-0001 to Flood Control MD No. 1

Consent:

**RESOLUTION NUMBER XXX**

**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 CUP 14-09-0001 TO BENEFIT ZONE 89, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON AUGUST 30, 2016**

**WHEREAS**, the City Council of the City of Perris, County of Riverside, California ("this City Council"), wishes to provide continued financing for necessary maintenance of certain flood control and drainage improvements within the boundaries of CUP 14-09-0001 through the levy of benefit assessments pursuant to the provisions of Chapter 6.4 (commencing with Section 54703) of Part 1 of Division 2 of Title 5 of the California Government Code commonly known as the "Benefit Assessment Act of 1982", (the "Act"); and

**WHEREAS**, Bahram Tchami, (the "Owners") have presented signed petitions to the City Council requesting the annexation of CUP 14-09-0001 to a benefit assessment district to finance the maintenance of those certain drainage and flood control improvements permitted pursuant to Sections 54710 and 54710.5 of the Act (the "Improvements") which benefit properties within CUP 14-09-0001; and

**WHEREAS**, the City Council now proposes to levy benefit assessments under the provisions of the Act to insure continued financing to maintain the Improvements pursuant to the Act, all for the benefit of parcels within CUP 14-09-0001; and

**WHEREAS**, to accomplish such purposes, the City Council proposes to annex CUP 14-09-0001 to Benefit Zone 89, Flood Control Maintenance District No. 1.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, California, as follows:

**Section 1.** The public interest, convenience, and necessity require, and it is the intention of the City Council pursuant to the provisions of the Act to maintain the Improvements for the benefit of the properties within the area of benefit.

**Section 2.** Maintenance of the improvements will be of direct benefit to parcels within CUP 14-09-0001 which are hereby declared to be the properties benefited by the Improvements and to be assessed to pay the cost and expenses thereof. The area of benefit shall be all that part of the City within the boundaries shown on the map entitled "Diagram of Annexation of CUP 14-09-0001 to Benefit Zone 89, Flood Control Maintenance District Number 1" on file in the office of the City Clerk of the City of Perris, California.

**Section 3.** At least forty-five (45) days prior to the date set for the hearing on the proposed assessment, the Assessment Engineer is hereby directed to file with the City Clerk a written report (the "Engineer's Report") pursuant to the Act, Government Code Section 53753 and Article XIID of the Constitution of the State of California, containing the following:

- a. A description of the service proposed to be financed through the revenue derived from the benefit assessments.
- b. A description of each lot or parcel of property proposed to be subject to the benefit assessments. The assessor's parcel number or Tract Map number shall be a sufficient description of the parcel.
- c. The amount of the proposed assessment for each parcel.
- d. The basis and schedule of the assessments.
- e. Other such matters as the Assessment Engineer shall deem appropriate.

**Section 4.** On the 30<sup>th</sup> day of August, 2016, at 6:30 p.m., in the City Council Chambers of the City Council of the City of Perris, California, 101 North "D" Street, in the City of Perris, State of California, the City Council will conduct a Protest Hearing at which time any and all persons having any objections to the work or extent of the annexation to the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

**Section 5.** The City Clerk is hereby directed to publish notice of the hearing on the proposed assessment and notice of the filing of the Engineer's Report once a week for two successive weeks, with at least five days intervening between the respective publication dates, not counting such publication dates, in the Perris City News, a newspaper of general circulation within the area of benefit. The notice shall be 1/8 of a page in size and contain the following information:

- a. The amount of the assessment.
- b. The purpose of the assessment.
- c. The total estimated assessments expected to be generated annually.
- d. The method and frequency for collecting the assessment.
- e. The date, time, and location of the public hearing.
- f. The phone number and address of an individual that interested persons may contact to receive additional information about the assessment.

**Section 6.** The City Clerk is also hereby instructed to give additional notice of the hearing and notice of the filing of the Engineer's Report by posting a copy of this resolution in three public places within the City of Perris.

**Section 7.** The City Clerk shall also give notice by a first-class mailing to all owners of property subject to any new or increased assessments, including the Owners. The notice shall be mailed no later than 45 days prior to the public hearing at which the City Council will consider levying the new or increased assessments and shall be at least in 10 point type. The form of said notice shall conform in all respects with the requirements of subdivision (b) of Section 53753 of the Government Code and pursuant to subdivision (c) of that section, each notice shall contain an assessment ballot whereon the property owner may indicate support or opposition to the proposed assessment.

**Section 8.** That this City Council does hereby designate, Habib Motlagh, City Engineer of the City of Perris, (951) 943-6504 as the person to answer inquiries regarding the District and the proposed annexation thereto.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

---

Mayor, Daryl R. Busch

ATTEST:

---

City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held 14th day of June, 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar



**AGENCY: City of Perris**

**PROJECT: Annexation of CUP 14-09-0001  
To Benefit Zone 89, Flood Control Maintenance District No. 1**

**TO: City Council  
City of Perris  
State of California**

**REPORT PURSUANT TO "BENEFIT ASSESSMENT ACT OF 1982"**

Pursuant to the direction from the City Council of the City of Perris, submitted herewith is the "Report," consisting of the following parts, pursuant to the provisions of Part 1 of Division 2 of Title 5 of the Government Code of the **STATE OF CALIFORNIA**, being the "Benefit Assessment Act of 1982", as amended, commencing with Section 54703. This "Report" provides for the annexation into the District of additional parcels and the levy of assessments for the fiscal year commencing July 1, 2016 to June 30, 2017, for that area to be known and designated as:

**"Annexation of CUP 14-09-0001  
To Benefit Zone 89, Flood Control Maintenance District No. 1"**

I do hereby assess and apportion the total amount of the costs and expenses upon the several parcels of land within said designated area liable therefor and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said maintenance works of improvement and appurtenances.

Executed this 14<sup>th</sup> day of June, 2016.

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**HABIB M. MOTLAGH, City Engineer  
CITY OF PERRIS  
STATE OF CALIFORNIA**

Final approval, confirmation and levy of the annual assessment and all matters relating to annexation and the Engineer's "Report" were made on the 30<sup>th</sup> day of August 2016, by adoption of Resolution No. \_\_\_\_\_ of the City Council.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**

A copy of the Assessment Roll and Engineer's "Report" were filed in the Office of the City Clerk on the 14<sup>th</sup> day of June 2016.

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**NANCY SALAZAR, City Clerk  
CITY OF PERRIS  
STATE OF CALIFORNIA**

## Report

**PART 1.** **A General Description** of the flood control improvements includes facilities that will accommodate the storm flow and protect CUP 14-09-0001 from inundation. All improvements to be maintained are located in public rights-of-way and easements.

These improvements consist of an under sidewalk drain/catch basin and approximately 154 lineal feet of 18-inch reinforced concrete pipe and a share in approximately 853 lineal feet of an 8-foot wide concrete channel, along with 52 lineal feet of 36-inch and 384 lineal feet of dual 24-inch reinforced concrete pipe. The 8-foot wide concrete channel and appurtenances extends along the northeast boundary of Benefit Zone 89.

Maintenance and upkeep of these storm drainage facilities includes, but is not limited to, general cleanup and debris removal, inspections, stenciling, replacement and repairs. Annual photo documentation is scheduled to take place, along with silt removal as required. Depending on that year's storm drain flow and the level of debris in the flow, a system cleaning may be required after the first rain and again during or at the end of the rainy season.

It is noted that the private on-site filtration basin, catch basins, detention system and storm drain facilities identified on the grading plan prepared by Saxon Engineering Services, Inc., entitled "Precise Grading Plan for ARCO AMPM Nuevo Road FAC # 81668, CUP 14-09-0001", are to be maintained by the property owner and not the City of Perris.

**PART 2.** **Plans and Specifications** for the improvements have been approved by both the City Engineer for the City of Perris and the Chief Engineer for the Riverside County Flood Control and Water Conservation District and are on file in the City of Perris Office of Community Development. The plans and specifications sufficiently show and describe the general nature, location and extent of the improvements, and by reference, are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

For further information on the location of the improvements and the public right-of-way, reference is made to the Precise Grading Plan prepared by Saxon Engineering Services, Inc., and referenced above in Part 1.

**PART 3.** **An Estimate** of the cost for the public improvements to be maintained and/or improved for a given fiscal year includes labor, equipment, materials, and appurtenances. Incidentals include annual engineering, legal, City Clerk, and finance expenses to the District, including the processing of payments and the submittal of billings to the Riverside County Auditor for placement on the tax roll.

The assessment levied will be based on the actual annual expenses incurred by Benefit Zone 89. With service intervals and staggered maintenance operations, revenue requirements for maintenance will fluctuate year to year.

Each year's maintenance operations will be funded by that year's assessment plus the fund balance remaining from prior year assessments. Zero costs will be incurred for the fiscal year commencing July 1, 2016 to June 30, 2017.

The estimated annual cost for maintenance of the facilities and the assessed cost are listed below.

<u>Improvement</u>	<u>Assessed Cost</u>
Drain and 18" Storm Drain Pipe	\$540.26
Concrete Channel (62%)	993.93
24-inch reinforced concrete pipe (62%)	648.96
36-inch reinforced concrete pipe (62%)	101.40
Contingency	<u>228.45</u>
Subtotal	\$2,513.00
Incidental Expenses	<u>376.94</u>
<b>Total Assessed Cost</b>	<b>\$2,889.94</b>

**PART 4**      **The Assessment Roll** shows the proportionate amount of the assessment to be charged in proportion to the benefits to be received by each lot or parcel within the exterior boundaries of the Diagram, enclosed herein as Part 5.

The storm drainage facilities will accommodate the storm flow specifically impacting CUP 14-09-0001. Any share of the benefits received that does not provide a special benefit to the annexed properties is not to be assessed to CUP 14-09-0001. It is estimated that other properties contribute 48% of the storm water flow directed to the 8-foot wide concrete channel, along with the 36-inch and 24-inch reinforced concrete pipe.

The method of assessment is based on units, with the benefit units assigned to the net area within CUP 14-09-0001. The current maximum annual assessment reflecting the reasonable cost of providing for the maintenance and servicing of the public improvements and appurtenant facilities is equal to \$2,094.16 per benefit unit or net acre.

The Benefit Units assigned, and corresponding maximum annual assessment, per parcel, are listed as follows:

<b>Assessor Parcel Number</b>	<b>Net Acreage/ Benefit Unit</b>	<b>Maximum Annual Assessment</b>
305-240-026	0.00	\$00.00
305-262-010	0.00	00.00
305-262-030	<u>1.38</u>	<u>2,889.94</u>
<b>Totals</b>	<b>1.38</b>	<b>\$2,889.94</b>

The annual assessments are subject to inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years,
- 2) the Southern California Edison rate increase(s) effective in subsequent years, and
- 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

For the current maximum annual assessment and the assessment for the fiscal year commencing July 1, 2016 to June 30, 2017, reference is made to the Assessment Roll included herein as Attachment No. 1.

A 6-month tax roll reserve provides funding for the cost of servicing and maintenance prior to the receipt of tax collections from the County of Riverside. The fiscal year begins July 1 and the first installment from the tax roll collections are usually distributed by the County of Riverside the following January. A 6-month tax roll reserve for the current maintenance of the flood control facilities and incidental costs is estimated to be \$1,444.96.

**PART 5.** A Diagram of the Annexation. The boundary of the area to be annexed is coincident with CUP 14-09-0001. Said boundary is designated as "Diagram of Annexation of CUP 14-09-0001 to Benefit Zone 89, Flood Control Maintenance District No. 1, City of Perris, County of Riverside, State of California". The Diagram is included herein as Attachment No. 2, which shows the boundaries of the area of benefit. Reference is made to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels. The lines and dimensions of each lot shall conform to those shown on the County Assessor's Maps for the fiscal year to which the "Report" applies.

**PART 6.** A Petition for Annexation to the District has been signed by the owners of the area within the proposed annexation. Said petitions are included herein as Attachment No. 3.

**Assessment Roll**

**Annexation of CUP 14-09-0001 to  
Benefit Zone 89,  
Flood Control Maintenance District No. 1, City of Perris**

<b>Benefit Zone and Assessment Number</b>	<b>Assessor Parcel Number</b>	<b>Estimated Annual Assessment</b>	<b>Fiscal Year 2016/2017</b>
89	305-240-026	\$00.00	\$00.00
89	305-262-010	00.00	00.00
89	305-262-030	<u>2,889.94</u>	<u>00.00</u>
Totals		\$2,889.94	\$00.00

The annual assessments are subject to inflation factors not to exceed:

- 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years,
- 2) the Southern California Edison rate increase(s) effective in subsequent years, and
- 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years

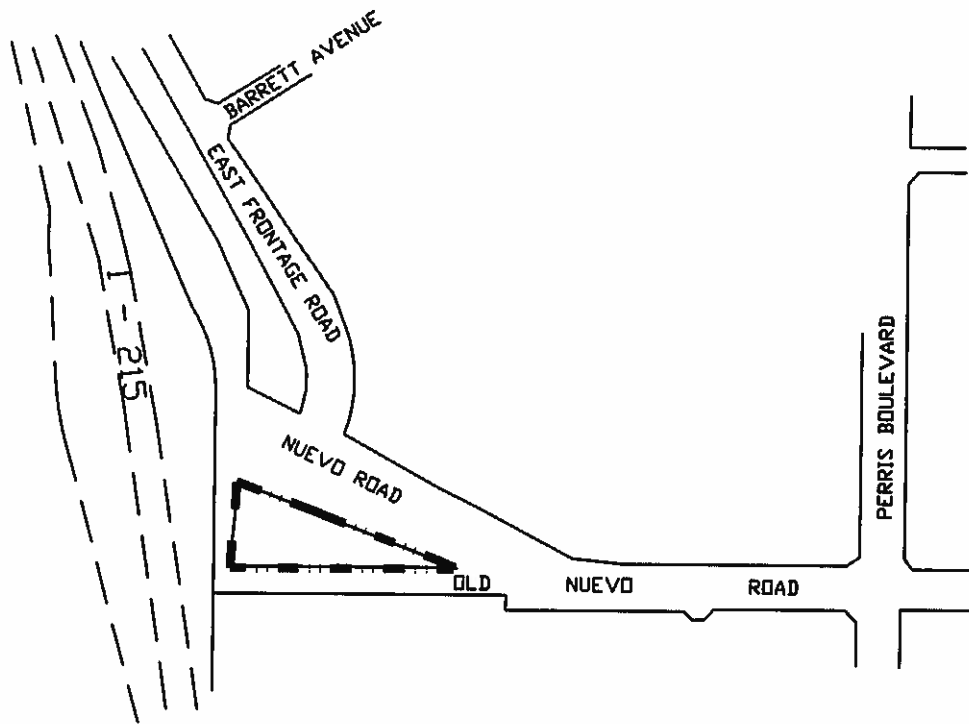
DIAGRAM OF ANNEXATION OF  
CUP 14-09-0001 TO BENEFIT ZONE 89  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1

CITY OF PERRIS

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



LEGEND

-  ANNEXATION BOUNDARY
-  PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

**PETITION FOR THE ANNEXATION TO A BENEFIT ASSESSMENT DISTRICT  
TO FINANCE THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS**

**BEFORE THE CITY COUNCIL OF THE CITY OF PERRIS,  
STATE OF CALIFORNIA**

In the matter of the proposed )  
Annexation to City of Perris )  
Flood Control Maintenance District No. 1 )

TO: The City Council of the City of Perris

We, the undersigned, hereby:

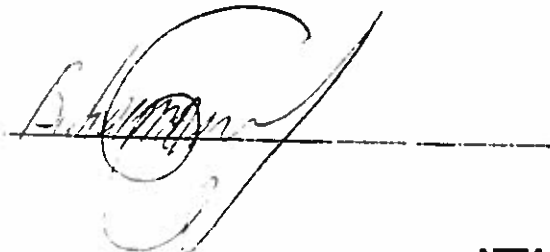
Petition you to initiate and complete all necessary proceedings under the Benefit Assessment Act of 1982, Chapter 6.4 (commencing with Section 54703) of Part 1 of Division 2 of Title 5 of the California Government Code for the annexation to a benefit assessment district for the maintenance of certain flood control improvements which benefit the property described on Exhibit "A" attached hereto and incorporated herein by this reference to the Maintenance District.

Certify that the proposed annexation to a benefit assessment district that will be subject to assessment for maintenance of such improvements, is that real property in the City of Perris, County of Riverside, State of California, generally described on Exhibit "A" attached hereto and incorporated herein by this reference to the Maintenance District.

Certify that we constitute the owners(s), including mortgagees or beneficiaries under any existing mortgage or subject to assessment for the proposed annexation, of the property in the proposed annexation to a benefit assessment district, as shown by the last equalized assessment roll used by the County of Riverside at the time this Petition is filed and also constitute the owner(s) of sixty percent (60%) of the area of all assessable lands within the proposed annexation to a benefit assessment district.

In order to expedite the project, agree to dedicate all necessary rights-of-way or easements as determined necessary for maintenance of the public improvements.

Dated: 2/29/14



Signature

List Property Owner Name and Mailing Address

BAHRAM TCHAMI  
39139 LOS LATOS DR  
MURRIETA CA 92563

Please have notarized



# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Riverside }

On February 27, 2018 before me, R. M. Reinagel Notary Public,  
(Here insert name and title of the officer)

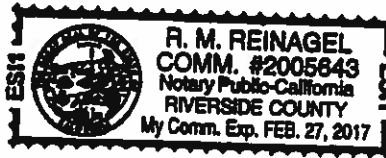
personally appeared Bahram Tchami  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]

Notary Public Signature



(Notary Public Seal)

### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT  
Petition for the Annex. to a Benefit  
Type or description of attached document

Res. Dist. to finance the main of  
Title or description of attached document (continued)

Certain Public Impr.

Number of Pages 2 Document Date NA

### CAPACITY CLAIMED BY THE SIGNER

- Individual [Signature]  
 Corporate Officer

(Title)

- Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ - is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

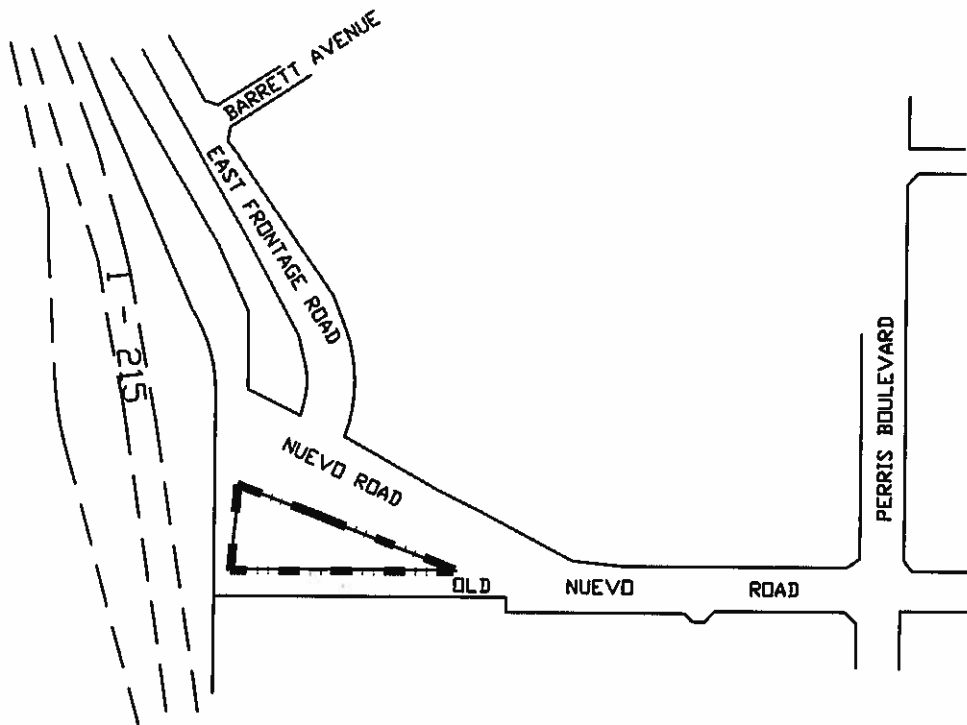
EXHIBIT "A" TO PETITION FOR  
ANNEXATION OF CUP 14-09-0001 TO BENEFIT ZONE 89  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1

CITY OF PERRIS

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



**LEGEND**

-  ANNEXATION BOUNDARY
-  PARCEL BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

SHEET 1 OF 1

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: June 14, 2016**

**SUBJECT:** SAS 114 Audit Planning Letter from Teaman, Ramirez & Smith, Inc. (City Audit Firm)

**REQUESTED ACTION:** Receive and file planning letter prior to FY 15-16 audit commencement

**CONTACT:** Jennifer Erwin, Assistant Director of Finance

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**BACKGROUND/DISCUSSION:**

Statements on Auditing Standards (SASs) are issued by the Auditing Standards Board (ASB), the senior technical body of the AICPA designated to issue pronouncements on auditing matters applicable to the preparation and issuance of audit reports. Effective for audits of financial statements for periods beginning on or after December 15, 2006, SAS 114 requires each audit firm to communicate clearly with those charged with governance (City Council and management) the responsibilities of the auditor in relation to the financial statement audit, and an overview of the scope and timing of the audit. Teaman, Ramirez, & Smith, Inc., the City's audit firm, is providing that communication in accordance with SAS 114 prior to the commencement of the FY 2015-2016 audit.

Staff recommends that the City Council receive and file the SAS 114 letter.

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**BUDGET (or FISCAL) IMPACT:** No fiscal impact.

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Reviewed by:  
Assistant City Manager     *RC*      
Ron Carr

**Attachments:**  
1. SAS 114 letter addressed to City Council

Consent

May 6, 2016

City Council  
City of Perris  
Perris, CA

We are engaged to audit the financial statements of the governmental activities, business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Perris (the "City") for the year ended June 30, 2016. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibilities under U.S. Generally Accepted Auditing Standards, Government Auditing Standards, and the Uniform Guidance

As stated in our engagement letter dated May 6, 2016, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we will consider the City's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Uniform Guidance.

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with the Uniform Guidance, we will examine, on a test basis, evidence about the City's compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on the City's compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on the City's compliance with those requirements.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement.

We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to *management's discussion and analysis, schedule of the City's proportionate share of the net pension liability, schedule of contributions, schedule of funding progress for CPRHP and required budget to actual schedules*, which supplements the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on the *combining statements, budget to actual schedules* (other than RSI), and *statement of changes in fiduciary assets and liabilities*, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the *introductory section and statistical section*, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

As part of the audit, we will assist with the preparation of the State Controller Reports, federal and state information tax returns, schedule of expenditures of federal awards, financial statements and related notes. However, this assistance does not constitute an audit under *Government Auditing Standards* and is considered nonaudit services. Management is responsible for overseeing and accepting responsibility for these services.

#### Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the City and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting

on behalf of the City. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We expect to begin our final audit fieldwork on approximately October 11, 2016 and issue our report approximately in December 2016. Richard Teaman is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the City Council and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Teaman Ramirez & Smith, L.L.C.*

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

**SUBJECT:** Resolution Amending the Rubbish Collection Charges Pursuant to Agreement with CR&R

**REQUESTED ACTION:** To adopt a resolution amending the rubbish collection charges (Section 7.16.050 (D) of the Perris Municipal Code) and rescinding Resolution Number 4911.

**CONTACT:** Jennifer Erwin, Assistant Director of Finance

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**BACKGROUND/DISCUSSION:** The Franchise Agreement with CR&R provides that the City of Perris shall automatically adjust the rates charged for CR&R waste collection and disposal services upon receiving notice from CR&R that rates need to be adjusted to reflect changes in the consumer price index and landfill fees.

According to the Bureau of Labor Statistics for the year ending March 2016, the CPI increased by 1.70%. In addition, the County of Riverside has increased their landfill tipping fee by 2.04%. Pursuant to 7.16.050 (D) of the Perris Municipal Code, these increases are passed on to the customers of CR&R through adoption of a resolution. **For residential customers there will be an increase of \$0.55 per month for the fiscal year beginning July 1, 2016.** The rate increases provided in the attached resolution will take effect on the August 15, 2016 utility bill. 30-day notices were provided to all service area residents.

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**BUDGET (or FISCAL) IMPACT:** None.

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Reviewed by:

Assistant City Manager 

Attachments: Resolution  
CR&R letter dated May 3, 2016

Consent

**RESOLUTION NUMBER**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING RUBBISH COLLECTION CHARGES AS PERMITTED IN SECTION 7.16.050 (D) OF THE PERRIS MUNICIPAL CODE AND RESCINDING RESOLUTION NUMBER 4911.**

**WHEREAS**, the Consumer Price Index has increased by 1.70%; and the County of Riverside has increased their landfill tipping fees by 2.04%; and

**WHEREAS**, said increase is necessary to defray these costs by increasing the rates and charges to the recipient of such services; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** Pursuant to 7.16.050 (D) of the Perris Municipal Code, the rates and charges of Chapter 7.16 are adjusted as follows:

“Section 7.16.050 Rubbish Collection, Disposal and Street Sweeping”

1. A monthly charge for rubbish collection, transfer, disposal and street sweeping services is hereby levied upon each occupied household and business establishment, in accordance with the following rates:

(a) Residential

(1) Single family residences, mobile homes, apartments, condominiums, town homes, bungalow courts, and multiple residences per dwelling unit, using 100 gallon individual receptacles.

Monthly Rate: \$26.83



(2) Single family residences, mobile homes, apartments, condominiums, town homes, bungalow courts, and multiple residences per dwelling unit, using 60 gallon individual receptacles.

Monthly Rate: \$21.85

(3) Additional 100 gallon individual receptacles.

Monthly Rate: \$ 9.26

(4) Additional 60 gallon individual receptacles.

Monthly Rate: \$ 8.00

(b) Commercial and Industrial

(1) Individual receptacles

Once per week pick up: \$28.18

(c) Commercial, Industrial, and Multiple Residences

(1) Two cubic yard container	1 x week	\$133.31
	2 x week	\$250.48
	3 x week	\$367.62
	4 x week	\$484.80
	5 x week	\$601.99
	6 x week	\$719.11

(2) Three cubic yard container	1 x week	\$153.49
	2 x week	\$288.90
	3 x week	\$424.33
	4 x week	\$559.72
	5 x week	\$695.16
	6 x week	\$830.54

(d) Other

(1) 10 to 40 cubic yard roll-off container \$218.09 + MRF/Landfill fees

(e) Street Sweeping Services

(1) Weekly Commercial, Arterial and Downtown Area

(2) Bi-weekly Residential Area

Included in the Rates listed above.

These rates shall become effective July 1, 2016.

**Section2.** Resolution Number 4911 is hereby rescinded.

**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 14th day of June, 2016, and that it was so adopted by the following called vote:

AYES:

NOES:

ABSTAIN:

ABSENT: \_\_\_\_\_



May 3, 2016

Mr. Ron Carr  
Assistant City Manager  
City of Perris  
101 North "D" Street  
Perris, CA 92570

Re: Annual Consumer Price Index Adjustment

Dear Mr. Carr,

Pursuant to Exhibit "E" of our current agreement to provide Solid Waste and Recycling Services to the City of Perris, CR&R Incorporated respectfully submits the attached information which outlines our Annual Rate Adjustment request for fiscal year 2016-2017. As you may be aware, there is a condition in our current contract which states that the rates illustrated in Exhibit "E" shall be adjusted annually to reflect the change in the Consumer Price Index (CPI) as well as changes to the County of Riverside landfill tipping fees.

This correspondence, as well as the attached exhibits and spreadsheets, outline our current and proposed rates for both residential and commercial customers located within the City of Perris.

In reviewing the data from the Bureau of Labor Statistics (BLS) for March 2015 through March 2016, the CPI has increased by 1.70%. In addition, the County of Riverside's Waste Management Department has indicated that they will adjust their disposal rate by 2.04% from \$27.95 per ton to \$28.52 per ton. Therefore, based upon the data supplied by both the BLS and the County of Riverside, we have prepared the attached rates schedules which pass these adjustments through to the various rates. We have also prepared a new Resolution to reflect the incremental increases that would become effective July 1, 2016. For your convenience, we can email this new resolution as well.

After these adjustments are applied, the new rate for standard residential service will increase from \$26.28 per month to 26.83 per month; an increase of 2.1% or .55 cents per month. Your typical 3 cubic yard commercial bin will increase from \$150.78 per month to \$153.49 per month; an increase of 1.8% or \$2.71 per month. These are minimum increases which help to defray our increased cost of operations and maintain the level of service your community has come to expect.

In addition to our standard rate adjustments, we wanted to make you aware that in 2014 the State of California passed new organic recycling legislation (AB 1594 and AB 1826)

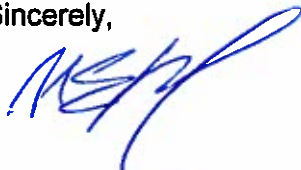
which impacts the way our industry will be required to process "organic waste". Organic waste is mainly comprised of food and yard waste as well as compostable products. These two new pieces of legislation may begin impacting your City as early as April of 2016 by requiring any business that generates more than eight cubic yards of organic waste to divert this material from the landfill.

In addition, processed yard waste, a portion of which is currently used for Alternative Daily Cover (ADC) at our local landfills, will no longer count towards your diversion credits in a few short years. This will significantly impact Perris' ability to meet its State Mandated Diversion/Recycling requirements.

Given all of these critical issues that will be impacting our ability to recycle organic waste, CR&R has embarked on the construction of a new Anaerobic Digester Facility (AD Facility) right here at our Perris facility. Our new AD Facility will help our cities address the new legislative requirements. We have had the opportunity to discuss this new project with a number of our jurisdictions, including your own, and we look forward to your review and potential participation in the very near future.

We sincerely appreciate and respect our long standing relationship with the City of Perris as well as the opportunity that we have had to be of service to your residents and businesses. It has truly been, and continues to be, a privilege to be of service to your City. Please do not hesitate to call if you have any questions or comments. We look forward to any further assistance that we can provide.

Sincerely,



David E. Fahrion  
President



J. Alex Braicovich  
Senior Regional V.P.

attachments

CITY OF PERRIS  
2016 PRICE ADJUSTMENT

CPI (March)	New	Previous	1.70%	100.0%	1.70%
	247.87	243.74			
Landfill MRF	\$ 28.52	\$ 27.95		\$ 0.57	2.04%
	\$ 48.08	\$ 47.12		\$ 0.96	2.04%

Landfill Component	Contract	Landfill Fee Increase per Ton	Diversion	Rate Change
Standard service 100 gal	\$ 0.21	\$ 0.57	12.8%	\$ 0.10
Standard service 60 gal	\$ 0.21	\$ 0.57	12.8%	\$ 0.10
Additional 100 gal	\$ 0.21	\$ 0.57	12.8%	\$ 0.01
Additional 60 gal	\$ 0.21	\$ 0.57	15.9%	\$ 0.01
Commercial 2 cubic yard bin	\$ 0.91	\$ 0.57	9.9%	\$ 0.47
Commercial 3 cubic yard bin	\$ 0.91	\$ 0.57	9.9%	\$ 0.47
10 - 40 cubic yard roll-off	\$ 0.91	\$ 0.57	9.9%	\$ 0.47

Service Component	Previous Rate	Contract	CPI Change	Rate Change	Unit Measure
Standard service 100 gal	\$ 26.28	78.0%	1.70%	\$ 0.35	per month
Standard service 60 gal	\$ 21.39	78.0%	1.70%	\$ 0.28	per month
Additional 100 gal	\$ 9.10	78.0%	1.70%	\$ 0.12	per month
Additional 60 gal	\$ 7.87	78.0%	1.70%	\$ 0.10	per month
Commercial 2 cubic yard bin	\$ 130.89	71.5%	1.70%	\$ 1.59	per month
Commercial 3 cubic yard bin	\$ 150.78	71.5%	1.70%	\$ 1.83	per month
10 - 40 cubic yard roll-off	\$ 213.82	100.0%	1.70%	\$ 3.63	per load

Rate Change	Franchise Fee %	Gross-up \$	Total Rate Change	Previous Rate	Proposed Rate	Net % Change
\$ 0.45	18.0%	\$ 0.10	\$ 0.55	\$ 26.28	\$ 26.83	2.1%
\$ 0.38	18.0%	\$ 0.08	\$ 0.46	\$ 21.39	\$ 21.85	2.2%
\$ 0.13	18.0%	\$ 0.02	\$ 0.16	\$ 9.10	\$ 9.26	1.8%
\$ 0.11	18.0%	\$ 0.03	\$ 0.13	\$ 7.87	\$ 8.00	1.7%
\$ 2.08	15.0%	\$ 0.36	\$ 2.42	\$ 130.89	\$ 133.31	1.8%
\$ 2.30	15.0%	\$ 0.41	\$ 2.71	\$ 150.78	\$ 153.49	1.8%
\$ 3.63	15.0%	\$ 0.64	\$ 4.27	\$ 213.82	\$ 218.09	2.0%

Rate Change	Franchise Fee %	Gross-up \$	Total Rate Change	Previous Rate	Proposed Rate	Net % Change
\$ 2.06	15.0%	\$ 0.36	\$ 2.42	\$ 130.89	\$ 133.31	1.8%
\$ 3.97	15.0%	\$ 0.70	\$ 4.67	\$ 245.81	\$ 250.48	1.9%
\$ 5.87	15.0%	\$ 1.04	\$ 6.91	\$ 360.71	\$ 367.62	1.9%
\$ 7.79	15.0%	\$ 1.37	\$ 9.16	\$ 475.64	\$ 484.80	1.9%
\$ 9.70	15.0%	\$ 1.71	\$ 11.41	\$ 590.58	\$ 601.99	1.9%
\$ 11.61	15.0%	\$ 2.05	\$ 13.66	\$ 705.45	\$ 719.11	1.9%

Rate Change	Franchise Fee %	Gross-up \$	Total Rate Change	Previous Rate	Proposed Rate	Net % Change
\$ 2.30	15.0%	\$ 0.41	\$ 2.71	\$ 150.78	\$ 153.49	1.8%
\$ 4.43	15.0%	\$ 0.78	\$ 5.21	\$ 283.69	\$ 288.90	1.8%
\$ 6.55	15.0%	\$ 1.16	\$ 7.71	\$ 416.62	\$ 424.33	1.9%
\$ 8.68	15.0%	\$ 1.53	\$ 10.21	\$ 549.51	\$ 559.72	1.9%
\$ 10.81	15.0%	\$ 1.91	\$ 12.72	\$ 682.44	\$ 695.16	1.9%
\$ 12.94	15.0%	\$ 2.28	\$ 15.22	\$ 815.32	\$ 830.54	1.9%

Landfill Component	Contract	Landfill Fee Increase per Ton	Diversion	Rate Change
Standard service 100 gal	\$ 0.91	\$ 0.57	9.9%	\$ 0.47
Standard service 60 gal	\$ 0.91	\$ 0.57	9.9%	\$ 0.99
Additional 100 gal	\$ 0.91	\$ 0.57	9.9%	\$ 1.50
Additional 60 gal	\$ 0.91	\$ 0.57	9.9%	\$ 2.02
Commercial 2 cubic yard bin	\$ 0.91	\$ 0.57	9.9%	\$ 2.54
Commercial 3 cubic yard bin	\$ 0.91	\$ 0.57	9.9%	\$ 3.06

Service Component	Previous Rate	Contract	CPI Change	Rate Change	Unit Measure
Standard service 100 gal	\$ 245.81	71.5%	1.70%	\$ 2.98	per month
Standard service 60 gal	\$ 360.71	71.5%	1.70%	\$ 4.37	per month
Additional 100 gal	\$ 475.64	71.5%	1.70%	\$ 5.77	per month
Additional 60 gal	\$ 590.58	71.5%	1.70%	\$ 7.16	per month
Commercial 2 cubic yard bin	\$ 705.45	71.5%	1.70%	\$ 8.55	per month
Commercial 3 cubic yard bin	\$ 150.78	71.5%	1.70%	\$ 1.83	per month
10 - 40 cubic yard roll-off	\$ 283.69	71.5%	1.70%	\$ 3.44	per month
Standard service 100 gal	\$ 416.62	71.5%	1.70%	\$ 5.05	per month
Standard service 60 gal	\$ 549.51	71.5%	1.70%	\$ 6.66	per month
Additional 100 gal	\$ 682.44	71.5%	1.70%	\$ 8.27	per month
Additional 60 gal	\$ 815.32	71.5%	1.70%	\$ 9.88	per month



# Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options: From: **2006** To: **2016** **GO**  
 include graphs  include annual averages

[More Formatting Options](#)

Data extracted on: April 21, 2016 (3:36:10 PM)

## Consumer Price Index - All Urban Consumers

Series Id: CUURA421SA0  
 Not Seasonally Adjusted  
 Area: Los Angeles-Riverside-Orange County, CA  
 Item: All items  
 Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2006	206.0	207.5	208.5	210.5	212.4	211.1	211.4	211.9	212.9	211.4	211.1	210.6	210.4	209.3	211.6
2007	212.584	214.760	216.500	217.845	218.596	217.273	217.454	217.330	217.697	218.696	219.943	219.373	217.338	216.260	218.416
2008	220.918	221.431	223.606	224.625	226.651	229.033	229.886	228.484	227.449	226.159	222.229	219.620	225.008	224.377	225.638
2009	220.719	221.439	221.376	221.693	222.522	223.906	224.010	224.507	225.226	225.264	224.317	223.643	223.219	221.943	224.495
2010	224.610	224.620	225.483	225.916	226.438	225.877	225.991	226.373	226.048	226.794	225.941	226.639	225.894	225.491	226.298
2011	228.652	229.729	232.241	233.319	233.367	232.328	231.303	231.833	233.022	233.049	232.731	231.567	231.928	231.606	232.251
2012	233.441	234.537	236.941	236.866	237.032	236.025	235.776	237.222	238.104	240.111	237.675	236.042	236.648	235.807	237.488
2013	238.015	239.753	239.995	239.043	239.346	239.223	238.920	239.219	239.611	239.940	238.677	238.742	239.207	239.229	239.185
2014	239.857	241.059	242.491	242.437	243.362	243.528	243.727	243.556	243.623	243.341	241.753	240.475	242.434	242.122	242.746
2015	239.724	241.297	243.738	243.569	246.093	245.459	247.066	246.328	245.431	245.812	245.711	245.357	244.632	243.313	245.951
2016	247.155	247.113	247.873												

### TOOLS

- Areas at a Glance
- Industries at a Glance
- Economic Releases
- Databases & Tables
- Maps

### CALCULATORS

- Inflation
- Location Quotient
- Injury And Illness

### HELP

- Help & Tutorials
- FAQs
- Glossary
- About BLS
- Contact Us

### INFO

- What's New
- Careers @ BLS
- Find It! DOL
- Join our Mailing Lists
- Linking & Copyright Info

### RESOURCES

- Inspector General (OIG)
- Budget and Performance
- No Fear Act
- USA.gov
- Benefits.gov
- Disability.gov

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date** June 14, 2016

**SUBJECT:** Article XIII B Appropriation (Gann) Limit for Fiscal Year  
2016-2017

**REQUESTED ACTION:** To approve the attached resolution establishing the Appropriation  
Limit as presented.

**CONTACT:** Jennifer Erwin, Assistant Director of Finance

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**BACKGROUND/DISCUSSION:** Article XIII B Appropriation (Gann) Limit of the California  
Constitution places an annual limit on the amount of revenue which can be spent by government  
entities. If the proceeds from taxes exceed the allowed appropriations, the excess must either be  
refunded to the State Controller, or returned to the taxpayers through revised tax rates, revised fee  
schedules or other refund arrangement.

The City of Perris is required to establish an annual review of the appropriation limit calculation.  
Said Appropriation shall not exceed the appropriations limit of the City for the prior year, adjusted  
for changes in inflation and population, both numbers of which are provided by the Department of  
Finance, State of California. See attached calculation and supporting documentation.

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**BUDGET (or FISCAL) IMPACT:** There is no fiscal impact.

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Reviewed by:

Assistant City Manager *Re*

**Attachments:** Resolution

Price and Population Information from State of California, Department of Finance

Appropriations Limit Calculation

Consent



**RESOLUTION NUMBER \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF PERRIS,  
COUNTY OF RIVERSIDE, STATE OF  
CALIFORNIA, ESTABLISHING THE  
APPROPRIATIONS LIMIT FOR FISCAL YEAR  
2016-2017 PURSUANT TO ARTICLE XIII B OF THE  
CALIFORNIA CONSTITUTION**

**WHEREAS**, Article XIII B of the California Constitution provides that the total annual appropriations, subject to limitation of each governmental entity, including this City. Said appropriation shall not exceed the appropriations limit of such entity of government for the prior year, adjusted for changes in inflation and population, except as otherwise provided for in said Article XIII B and implementing State statutes; and

**WHEREAS**, pursuant to Proposition 111, the said Article XIII B has been modified and the City Council of the City of Perris may annually elect one of two options for the inflation growth and the population growth; and

**WHEREAS**, the City Council of the City of Perris has selected the change in California per capita personal income change data as the inflationary factor; and

**WHEREAS**, the City Council of the City of Perris has selected the growth of the County of Riverside as the population factor; and

**WHEREAS**, the City Council of the City of Perris has calculated and determined that said appropriations limit for fiscal year 2016-2017 be established in the amount of \$39,310,632; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris determines that an appropriations limit in said amount be \$39,610,632 and the same is hereby established for said fiscal year 2016-2017, and

**BE IT FURTHER RESOLVED**, that all supporting documentation used in the determination of said appropriations limit be made available at the office of the City Manager during normal business hours for public inspection and review

**ADOPTED, SIGNED AND APPROVED** this 14th day of June, 2016.

---

Daryl R. Busch, Mayor

**ATTEST:**

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Nancy Salazar, City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk of the City of Perris, California, hereby certify that the foregoing Resolution Number \_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14<sup>th</sup> day of June, 2016, by the following called vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Nancy Salazar, City Clerk



May 2016

Dear Fiscal Officer:

**Subject: Price Factor and Population Information**

**Appropriations Limit**

The California Revenue and Taxation Code, section 2227, requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2016, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2016-17. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2016-17 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. The Revenue and Taxation Code, section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2016.**

**Please Note:** Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

MICHAEL COHEN  
Director  
By:

AMY COSTA  
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2016-17 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2016-17	5.37

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2016-17 appropriation limit.

**2016-17:**

Per Capita Cost of Living Change = 5.37 percent  
Population Change = 0.90 percent

Per Capita Cost of Living converted to a ratio:  $\frac{5.37 + 100}{100} = 1.0537$

Population converted to a ratio:  $\frac{0.90 + 100}{100} = 1.0090$

Calculation of factor for FY 2016-17:  $1.0537 \times 1.0090 = 1.0632$

Fiscal Year 2016-17

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2015 to January 1, 2016 and Total Population, January 1, 2016**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2015-2016	1-1-15	1-1-16	1-1-2016
<b>Riverside</b>				
Banning	0.57	30,659	30,834	30,834
Beaumont	3.48	43,601	45,118	45,118
Blythe	0.70	13,937	14,034	19,813
Calimesa	1.86	8,138	8,289	8,289
Canyon Lake	0.69	10,608	10,681	10,681
Cathedral City	0.75	53,810	54,212	54,261
Coachella	0.90	45,001	45,407	45,407
Corona	0.82	163,317	164,659	164,659
Desert Hot Springs	0.88	28,794	29,048	29,048
Eastvale	3.84	60,825	63,162	63,162
Hemet	0.66	79,548	80,070	80,070
Indian Wells	1.42	5,336	5,412	5,412
Indio	1.59	86,683	88,058	88,058
Jurupa Valley	1.32	96,898	98,177	98,177
Lake Elsinore	3.16	58,997	60,861	61,006
La Quinta	1.69	39,311	39,977	39,977
Menifee	1.97	87,286	89,004	89,004
Moreno Valley	0.83	203,696	205,383	205,383
Murrieta	1.08	112,576	113,795	113,795
Norco	0.69	23,919	24,085	26,896
Palm Desert	1.02	48,835	49,335	49,335
Palm Springs	0.97	46,204	46,654	46,654
Perris	1.72	72,476	73,722	73,722
Rancho Mirage	0.84	17,920	18,070	18,070
Riverside	0.95	321,596	324,637	324,696
San Jacinto	1.21	47,087	47,656	47,656
Temecula	1.18	107,794	109,064	109,064
Wildomar	1.18	34,758	35,168	35,168
Unincorporated	1.16	359,889	364,054	364,413
<b>County Total</b>	<b>1.26</b>	<b>2,309,499</b>	<b>2,338,626</b>	<b>2,347,828</b>

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**City of Perris  
 Appropriations Limit Calculation  
 Fiscal Year 2016-2017**

**Item**

Per Capita Personal Income % Change	5.37
Population % Change	1.26
Population @ 1/1/2016	73,722

**Ratios**

Per Capita Personal Income	$\frac{5.37+100}{100}$	=	1.0537
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Population Change	$\frac{1.26+100}{100}$	=	1.0126
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Growth Factor	$1.0537 \times 1.0126$	=	1.06697662
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**Appropriations Limit Calculation**

Base Year	36,843,012
Growth Factor	1.06697662
Appropriations Limit	<u>39,310,632</u>

**Proceeds of Taxes**


Sales Tax	10,387,786
Property Tax	5,169,619
Property Tax in Lieu of VLF	5,574,856
Property Tax in Lieu of Sales Tax	-
Property Transfer Tax	191,231
Motor Vehicle License	30,000
Transient Occupancy Tax	126,000
Total Proceeds of Taxes	<u>21,479,492</u>
Excess Limit over Tax Proceeds	<u>17,831,140</u>

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

**SUBJECT:** Biennial Conflict of Interest Code Review

**REQUESTED ACTION:** That the City Council direct staff to review the Conflict of Interest Code and submit a report identifying necessary revisions to the code reviewing body pursuant to Government Code § 87306.5.

**CONTACT:** Judy L. Haughney, Records Clerk 

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**BACKGROUND/DISCUSSION:**

Pursuant to California Government Code § 87306.5, the Political Reform Act requires that no later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code to the code reviewing body. The City's Conflict of Interest Code was last amended on January 13, 2015, and is due for review.

The proposed action will direct Staff to review the Conflict of Interest Code, and submit a report to the City Council identifying changes to the Code, including, but not limited to, all new positions designated pursuant to the related Government Code, changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions.


It is recommended that the City Council approve the proposed action in compliance with the provisions of the Political Reform Act.

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**BUDGET (or FISCAL) IMPACT:**

None

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Prepared by: Judy Haughney  
Reviewed by:  
City Attorney: Nicholas Papajohn  
Assistant City Manager 

**Attachments:** None

Consent: X  
Public Hearing:  
Business Item:

CITY COUNCIL  
AGENDA SUBMITTAL

Meeting Date: June 14, 2016

**SUBJECT:** Renewal of License Agreement with Family Services Association of Western Riverside County for use of the Senior Center to provide meal service to seniors

**REQUESTED ACTION:** That the City Council approve the renewal of the draft license agreement between Family Services Association of Western Riverside County and the City of Perris; and authorize the City Manager or his designee to make minor revisions to the lease as needed and execute the document on behalf of the City of Perris.

**CONTACT:** Darren Madkin, Deputy City Manager 

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**BACKGROUND/DISCUSSION:**


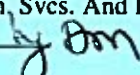
As a service to Senior Citizens in the City of Perris, nutritious meals have been provided at the Perris Senior Center for over 13 years. In 2007 the City Council approved allowing the Family Services Association of Western Riverside County (FSA) to use the kitchen and dining area at the Perris Senior Center for the purpose of preparing and serving low cost nutritious meals to senior citizens of the community. Subsequently, in 2011, the City Council approved a formal license agreement to allow FSA to use the kitchen and dining area and which required them to make lease payments to the City. The previous license was for a period of two years and has expired. FSA has demonstrated their ability to consistently provide high quality meals for seniors and it is desirable to continue to utilize their services. A License Agreement between FSA and the City of Perris for an additional two year term has been prepared. During this period FSA is granted a non-exclusive license to use the kitchen and the dining area at the Perris Senior Center subject to the terms and conditions set forth in the license. The City Council approved funding for senior meals in the Fiscal Year 2016-2017 Community Development Block Grant program. Their CDBG program budget includes funding for the purchase of new equipment for the kitchen area at the senior center.

This agreement reflects the actual responsibilities of both the City and FSA, and it is recommended that the City Council approve the attached license agreement between FSA and the City of Perris.

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**BUDGET (or FISCAL) IMPACT:** Effective upon implementation of this License Agreement, FSA will lease the kitchen and dining area from the City for \$1.00 per year. FSA will include upgrades to the kitchen equipment in the Senior Center through their 2016-2017 CDBG budget allocation.

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Prepared by: Cynthia Mendez, Recreation Coordinator   
Reviewed by: Sabrina Chavez, Asst. Dir. Of Comm, Svcs. And Housing \_\_\_\_\_  
Reviewed by: Ron Carr, Assistant City Manager 

Consent: X  
Public Hearing:  
Business Item:



**DRAFT**

**LICENSE AGREEMENT**

**FAMILY SERVICES ASSOCIATION**

1. **PARTIES:** The parties to this License Agreement (“Agreement”) are the City of Perris, a municipal corporation (“city”), and the Family Services Association of Western Riverside County, (a non-profit public benefit corporation) (“License”).
2. **RECITALS:** This Agreement is made with reference to the following facts, all of which are incorporated herein:
  - (a) City is the owner of the real property located at 100 North “D” Street in the City of Perris and commonly known as the Senior Center (“Property”). The Property includes the Senior Center building and adjacent parking lot. Licensee desires a license to use the Property pursuant to the conditions contained herein to provide congregate nutritional services at the Perris Senior Center.
  - (b) City’s City Manager or his/her designee shall be City’s representatives for all issues relating to this Agreement.
  - (c) Licensee is a nonprofit organization which operates in the City of Perris and the County of Riverside with the goal of providing benefits to the community of Perris. Licensee’s representative for all issues relating to this Agreement is Family Services Association, Senior Nutrition. The address of the Licensee is 21250 Box Springs Road, Suite 212, Moreno Valley, CA 92557.
3. **LICENSE:** City hereby grants to Licensee a non-exclusive license to use the kitchen and the dining area on the Property subject to the terms and conditions set forth herein. The Property shall be used by the Licensee for the purpose of preparing and serving food to the senior citizens at the Property. The Property shall not be used by Licensee for any other purpose without the prior written consent of the City, which shall be in the City’s sole discretion.

Licensee accepts the Property “As Is” without any representation or warranty as to the condition of the Property or its suitability for Licensee’s purpose.

At the conclusion of each period use, Licensee shall restore the Property to that condition existing prior to Licensee’s use. Should Licensee fail to vacate the Property in a clean and undamaged condition after any use, City may arrange for the cleaning and/or repair of the Property, the cost of which will be immediately reimbursed by Licensee.

4. **TERM:** This Agreement shall commence on \_\_\_\_\_ and shall terminate on \_\_\_\_\_, unless earlier terminated in accordance with Section 7 of this Agreement ( the “Term”).
5. **HOURS OF OPERATION:** Licensee may use the property for the preparation and service of congregate nutritional services Monday through Thursday, [except Holidays], during the

hours from 10 a.m. to 12:30 p.m. during the Term. The City Manager and Licensee may not change the day(s) and hours of operation by written consent without formal amendment to this Agreement. Such written consent shall be signed by both parties and shall be attached to this Agreement and incorporated herein by reference. Licensee acknowledges that its/their use is on a non-exclusive basis and that City may use and/or allow the use of the Property during the same time as Licensee's use.

6. **RENT:** licensee shall be required to pay the City the sum of one dollar (\$1.00) per year for the use of the Property during the Term.
7. **TERMINATION PRIOR TO EXPIRATION OF TERM:** City reserves the right to terminate this Agreement at any time, with or without cause, upon a 30-day written notice to Licensee. City may terminate this Agreement immediately and without notice to Licensee if City determines that Licensee's use of the Property creates a dangerous condition hazardous to public safety. Licensee reserves the right to terminate this Agreement at any time with or without cause, upon delivery of a written notice to City. Upon receipt of any notice of termination during the Term, Licensee shall immediately cease Licensee's use of the Property and shall clean, repair and vacate the Property, if necessary.
8. **REGULATIONS:** Licensee shall ensure that the use of the Property by Licensee and its agents, officers, employees, sub-licenses and invitees complies with all federal, state, and local laws, ordinances and policies. Lessee is also subject to all the provisions of its contract with Office on Aging and failure to comply with any provision of that agreement shall constitute a default under the Lease.
9. **PERMITS, FEES, LICENSES AND ASSESSMENTS:** Licensee shall obtain, at its/their sole cost and expense, such licenses, permits and approvals as may be required by law for the proposed use of the Property and the performance of any other services required by this Agreement, including the preparation, handling, service, distribution of food, and maintenance of a food facility. Licensee shall have the obligation to pay for any fees, assessments, and taxes, plus applicable penalties and interest, which may be imposed by law and arise from Licensee's use of the Property and shall indemnify, defend and hold harmless City against any such fees, assessments, taxes penalties or interest levied. Assessed or imposed against City hereunder.
10. **REPAIRS AND MAINTENANCE:** City shall have the right, in its sole discretion, to make improvements, repairs, or alterations to the Property during the Term. City shall endeavor to make such improvements, repairs, or alterations without adversely affecting Licensee's use of the Property, however, Licensee acknowledges that its/their use of the Property may be temporarily affected or suspended from time to time if necessary. Licensee shall not make any improvements, alterations, or repairs to the Property.
11. **DAMAGE TO PROPERTY:** Licensee, whether or not in actual possession of the Property, is jointly and severally liable for all rent accrued during the term of this Agreement and for all damages to the Property which occur in connection with Licensee's use of the Property.

- 12. NUISANCE AND WASTE:** Licensee shall not commit, suffer or permit nuisance, waste, damage or destruction to occur on or about the Property and shall not permit the use of the Property for any illegal or immoral purpose. Licensee further agrees to comply with all State and Federal laws, local ordinances and policies concerning the Property and the use of the Property.
- 13. INSPECTION BY CITY:** City, by and through its employees or agents, shall have the right to enter upon the Property at all reasonable times during Licensee's use of the Property for the purpose of inspecting the same and making such repairs as City may deem desirable.
- 14. PERSONAL PROPERTY LEFT OF PROPERTY:** City shall have the right, WITHOUT NOTICE, to sell, destroy or otherwise dispose of any personal property left on the Property by Licensee or Licensee's employees, agents, or invitees.
- 15. DEFAULT:** If Licensee is in default of any of the provisions contained in this Agreement, City may exercise any and all remedies provided by law or equity by reason of such default, including the right at City's option to terminate this Agreement. Each and all of the remedies of City shall be constructed as cumulative and no one of them as exclusive of the other or as exclusive of any remedy provided by law or equity.
- 16. UTILITIES AND TAXES:** Licensee shall not be responsible for any utilities chargeable to the Property during the term. However, Licensee shall be responsible for any possessory interest or property taxes that may be assessed in connection with Licensee's use or possession of Property.
- 17. DAMAGE BY FIRE:** In the event the Property is destroyed or so damaged by fire or other casualty or act of God as to be rendered uninhabitable, then this Agreement shall terminate.
- 18. ASSIGNMENT AND SUBLETTING:** Licensee shall not assign its rights under this Agreement in whole or in part, nor sublet the Property or any portion of the Property to any party without the prior written consent of City. In the event of a breach of this condition, City shall have the power to immediately declare this Agreement terminated and retake immediate possession of the Property.
- 19. INDEPENDENT CONTRACTOR:** Neither City nor any of its employees shall have any control over the manner, mode, or means by which Licensee's agents or employees perform the services or activities allowed pursuant to this Agreement, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision, or control of Licensee's employees, servants, representatives, or agents, or in fixing their number, compensation, or hours of service. Licensee shall perform all services required herein as an independent contractor with only such obligations as are consistent with that role. Licensee shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Licensee in its business, joint venture or otherwise, or a member of any joint enterprise with Licensee.

**20. WAIVER:** The failure or omission of City to terminate or otherwise enforce this Agreement for any violation of any of its terms, conditions or covenants, shall not be deemed to be a consent by City to such violation and shall not bar, stop or prevent City from terminating or otherwise enforcing this Agreement thereafter, either for such or for any subsequent violation of any such term condition or covenant. The acceptance of rent under this Agreement shall not be or be construed to be a waiver of any breach of any term, covenant or condition of this Agreement.

**21. INSURANCE AND INDEMNIFICATION:**

21.1 **Insurance:** Licensee shall each procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance:

- (a) **Commercial General Liability Insurance:** A policy of commercial general liability insurance written in a per occurs trench basis in an amount not less than a combined single limit of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate.
- (b) **Worker's Compensation Insurance:** A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both Licensee and City against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by Licensee in the course of carrying out the work or services contemplated in this Agreement.
- (c) **Automotive Insurance:** A policy of comprehensive automobile liability insurance written on a per occurrence basis in an amount not less than either (i) bodily injury liability limits of \$500,000 per person and \$1,000,000 per occurrence and Property damage liability limits of \$200,00 per occurrence and \$500,000 in aggregate, or (ii) combined single limit liability of \$1,000,000. Said policy shall include coverage for owned, non-owned, leased and hired cars.

All of the above policies of insurance shall be primary insurance and shall name City, its officers, employees and agents ("City's Parties") as additional insured. Licensee shall provide City with additional insured endorsements evidencing such coverage. The insurer shall waive all rights of subrogation and contribution it may have against City and City's Parties and their respective insurers. All of said policies of insurance shall provide that said insurance shall not be amended or cancelled without providing thirty (30) days prior written notice by registered mail to City. In the event that any of the said policies of insurance are cancelled, Licensee shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section to City's Representatives. No use of the Property under this Agreement shall be allowed until Licensee has provided City with Certificates of Insurance or appropriate insurance binders

evidencing the above insurance coverage and said Certificates of Insurance or binders are approved by City.

Licensee agrees that the provisions of this Section shall not be construed as limiting in any way the extent to which Licensee may be held responsible for the payment of damages to any persons or Property resulting from Licensee's activities or the activities of any person or persons for which Licensee is otherwise responsible.

The insurance required by this Agreement shall be satisfactory only if issued by companies qualifies to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Management of City due to unique circumstances.

**21.2 Indemnification:** Licensee agrees to indemnify City and City's Parties against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, cost, penalties, obligations, errors, omissions, or liabilities, including paying any legal cost, attorney fees, or paying any judgment (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with Licensee's use or possession of the Property.

All indemnification obligations shall survive the termination or other expiration of this Agreement.

**21.3 Assumption of All Risks and Liabilities:** Licensee expressly assumes all risks and liabilities arising out of any and all use of the Property during the term of this Agreement.

**22. HAZARDOUS MATERIALS:** Licensee shall not use or dispose of any hazardous materials in the Property during the term of this Agreement. Lessee shall also dispose of all days, oil and grease properly in compliance with all relevant laws and ordinances, including the California Health and Safety Code and Perris Municipal Code.

**23. GOVERNING LAW:** This Agreement shall be governed by, interpreted under and construed and enforced in accordance with the laws of the State of California.

**24. SEVERABILITY:** If any paragraph, section, sentence, clause, or phrase contained in this Agreement shall become illegal, null or void, against public policy, or otherwise unenforceable, for any reason, or held by any court of competent jurisdiction to be illegal, null or void, against public policy, or otherwise unenforceable, the remaining paragraphs, section, sentences, clauses or phrases contained in the Agreement shall not be affected thereby.

**25. COVENANT AGAINST DISCRIMINATION:** Licensee covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall

**DRAFT**

be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Licensee shall take affirmative action to insure that applications are employed and that employees are treated during employment without regards to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

**26. INTEGRATION CLAUSE:** It is understood that there are no oral agreements between the parties hereto affecting this Lease and this Lease supersedes any and all previous negotiations, arrangements, brochures, agreements, and understandings, if any, between the parties hereto or displayed by Lessor to Lessee with respect to the subject matter thereof, and none shall be used to interpret or construe this Lease.

[Signatures on next page.]

LICENSEE:

FAMILY SERVICES ASSOCIATION OF  
WESTERN RIVERSIDE COUNTY,.

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
Name, Manager

CITY:

**DRAFT**

**CITY OF PERRIS**  
101 North "D" Street  
Perris, CA 92570  
(951) 943-6100 FAX (951) 943-4246

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
Nancy Salazar, City Clerk

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

\_\_\_\_\_  
Eric L. Dunn, City Attorney

CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA SUBMITTAL

Meeting Date: June 14, 2016

SUBJECT: Stop Sign @ Sorrell Lane & Poppy Court

REQUESTED ACTION: Authorize Installation of Stop Sign

CONTACT: Habib Motlagh, <sup>dh</sup> City Engineer

---

BACKGROUND/DISCUSSION:

The above intersection is adjacent to a May Ranch park and used by students / parents traveling to and from Sierra Vista and Lake Side Schools. Due to poor sight distance and parked cars blocking the visibility, it is recommended that a 2-way stop signs be installed at above location.

---

BUDGET (or FISCAL) IMPACT:

The cost for signage and striping is estimated @ \$1,000. Appropriate budget is available for this work.

---

Reviewed by:

City Attorney  
Assistant City Manager *Re*

Attachments: Site Map

Consent: Yes

Public Hearing:

Business Item:

Other:





Google earth

Google earth

feet  
meters

2000

700



CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

SUBJECT: Goetz Road Right-Of-Way

REQUESTED ACTION: Authorize Expenditure of Funds for Title Reports

CONTACT: Habib Motlagh, <sup>dt</sup> City Engineer

---

**BACKGROUND/DISCUSSION:**

The proposed improvements along Goetz Road between Ellis and Ethanac require purchase of additional properties. Stewart Title of California will be responsible to prepare litigation guarantee title reports used by City Attorney's office and others to prepare the necessary right-of-way documents and appraisal reports.

---

**BUDGET (or FISCAL) IMPACT:**

The cost for each parcel is estimated at \$400.00. We expect a total of 25 parcels with estimated budget of \$10,000. Appropriate budget is available and included in CIP S-014 for this work.

---

**Reviewed by:**

City Attorney  
Assistant City Manager *dt*

**Attachments:**

- Steward Title Letter
- CIP S-014

Consent: Yes

Public Hearing:

Business Item:

Other:



Inland Empire Division  
Riverside Branch  
11870 Pierce, #100  
Riverside, CA 92505  
951-276-2700

June 2, 2016

Habib Motlagh  
City Engineer  
City of Perris  
24 S. D Street, Ste. 100  
Perris, CA 92570


Re: Right of Way acquisition for Goetz Road (between Case Road and the South Side of San Jacinto River Crossing)

Dear Mr. Motlagh:

In regards to the above, thank you for the opportunity to provide a pricing quote for the Litigation Guarantees on this project. Our fee is \$400.00 per Litigation Guarantee, up to the liability amount of \$65,000.00. The insured would be: City of Perris c/o Aleshire & Wynder, LLP, the cause of action for: Condemnation/Eminent Domain.

We would need a list of the properties and then can proceed with opening the orders. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Kathy Crawford  
Title Officer  
Commercial/Subdivision Department  
e-mail: [Kcrawfor@stewart.com](mailto:Kcrawfor@stewart.com)

Kc/

# CITY OF PERRIS

## Capital Improvement Program Project Details

Project Title: Goetz Road Intersections

**Project Description:** Improvements at Intersections of Mountain Ave/Goetz and Malbert/Goetz including Removal/Replacement of Concrete Cross Gutters.

Project Number:  
**S014**

Managing Department(s)  
**City Engineer**



**Project Status:**

- New
- Pending
- RFP Prepared
- In Design
- Out to Bid
- Under Construction

**Impact on Future Operating Costs**

- Increase
- Decrease
- Minimal

**Project Statistics:**

Project related to: Origination Yr. FY 04/05

- Safety & Health
- Masterplan
- Council Goal

Maint/Imp

**Financial Requirements:**

<u>Initial Cost Estimate by Category</u>	<u>Estimate</u>
Land Acquisition / Right of Way	
Engineering / Architecture	
Internal Costs (staff & operational Expenses)	
Construction	
Construction Mgmt / Inspection	
Other - Specify _____	
<b>Total</b>	<b>397,571</b>



<u>Project Summary</u>	
Total Funded \$	2,397,571
Total Project Costs \$	6,355
Sub-total \$	2,391,216
Restricted Funds \$	
Available Funds \$	2,391,216

Restricted Funding  Yes  No

**Funding Allocation**

Funding Source(s)	Fund	Budget 2014/2015	Budget 2015/2016	Plan 2016/2017	Plan 2017/2018	Plan 2018/2019	Plan 2019/2020	Plan 2020+
Measure A Streets	142	93,930						
Developer Agreements	163	297,286						
Gas Tax	136		1,000,000					
Transportation DIF	163		1,000,000					
<b>Total</b>		<b>391,216</b>	<b>2,000,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

Initial Cost Estimate	397,571
Remains Unfunded	-

**Budget Amendment Notes**

Date	Description / Action	Adopted Budget	Amendment	Amended Budget
2002/03	Budget Measure A	100,000		\$ 100,000
2008/09	Budget Dev Agmts Xfr from S-50		297,571	\$ 397,571
2015/16	Budget Transportation DIF Budget		1,000,000	\$ 1,397,571
2015/16	Budget Gas Tax		1,000,000	\$ 2,397,571
	Intersection of Goetz and Mountain Complete			

CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA SUBMITTAL

Meeting Date: June 14, 2016

SUBJECT: Nuevo Bridge

REQUESTED ACTION: Approve Contract with JLC Engineering & Authorize City Engineer to Sign the Proposal

CONTACT: Habib Motlagh, City Engineer

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BACKGROUND/DISCUSSION:

The design of Nuevo Bridge and adjacent road improvements is underway and moving forward with a targeted construction date of Summer of 2017 subject to environmental/right-of-way clearance and budget availability. Mr. Joe Castaneda of JLC Engineering has done similar projects in the City and is providing (drainage/hydrology) design and engineering support to the project team.

---

BUDGET (or FISCAL) IMPACT:

The proposal cost of \$44,440.00 in addition to 20% contingency is included in CIP S-076.

---

Reviewed by:

City Attorney  
Assistant City Manager



Attachments:

- Proposal dated June 6, 2016
- CIP S-076

Consent: Yes

Public Hearing:

Business Item:

Other:

# CITY OF PERRIS

## Capital Improvement Program Project Details


Project Title: Nuevo Bridge Widening and Road Improvements

**Project Description:** Widening Nuevo Road from 2 to 4 lanes between Murrieta and Dunlap (within City Limits) and from Dunlap to Menifee (within County of Riverside limits). Also, widening of Nuevo Road bridge over Perris Valley Storm Drain to accommodate additional lanes.

Project Number: **S076**

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Managing Department(s)  
**City Engineer**

	<b>Project Status:</b> <input type="checkbox"/> New <input checked="" type="checkbox"/> Pending <input type="checkbox"/> RFP Prepared <input type="checkbox"/> In Design <input type="checkbox"/> Out to Bid <input type="checkbox"/> Under Construction	<b>Impact on Future Operating Costs</b> <input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease <input type="checkbox"/> Minimal	<b>Project Statistics:</b> Project related to: Origination Yr. <u>FY 09/10</u> <input type="checkbox"/> Safety & Health <input checked="" type="checkbox"/> Masterplan <input type="checkbox"/> Council Goal
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### Financial Requirements:

<b>Initial Cost Estimate by Category</b>	<b>Estimate</b>		<b>Project Summary</b> Total Funded \$ 4,660,955 Total Project Costs \$ 138,186 Sub-total \$ 4,522,769 Restricted Funds \$ _____ Available Funds \$ 4,522,769
Land Acquisition / Right of Way	_____		Restricted Funding <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Engineering / Architecture	_____		
Internal Costs (staff/operational Exp)	_____		
Construction	_____		
Construction Mgmt / Inspection	_____		
Other - Specify _____	_____		
<b>Total</b>	<b>5,250,000</b>		

### Funding Allocation

Funding Source(s)	Fund	Budget 2014/2015	Budget 2015/2016	Plan 2016/2017	Plan 2017/2018	Plan 2018/2019	Plan 2019/2020	Plan 2020+
Master Drainage	160	4,410,489						
External Contribution - TUMF	157	239,141						
<b>Total</b>		<b>4,649,630</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Initial Cost Estimate	5,250,000
Remains Unfunded	589,045

### Budget Amendment Notes

Date	Description / Action	Adopted Budget	Amendment	Amended Budget
2010/11	Budget Master Drainage	250,000		\$ 250,000
2011/12	Budget Master Drainage	4,161,149		\$ 4,411,149
2012/13	External Contribution - TUMF		249,806	\$ 4,660,955
	Initial fund will be utilized toward planning and engineering.			
	Future years may require loan to drainage funds with possible TUMF reimbursement			



Mr. Habib Motlagh  
City Of Perris  
P.O. Box 606  
Perris, CA 92570

Re: Nuevo Road Culvert Crossing

Dear Mr. Motlagh,

Thank you for considering JLC Engineering & Consulting, Inc. to provide engineering services for the above referenced project. Please find our enclosed our proposed Scope of Services, Schedule of Fees, Standard Hourly Fee Rate Schedule and the Consulting Agreement. We will return a fully executed copy of the agreement to you. Please do not hesitate to call if you have any questions. We look forward to working with you.

Sincerely,

JLC Engineering and Consulting, Inc.

A handwritten signature in blue ink, appearing to read 'Joseph L. Castaneda', is written over a light blue circular stamp.

Joseph L. Castaneda, P.E.  
Principal

JC/mc

06/06/16

**NUEVO CULVERT CROSSING  
CITY OF PERRIS  
FINAL ENGINEERING**

---

SCOPE OF SERVICES

I. FINAL ENGINEERING SERVICES

A. HEC-RAS MODELING FOR NUEVO CULVERT CROSSING

JLC Engineering will prepare a hydraulic model that will assess will assess the Perris Valley Channel system using the 100 year flow rate based on hydrology model obtained from RCFC & WCD or Webb. However, the 10 year storm event will require some hydrology modeling which will be obtained by revising the rainfall depths that were part of the Perris Valley Channel hydrology model that computed the 100 year storm event flow rate. The following task will be included:

- Prepare a HEC-RAS model for 3,800 linear feet of Perris Valley Channel for the Pre-Project and Post Project Conditions. The hydraulic model will extend 1,200 feet downstream of the Nuevo and 1,600 feet upstream of Nuevo Road. The model will implement no more than 18 cross sections.
- Perform hydraulic analyses that will demonstrate that the proposed crossing can pass the 10 year flow rate and allow the 100 year to over top Nuevo Road without causing an upstream and downstream impact.
- Prepare exhibits showing the pre-project and post project flooding conditions.
- Perform comparative analyses to demonstrate that project does not impact the Perris Valley Channel.
- Revise the approved hydrology model approved by RCFC & WCD for the preferred Perris Valley Channel alternative to obtain the 10 year flow rate.

It should be noted that JLC will require Tri-Lake to provide survey support in order to provide the necessary cross section for the Nuevo Road Bridge and grade stabilizer within Perris Valley Channel. JLC will require approximately 2 days of survey support.

B. DRAINAGE IMPROVEMENT PLANS

JLC Engineering will prepare improvement plans, profiles, and details at a 1"=40' scale for the Nuevo Road RCB Culvert Crossing required to provide 10-year flood protection. This includes an engineering estimate of quantities and costs for agency bonding purposes. Plans will be provided for the following facilities:

- Nuevo Road RCB Culvert – Design a multiple barrel RCB culverts for Nuevo Road. The design will include headwalls, rip-rap dissipaters, and channel side slope armorment upstream and downstream of the culvert.
- Provide the necessary grading upstream and downstream of the culvert that will be required within the Perris Valley Channel.
- Coordinate the culvert design with Tri Lake Consultants Nuevo Road Design to ensure that the vertical and horizontal design will allow the 10 year storm will flow through the culvert and the 100-year to overtop the roadway.

The scope assumes that a total of 5-6 sheets are required for the improvement plans. The design does not include structural calculations for culvert. The scope assumes that Tri-Lake will provide the required structural details and calculations for the culvert crossing.

C. FINAL DRAINAGE REPORT

JLC Engineering will prepare a final drainage report that includes the hydraulic calculations in support of the Nuevo Road RCB Culvert that will be submitted to the City of Perris and RCFC & WCD for approval.

The report will include calculations consisting of the following:

- Hydraulic calculations for the existing Perris Valley Channel using HEC-RAS analyses.
- An exhibit delineating the flood plain for the Pre-Project and Post-Project conditions.

Culvert data and hydraulic parameters used for the study.



**NUEVO CULVERT CROSSING  
CITY OF PERRIS  
FINAL ENGINEERING**

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**D. STORM DRAIN IMPROVEMENT PLANS**

JLC Engineering will prepare storm drain improvement plans using RCFC&WCD standard borders for a proposed storm drain to be located within the Nuevo Road right-of-way. The plan and profile will be designed at a 1"=20' scale. A total of 4 storm drain improvement plan sheets are anticipated as part of the project. This includes an engineering estimate of quantities and costs for agency bonding purposes. The scope of work will include the following:

- A hydrology analyses that assess the runoff from the proposed street improvements between Evans Road and Murrieta Road.
- Hydraulic analyses and catch basin analysis for the proposed storm drain systems to service the project.
- A final report that support the storm drain improvement plans.

**E. WATER QUALITY MANAGEMENT PLAN**

JLC Engineering will prepare a final WQMP that will be used to establish and complement the design of the proposed project site using the "Guidance and Standards for Transportation Projects". The WQMP will be used to meet the water quality standards as outlined by RCFC & WCD. The following will be performed:

- Evaluate the site layout plan and determine the constituents of concern related to each land use.
- Provide a matrix that identifies potential BMPs that treat the constituents of concern identified for the downstream water courses.
- Perform water quality hydrology analyses to size the potential BMPs using the guidelines established in the RCFC & WCD WQMP and BMP Manual
- Prepare a WQMP Site Plan that includes final cross sections and details related to the proposed BMPs

**F. AGENCY PROCESSING, MEETINGS AND COORDINATION\***

JLC will provide up to twenty four (24) hours of agency processing, meeting and coordination time with the Client, RCFC & WCD, and other consultant team members in support of the final engineering process. Additionally, the scope will include an additional twenty four (24) hours for monthly meeting with the project team in order to discuss project status and project issues. Time is to be billed only as incurred. Additional time will be billed on a time and material basis in accordance with our standard hourly fee rate schedule.

Exclusions:

1. *Structural Analyses, Calculations, Design and Details. The scope assumes that structural analyses and design for the culvert will be provided by Tri Lake.*
2. *Scope does not include potholing. Potholing will be identified during the design process.*
3. *Utility Relocation: The scope assumes that utility relocations will be performed by Tri-Lake.*
4. *Survey Support: Scope does not include the two days of survey support that will be required to provide supplemental data for the HEC-RAS modeling.*
5. *Sediment Transport Analyses: Scope of work does not include a sediment transport model.*
- 6.

**NUEVO CULVERT CROSSING  
CITY OF PERRIS  
FINAL ENGINEERING**

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SCHEDULE OF FEES

I. FINAL ENGINEERING SERVICES	
A. HEC-RAS MODELING FOR NUEVO ROAD CROSSING	7,040.00
B. DRAINAGE IMPROVEMENT PLANS	16,500.00
C. FINAL DRAINAGE REPORT	3,520.00
D. STORM DRAINAGE IMPROVEMENT PLANS	7,700.00
E. WATER QUALITY MANAGEMENT PLAN	4,400.00
F. AGENCY PROCESSING, MEETINGS AND COORDINATION *	<u>\$5,280.00</u>
 TOTAL AUTHORIZED AMOUNT	 <u>\$ 44,440.00</u>

REIMBURSABLES

Reproduction, delivery, and related costs are in addition to the schedule of fees and will be billed in accordance with the attached standard hourly fee rate schedule.

**\*Initial Budget Estimates**

Initial budget estimates have been provided for the Scope of Service tasks identified above and will be billed only as incurred. Additional work efforts which may become necessary during the Agency review process and due to Client directed changes will be billed on a T&M basis in accordance with our standard hourly fee rate schedule.

Client has represented to JLC that this project is \_\_\_\_\_ non-prevailing wage/ \_\_\_\_\_ prevailing wage. Therefore, JLC has provided a scope and schedule of fees in accordance with this representation. If, at any time, the Client determines that their representation is not correct, the Client will be held liable for additional costs and will immediately notify JLC, so that the appropriate cost adjustments can be made.

**Signature**



**Signature**



**HOURLY FEE RATE SCHEDULE  
JANUARY 1, 2016**

The following rates shall apply to services provided on a time-and material basis. Rates are reflected hourly.

<u>General</u>	
President / Principal	\$175.00
General Administration / Clerical	\$ 75.00
<u>Civil</u>	
Project Manager	\$130.00
Senior Project Engineer	\$110.00
Project Engineer	\$ 95.00
Design Engineer / Designer	\$ 90.00
CADD Designer	\$ 85.00
Senior CADD Drafter	\$ 75.00
CADD Drafter	\$ 70.00
<u>Construction Management</u>	
Resident Engineer	\$120.00
Assistant Resident Engineer	\$110.00
Field Inspector	\$ 85.00
<u>Survey</u>	
Three Person Survey Crew/GPS Crew	\$255.00
Two Person Survey Crew / GPS Crew	\$230.00
One Person Survey / GPS Crew	\$200.00
Senior Project Manager / Project Manager	\$135.00
Survey Analyst	\$110.00
<u>GIS Specialist</u>	\$95.00
<u>Litigation Consultant / Expert Witness</u>	\$375.00
<u>Courier Services</u>	\$ 65.00

**REIMBURSABLE EXPENSES**

Reproduction Services: Includes blueprinting, copying, printing and plotting.

Rental Equipment and Fees: Any equipment rental and any fees advanced by our firm including plan check and filing fees.

Commercial Delivery Services: Including Express Mail, Federal Express, UPS, and independent courier services.

In-House Pick-Up and Delivery Services: These services provided by our firm will be reimbursed at \$65.00 per hour. In addition, mileage will be billed at \$.565 per mile with no markup.

Travel Expenses: Mileage to and from the job site will be billed at a rate \$.565 per mile with no markup.

Per Diem: Per diem for overnight stays will be billed at \$150.00 per day, per man.

*Note: Invoicing will be submitted on a monthly, progressive cycle.*

CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA SUBMITTAL

Meeting Date: June 14, 2016

SUBJECT: Cooperative Agreement – Perris Valley Master Drainage Plan – Line “J”

REQUESTED ACTION: Approve the Agreement; Authorize the Mayor & City  
Manager to Sign

CONTACT: Habib Motlaghi  City Engineer

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BACKGROUND/DISCUSSION:

The development of Perris Market Place (WalMart) along Perris Boulevard is conditioned to connect to existing Flood Control drainage facilities (Line “J”). The agreement once approved provides for maintenance of the channel by Flood Control Box with normal exception of crossings, catch basins, and laterals to be maintained by City.

---

BUDGET (or FISCAL) IMPACT:

The construction of improvements is paid by the WalMart project. City’s cost to maintain the laterals, catch basin is included in various development maintenance associated districts.

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Reviewed by:

City Attorney  
Assistant City Manager 

Attachments:

- Cooperative Agreement

Consent: Yes

Public Hearing:

Business Item:

Other:

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COOPERATIVE AGREEMENT  
Perris Valley Master Drainage Plan - Line J,  
Perris Valley Master Drainage Plan - Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544

The Riverside County Flood Control and Water Conservation District, hereinafter called "DISTRICT", the City of Perris, hereinafter called "CITY", and the COUDURES FAMILY LIMITED PARTNERSHIP a California limited partnership, hereinafter called "DEVELOPER", hereby agree as follows:

RECITALS

A. DEVELOPER is the owner of Parcel Map No. 27544, located in the city of Perris; and

B. The legal description of Parcel Map No. 27544 is provided on Exhibit "A" attached hereto and made a part hereof; and

C. Pursuant to a Right of Entry and Inspection Agreement executed by and between DISTRICT and DEVELOPER on June 10, 1994, DEVELOPER constructed or caused to be constructed the following:

1. A portion of underground reinforced concrete box system located within DEVELOPER-owned property, hereinafter known as "ONSITE STORM DRAIN"; and
2. A portion of underground reinforced concrete box system located outside DEVELOPER-owned property, hereinafter known as "OFFSITE STORM DRAIN".

Together, ONSITE STORM DRAIN and OFFSITE STORM DRAIN are called "PERRIS VALLEY MDP LINE J" as shown in approximate in red on Exhibit "B" attached hereto and made a part hereof.

1 D. Associated with the construction of PERRIS VALLEY MDP LINE J,  
2 DEVELOPER constructed or caused to be constructed a segment of underground concrete pipe  
3 hereinafter known as "LATERAL J-5" as shown in approximate in green on Exhibit "B"; and

4 E. Together, PERRIS VALLEY MDP LINE J and LATERAL J-5 are  
5 hereinafter known as "DISTRICT DRAINAGE FACILITIES"; and

6 F. DISTRICT DRAINAGE FACILITIES have not been accepted by  
7 DISTRICT for ownership, operation and maintenance; and

8 G. Associated with the construction of DISTRICT DRAINAGE  
9 FACILITIES, DEVELOPER constructed or caused to be constructed certain underground storm  
10 drain laterals, inlets, catch basins, and connector pipes located within CITY-held easements or  
11 rights of way, hereinafter called "APPURTENANCES"; and

12 H. Together, DISTRICT DRAINAGE FACILITIES and  
13 APPURTENANCES are hereinafter called "PROJECT"; and

14 I. Pursuant to a second Right of Entry and Inspection Agreement executed  
15 by and between DISTRICT, CITY, DEVELOPER, and Wal-Mart Stores, Inc., a Delaware  
16 corporation on April 13, 2015, DEVELOPER and CITY desire DISTRICT to accept ownership  
17 and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES.  
18 Therefore, DISTRICT must inspect the condition of DISTRICT DRAINAGE FACILITIES to  
19 ensure that they are in an acceptable condition; and

20 J. DEVELOPER and DISTRICT desire CITY to accept ownership and  
21 responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must  
22 inspect APPURTENANCES to ensure that they are in an acceptable condition; and

23 K. DISTRICT is willing to (i) inspect DISTRICT DRAINAGE FACILITIES;  
24 and (ii) accept ownership and responsibility for the operation and maintenance of DISTRICT  
25 DRAINAGE FACILITIES, provided DEVELOPER (a) complies with this Agreement; and (b)  
26 obtains and conveys to DISTRICT the necessary rights of way for the inspection, operation and  
27 maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and  
28

1 L. CITY is willing to (i) grant DISTRICT the right to inspect, operate and  
2 maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way; and (ii) accept  
3 APPURTENANCES for ownership, operation and maintenance, provided PROJECT is  
4 constructed in accordance with plans and specifications approved by DISTRICT and CITY.

5 NOW, THEREFORE, the parties hereto mutually agree as follows:

6 SECTION I

7 DEVELOPER shall:

8 1. To the best of DEVELOPER'S knowledge, without due diligence or  
9 inquiry, all necessary licenses, agreements, permits and rights of entry as may be needed for the  
10 inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES have been  
11 secured.

12 2. DEVELOPER shall, upon acceptance by CITY of all street rights of way  
13 deemed necessary by DISTRICT and CITY for the operation and maintenance of DISTRICT  
14 DRAINAGE FACILITIES and APPURTENANCES, but prior to DISTRICT acceptance of  
15 DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or  
16 cause to be conveyed to DISTRICT the flood control easement(s), including ingress and egress,  
17 for the rights of way deemed necessary by DISTRICT for the operation and maintenance of  
18 DISTRICT DRAINAGE FACILITIES, in a form approved by DISTRICT, for the rights of way  
19 as shown in concept in orange on Exhibit "C" attached hereto and made a part hereof.

20 3. Prior to the date of this Agreement, DISTRICT has obtained, reviewed  
21 and approved a preliminary commitment for title insurance covering each easement parcel to be  
22 conveyed to DISTRICT. DEVELOPER shall, at the time of recordation of the conveyance  
23 document(s), as set forth in Section I.4., furnish DISTRICT with policies of title insurance, each  
24 in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by  
25 DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S  
26 interest in said property subject to all matters of record.

27 4. It is mutually understood by the parties hereto that prior to DISTRICT  
28 acceptance of ownership and responsibility for the operation and maintenance of DISTRICT

1 DRAINAGE FACILITIES, DISTRICT DRAINAGE FACILITIES shall be in a satisfactorily  
2 maintained condition as solely determined by DISTRICT.

3 SECTION II

4 DISTRICT shall:

5 1. Upon execution of this Agreement, record or cause to be recorded, a copy  
6 of this Agreement in the Official Records of the Riverside County Recorder.

7 2. Inspect DISTRICT DRAINAGE FACILITIES.

8 3. Prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES  
9 for ownership, operation and maintenance, provide or cause the civil engineer of record or  
10 construction civil engineer of record, duly registered in the State of California, to provide  
11 DISTRICT with a redlined "record drawings" copy of PROJECT plans. After DISTRICT  
12 approval of the redlined "record drawings", DISTRICT shall transfer the redlined changes onto  
13 DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp  
14 and sign the original engineering plans "record drawings".

15 4. Accept ownership and sole responsibility for the operation and  
16 maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT inspection of  
17 DISTRICT DRAINAGE FACILITIES in accordance with Section I.1.; (ii) recordation of all  
18 conveyance documents described in Section I.4.; (iii) CITY acceptance of all necessary street  
19 rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance  
20 of DISTRICT DRAINAGE FACILITIES and PROJECT; and (iv) DISTRICT'S sole  
21 determination that DISTRICT DRAINAGE FACILITIES are in a satisfactory condition.

22 5. Provide CITY with a reproducible duplicate copy of "record drawings"  
23 PROJECT plans upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being  
24 complete.

25 SECTION III

26 CITY shall:

27 1. As requested by DISTRICT, accept any outstanding offers of dedication  
28 necessary for the inspection, operation and maintenance of DISTRICT DRAINAGE



1 FACILITIES, and convey sufficient rights of way to DISTRICT to allow DISTRICT to inspect,  
2 operate and maintain DISTRICT DRAINAGE FACILITIES.

3 2. Grant DISTRICT, by execution of this Agreement, the right to inspect,  
4 operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

5 3. Accept ownership and sole responsibility for the operation and  
6 maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE  
7 FACILITIES for ownership and responsibility for operation and maintenance.

8 4. Upon DISTRICT acceptance of PROJECT construction as being  
9 complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers  
10 located within CITY rights of way which must be performed at such time(s) that the finished  
11 grade along and above the underground portions of DISTRICT DRAINAGE FACILITIES are  
12 improved, repaired, replaced or changed. It being further understood and agreed that any such  
13 adjustments shall be performed at no cost to DISTRICT.

14 SECTION IV

15 It is further mutually agreed:

16 1. THIS SECTION LEFT INTENTIONALLY BLANK.

17 2. Any waiver by DISTRICT or by CITY of any breach of any one or more  
18 of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other  
19 breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to  
20 require exact, full and complete compliance with any terms of this Agreement shall not be  
21 construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from  
22 enforcement hereof.

23 3. This Agreement is to be construed in accordance with the laws of the State  
24 of California. If any provision in this Agreement is held by a court of competent jurisdiction to  
25 be invalid, void, or unenforceable, the remaining provisions shall remain in full force and effect  
26 without being impaired or invalidated in any way.

27 4. Any and all notices sent or required to be sent to the parties of this  
28 Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

1 RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
2 1995 Market Street  
Riverside, CA 92501  
3 Attn: Administrative Services Section

CITY OF PERRIS  
101 N. "D" Street  
Perris, CA 92570  
Attn: City Engineer

4 COUDURES FAMILY LP  
1688 N. Perris Boulevard, Suite F-4  
5 Perris, CA 92571  
Attn: Rose Thommen and Darrell Smith  
6

7           5.       Any action at law or in equity brought by any of the parties hereto for the  
8 purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of  
9 competent jurisdiction in the County of Riverside, State of California, and the parties hereto  
10 waive all provisions of law providing for a change of venue in such proceedings to any other  
11 county.

12           6.       This Agreement is the result of negotiations between the parties hereto,  
13 and the advice and assistance of their respective counsel. The fact that this Agreement was  
14 prepared as a matter of convenience by DISTRICT shall have no import or significance. Any  
15 uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because  
16 DISTRICT prepared this Agreement in its final form.

17           7.       The rights and obligations of DEVELOPER shall inure to and be binding  
18 upon all heirs, successors and assignees.

19           8.       Nothing contained in this Agreement shall prohibit DEVELOPER from  
20 freely selling or conveying its fee interest in any portion of DEVELOPER'S property which is  
21 subject to this Agreement.

22           9.       The individual(s) executing this Agreement on behalf of DEVELOPER  
23 certify that they have the authority within their respective company(ies) to enter into and execute  
24 this Agreement, and have been authorized to do so by all boards of directors, legal counsel, and/or  
25 any other board, committee or other entity within their respective company(ies) which have the  
26 authority to authorize or deny entering into this Agreement.

27           10.       This Agreement is intended by the parties hereto as a final expression of  
28 their understanding with respect to the subject matter hereof and as a complete and exclusive

1 statement of the terms and conditions thereof and supersedes any and all prior and  
2 contemporaneous agreements and understandings, oral or written, in connection therewith. This  
3 Agreement may be changed or modified only upon the written consent of the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

\_\_\_\_\_  
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By \_\_\_\_\_  
JASON E. UHLEY  
General Manager-Chief Engineer

By \_\_\_\_\_  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water  
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By \_\_\_\_\_  
NEAL R. KIPNIS  
Deputy County Counsel

By \_\_\_\_\_  
Deputy

(SEAL)

Cooperative Agreement:  
Perris Valley Master Drainage Plan - Line J,  
Perris Valley Master Drainage Plan - Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544  
LMD:mcv  
05/26/16

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RECOMMENDED FOR APPROVAL: CITY OF PERRIS

By   
HABIB MOTLAGH  
City Engineer

By \_\_\_\_\_  
DARYL R. BUSCH  
Mayor

APPROVED AS TO FORM:

ATTEST:

By \_\_\_\_\_  
ERIC DUNN  
City Attorney

By \_\_\_\_\_  
NANCY SALAZAR  
City Clerk

(SEAL)

Cooperative Agreement:  
Perris Valley Master Drainage Plan -- Line J,  
Perris Valley Master Drainage Plan -- Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544  
LMD/blm 5-26-16

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**THE COUDURES FAMILY LIMITED  
PARTNERSHIP**

a California limited partnership

By: Coudures Family Management Company  
a California corporation  
its General Partner

By \_\_\_\_\_  
DARRELL G. SMITH  
Vice President

(ATTACH NOTARY WITH CAPACITY  
STATEMENT)

Cooperative Agreement:  
Perris Valley Master Drainage Plan -- Line J,  
Perris Valley Master Drainage Plan -- Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544  
LMD:mcv  
05/26/16

## Exhibit A

All that certain real property situated in the County of Riverside, State of California, described as follows:

**PARCEL A:**

**Parcels 1 through 5 and 8 through 11, of Parcel Map 27544-2, in the City of Perris, County of Riverside, State of California, as shown by Map on file in Book 202, Pages 68 to 70 of Parcel Maps, in the Office of the County Recorder of said County.**

***Assessor's Parcel No's: 305-240-011 through 015 and 018 through 021***

**PARCEL B:**

**Lots B and C of Block 13, of Figadota Farms No. 8, in the City of Perris, County of Riverside, State of California, as shown by Map on file in Book 16, Pages 88 and 89 of Maps, in the Office of the County Recorder of said County.**

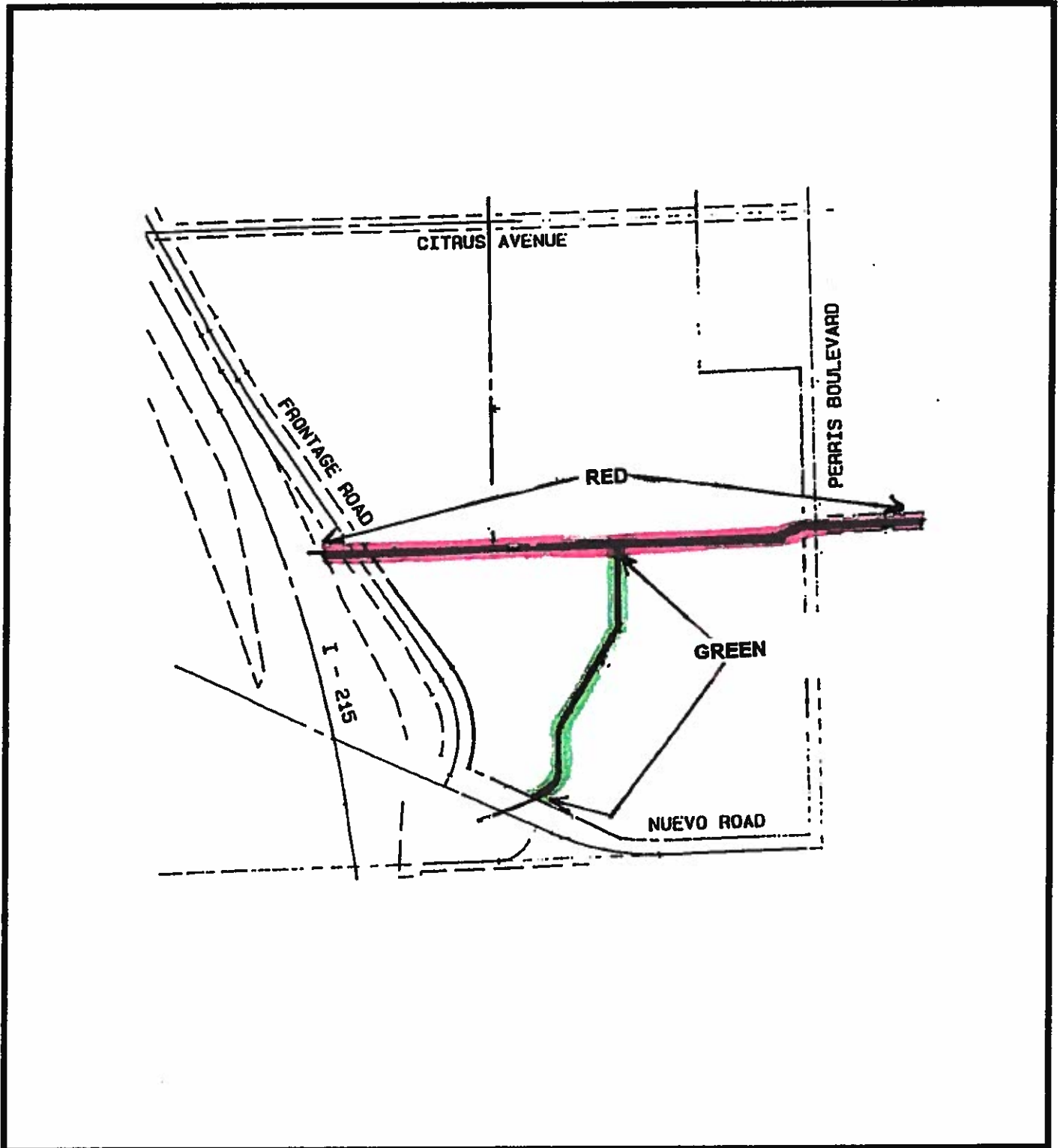
**Excepting therefrom those portions conveyed to the State of California, by deed recorded March 22, 1991 as Instrument No. 94556, of Official Records.**

***Assessor's Parcel No's: 305-230-052 and 053***

**COOPERATIVE AGREEMENT**

Perris Valley Master Drainage Plan -- Line J,  
Perris Valley Master Drainage Plan -- Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544  
Page 1 of 1

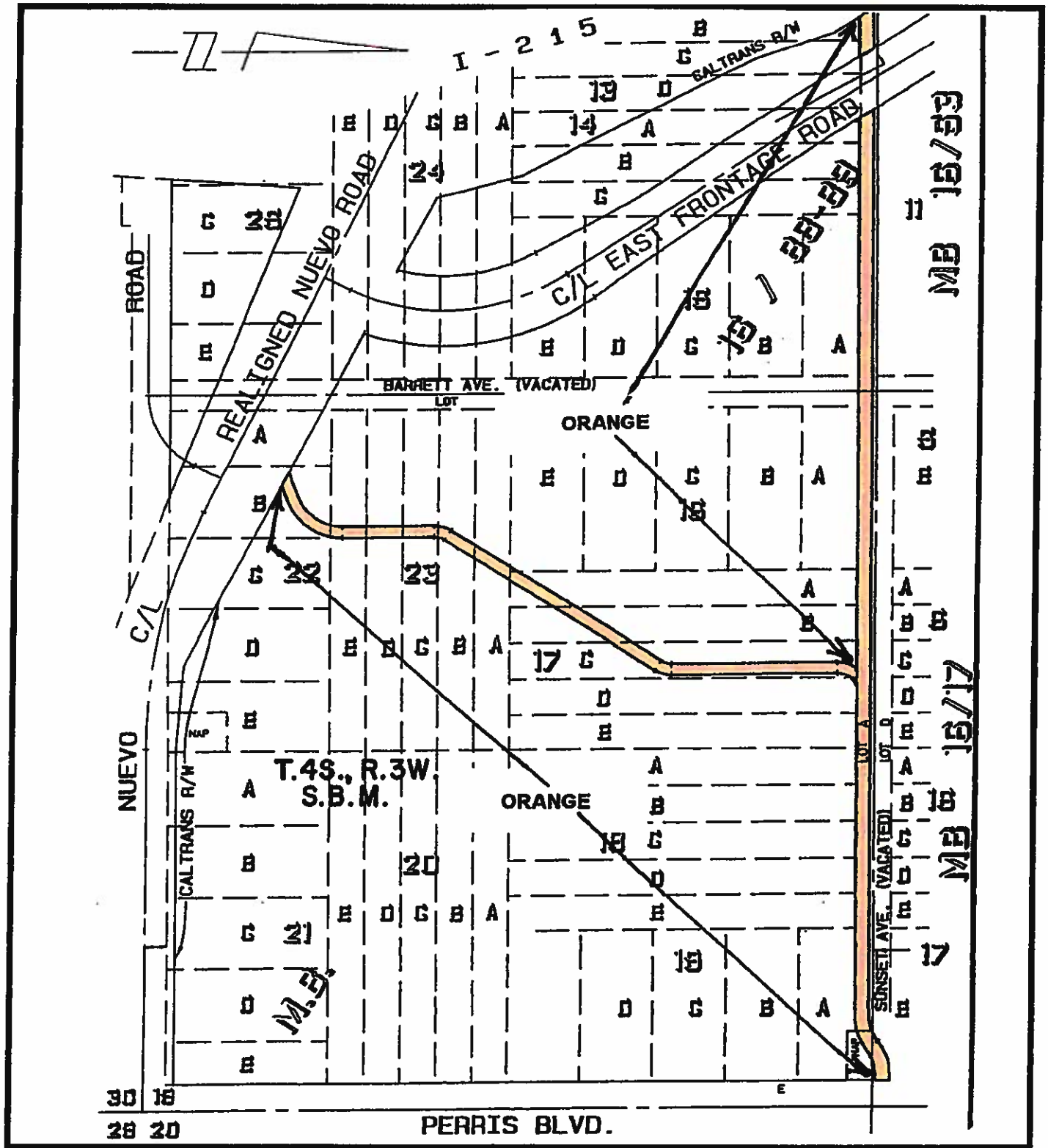
## Exhibit B



**COOPERATIVE AGREEMENT**  
Perris Valley Master Drainage Plan -- Line J,  
Perris Valley Master Drainage Plan -- Lateral J-5  
Project No. 4-0-00505  
Parcel Map No. 27544  
Page 1 of 1



# Exhibit C



**COOPERATIVE AGREEMENT**  
 Perris Valley Master Drainage Plan -- Line J,  
 Perris Valley Master Drainage Plan -- Lateral J-5  
 Project No. 4-0-00505  
 Parcel Map No. 27544  
 Page 1 of 1

PERRIS COMMUNITY ECONOMIC DEVELOPMENT CORPORATION  
AGENDA SUBMITTAL  
June 14, 2016

**SUBJECT:** Façade Improvement Project – Dora Nelson Museum, 316 E 7<sup>th</sup> St.

**REQUESTED ACTION:** The Board of Directors: 1) Approve expenditures as described below 2) Authorize the Chief Executive Officer or his designee to execute all documents in a form approved by the Corporation's counsel, and related expenditures and actions.

**CONTACT:** Michael McDermott, Chief Operating Officer 

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**BACKGROUND/DISCUSSION:**

The project consist of Commercial Façade Improvements as part of the Perris Community Economic Development Corporation's Downtown Commercial Façade Program.

Despite its modest space, lack of funding and no public visiting hours, the Dora Nelson African American Art and History Museum plays a vital role in promoting and preserving the culture and values of several ethnic groups in the Perris Valley.

The Nelson museum on Seventh Street in Perris is one only a handful of locations on the West Coast to house artifacts chronicling the legacy and influence of African-Americans. When the Association of African-American Museums holds its 2016 conference in Riverside—the first time ever in California—the Dora Nelson museum will act as host and will serve as one of the stops convention delegate will visit.

The Museum is in need of landscaping.

**BUDGET (or FISCAL) IMPACT:**

An estimated total expenditure of \$12,500, the amount is a budgeted expense within the Perris CEDC Downtown Commercial Façade Program budget.

---

Prepared by:

Reviewed by:

Redevelopment & Economic Development Manager \_\_\_\_\_

Asst. City Manager 


Attachments:

Consent XXX

PERRIS COMMUNITY ECONOMIC DEVELOPMENT CORPORATION  
AGENDA SUBMITTAL  
June 14, 2016

**SUBJECT:** Perris Valley Chamber of Commerce Sponsorship

**REQUESTED ACTION:** The Board of Directors: 1) Approve a thirty thousand dollar sponsorship payment 2) Authorize the Chief Executive Officer or his designee to execute all documents in a form approved by the Corporation's counsel, and related expenditures and actions.

**CONTACT:** Michael McDermott, Chief Operating Officer 

---

**BACKGROUND/DISCUSSION:**

The City of Perris currently supports the Chamber of Commerce by supplying office space and as an annual \$5,000 Diamond level Sponsor through the Perris CEDC.

The Chamber of Commerce is having financial difficulties and has asked for additional support.


If approved, the additional \$30,000 sponsorship payment will bring the total sponsorship amount for this year to \$35,000.

**BUDGET (or FISCAL) IMPACT:**

The \$30,000 will be paid through a budgeted account in the Perris CEDC budget.

---

Reviewed by:

Assistant City Manager:   
Redevelopment & Economic  
Development Manager:

Attachments:


Consent XXX

CITY COUNCIL / PERRIS HOUSING AUTHORITY  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

**SUBJECT:** Disposition and Development Agreement (DDA) with AMCAL Multi-Housing, Inc. for a proposed affordable housing mixed-use development in the 100 block of South D Street (northeast corner of D and 2<sup>nd</sup> Streets).

**REQUESTED ACTION:** That the Perris Housing Authority approve the attached resolution which approves a DDA with Amcal Multi-Housing in substantially the form as presented; authorizes the City Manager to revise the DDA as needed to finalize the document for signature; and authorize the City Manager to assume a purchase and sale agreement for the purchase of APN: 313-081-005 for \$225,000 using Perris Community Economic Development Corporation funds

**CONTACT:** Sabrina Chavez, Assistant Director   
Community Services and Housing Division

---

On May 31, 2016, the City Council provided direction to staff regarding a Disposition and Development Agreement between the Perris Housing Authority (“Authority”) and developer, Amcal Multi-Housing (“Amcal”) to proceed with negotiations for a proposed affordable housing mixed-use development located on the northeast corner of D and 2<sup>nd</sup> Streets. The proposed project will consist of commercial and approximately 60 residential units. Amcal has previously partnered with the Authority, as evidenced in the successful development of the Mercado and Verano Apartments located on the south end of D Street in Downtown Perris. Both these affordable housing developments received Federal Low Income Housing Tax Credits, which were allocated competitively by the California Tax Allocation Committee.

The proposed project site is comprised of three parcels, two parcels which are owned by the Authority (APN: 313-092-022 and 313-092-007), and the remaining parcel is privately owned (APN: 313-092-001). The total cost of development is estimated at \$28 million. Similar to its previous affordable housing developments, Amcal will be responsible for securing funding sources for construction and operation of this development. They plan to apply for Affordable Housing and Sustainable Communities funding, also known as AHSC or Cap and Trade funds, which are competitively allocated by the California Strategic Growth Council. The Authority’s contribution to the project consists of 1.04 acres of Authority-owned parcels, which have an estimated combined land value of \$530,000 (subject to appraisal).

The proposed development timeline is as follows:

Entitlements Approved	2016
Cap and Trade Pre-Application	March 2017
Cap and Trade Formal Application	June 2017
Cap and Trade Award	September 2017
Start Construction	April 2018
Complete Construction	2019

The DDA will be structured with the following terms:

- Amcal will open escrow for the purchase of two parcels owned by the same private owner at a sale price of \$450,000; and (APN: 313-081-005) and (APN: 313-092-001).
- The City of Perris will assume the purchase and sale agreement for APN: 313-081-005 and fund the close of escrow in the amount \$225,000 allocated from the City of Perris Community Economic Development Corporation. APN: 313-081-005 will be utilized for a future development.
- Amcal will purchase APN 313-092-001 in the amount of \$225,000 and be reimbursed through Cap and Trade funding. This parcel is to be incorporated into the proposed housing development. If the Cap and Trade application is not successful, the Authority will acquire this parcel directly from Amcal in the amount of \$225,000 for future development of the site.

These terms are intended to improve the project scoring on the Authority's AHSC application for a funding allocation. Staff recommends that the Perris Housing Authority review and approve the attached resolution authorizing the City Manager to revise, if necessary, and execute the DDA with Amcal for the development of a mixed use, affordable housing development; and authorize the City Manager to assume a purchase and sale agreement for the purchase of APN: 313-081-005 for \$225,000 using Perris Community Economic Development Corporation funds.

---

**BUDGET (or FISCAL) IMPACT:** The Perris Housing Authority's contribution to this development consists of 1.04 acres of land which has an estimated combined value of \$530,000 (subject to the future appraised value of the land). The Perris Community Economic Development Corporation budget has sufficient funding to assume and close the purchase and sale agreement for APN: 313-081-005 from Amcal totaling \$225,000.

---

Reviewed by: Darren Madkin, Deputy City Manager *DM*

City Attorney:

Assistant City Manager: Ron Carr *by Ron Carr*

Attachments: Resolutions (1) Housing Authority, and (1) Community Economic Development Corporation)  
Disposition and Development Agreement

Consent: X

Public Hearing:

Business Item:

Other:

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF PERRIS, APPROVING THE DEVELOPER AND DISPOSITION AGREEMENT BY AND BETWEEN THE PERRIS HOUSING AUTHORITY AND AMCAL MULTI-HOUSING, INC.**

**WHEREAS**, the City of Perris Housing Authority (“Authority”) has negotiated a Developer and Disposition Agreement (the “DDA”) with Amcal Multi-Housing, Inc. (“Developer”); and

**WHEREAS**, the DDA provides for the Developer’s construction of an affordable housing development (“Development”) on approximately 1.04 acres of land located on the northeast corner of D Street and 2<sup>nd</sup> Street (“Site”). The Development will consist of mixed use residential and commercial project; and

**WHEREAS**, the transaction contemplated by the DDA includes the disposition of the Site from the Authority to the Developer; and

**WHEREAS**, on June 14, 2016, the Authority conducted a duly noticed public meeting to consider the DDA; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, based on the evidence presented to the , including the written staff report and oral testimony on this matter, and the DDA, the Authority do hereby find, determine and resolve as follows:

**Section 1.** The above recitals are all true and correct and are hereby adopted as findings.

**Section 2.** The Authority hereby approves the DDA and the instruments referenced therein, a copy of which is on file in the office of the City Clerk.

**Section 3.** The Mayor and City Manager, are authorized and directed to take such actions and execute such documents as may be necessary to implement and effect this Resolution and the DDA on behalf of the City.

**Section 4.** The City Clerk shall certify to the passage and adoption hereof.

**ADOPTED, SIGNED and APPROVED** this 14<sup>th</sup> day of June, 2016.

---

Mayor, Daryl R. Busch

**ATTEST:**

---

City Clerk, Judy Haughney

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) ss  
CITY OF PERRIS            )

I, \_\_\_\_\_, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the Housing Authority of the City of Perris at a regular meeting thereof held on the 14<sup>th</sup> day of June 2016, by the following called vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

---

City Clerk, Nancy Salazar

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COMMUNITY ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF PERRIS, APPROVING THE DEVELOPER AND DISPOSITION AGREEMENT BY AND BETWEEN THE PERRIS HOUSING AUTHORITY AND AMCAL MULTI-HOUSING, INC.**

**WHEREAS**, the City of Perris Housing Authority (“Authority”) has negotiated a Developer and Disposition Agreement (the “DDA”) with Amcal Multi-Housing, Inc. (“Developer”); and

**WHEREAS**, the DDA provides for the Developer to open escrow on assessors parcel number 313-081-005 located at 118 South D Street (“Site”) and subsequently transfer such escrow to be assumed by the City of Perris using Community Economic Development Corporation funds in the amount of two hundred twenty five thousand dollars and no cents (\$225,000) ; and

**WHEREAS**, the acquisition of assessors parcel number 313-081-005 is contemplated by the DDA, but is a separate and distinct acquisition by the City of Perris and is not a part of the proposed project more fully described in the DDA between Developer and Authority; and

**WHEREAS**, on June 14, 2016, the Community Economic Development Corporation conducted a duly noticed public meeting to consider the DDA; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, based on the evidence presented to the , including the written staff report and oral testimony on this matter, and the DDA, the Board of the City of Perris Community Economic Development Corporation do hereby find, determine and resolve as follows:

**Section 1.** The above recitals are all true and correct and are hereby adopted as findings.

**Section 2.** The Board hereby approves the use of the Perris Community Economic Development Corporation funds in the amount of \$225,000 for the acquisition of assessors parcel number 313-081-005 located at 118 South D Street.

**Section 3.** The Chairman of the Board and Executive Director, are authorized and directed to take such actions and execute such documents as may be necessary to implement and effect this Resolution of the Board of the Perris Community Economic Development Corporation.

**Section 4.** The Secretary shall certify to the passage and adoption hereof.



**ADOPTED, SIGNED and APPROVED** this 14<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Chairman, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
Secretary, Judy Haughney

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) ss  
CITY OF PERRIS            )

I, \_\_\_\_\_, Secretary of the City of Perris, California, Community Economic Development Corporation, do hereby certify that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the Board of Directors of the City of Perris Community Economic Development Corporation at a regular meeting thereof held on the 14<sup>th</sup> day of June 2016, by the following called vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Secretary, Nancy Salazar

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

**SUBJECT:** Agreement for Code Enforcement Services between the City of Perris and the County of Riverside

**REQUESTED ACTION:** Authorize the City Manager to sign a one-year agreement with Riverside County to provide Code Enforcement Services

**CONTACT:** Clara Miramontes, Director of Development Services 

---

**BACKGROUND/DISCUSSION:**

Riverside County has been providing code enforcement services to the City of Perris since January 2012. The City has contracted Code Enforcement services through the County of Riverside on a year to year contract. The current one-year contract will end June 30, 2016. The current contract includes a ½ time code enforcement supervisor, one full-time senior officer, 2 full-time officers, a ¾ time officer, and a full-time technician. Due to an increase in code enforcement cases and increased activity in neighborhood groups requesting heightened code enforcement, staff is recommending that the supervisor position be added as a full-time position with the addition of an aide to better assist customers. This would allow a staff person at the Code Enforcement office at all times to answer questions and reach officers in the field for quicker responses to the public. As well, a full time supervisor will provide more time available to handle difficult cases in a timely manner.

The City Council is being asked to consider renewal of the contract for another year, from July 1, 2016 to June 30, 2017, with the addition of a full-time supervisor and a full-time technician. The total contract amount for the 2016-2017 year with the increased staff is \$906,996.00. The annual total contract amount for the 2015-2016 year was \$674,532.00. If no staffing changes were to occur for the 2016-2017 year, the total contract amount would be 755,409.00. This includes the County's cost of living adjustment (COLA) for the 2016-2017 fiscal year.

Attached to this report, for the Council's consideration, is a proposed one-year agreement covering the period of July 1, 2016 through June 30, 2017. All staffing and services will remain the same.

---

**BUDGET (or FISCAL) IMPACT:**

The annual cost of the proposed agreement is \$906,996.00.

---

**Prepared by:** Clara Miramontes, Director of Development

**City Attorney:** N/A  
**Assistant City Manager:** Ron Carr 

**Consent:** June 14, 2016

**Attachments:** Proposed 2016-2017 Contract

**AGREEMENT FOR CODE ENFORCEMENT SERVICES BETWEEN THE COUNTY OF  
RIVERSIDE AND THE CITY OF PERRIS**

THIS AGREEMENT is made and executed effective this \_\_\_\_ day of \_\_\_\_\_, 2016 by and between the County of Riverside, California (hereinafter "COUNTY"), and the City of Perris, California (hereinafter "CITY"), as follows:

**RECITALS**

- A. CITY and COUNTY have previously entered into an agreement to provide code enforcement services to CITY and that agreement expires on June 30, 2016.
- B. CITY desires that COUNTY continue to provide certain code enforcement services on behalf of CITY.
- C. Such code enforcement services shall be provided by the Riverside County Code Enforcement Department (hereinafter "CODE ENFORCEMENT").
- D. COUNTY and CITY desire to define the scope of code enforcement services to be provided and the terms and conditions pursuant to which COUNTY will continue to provide said services.

NOW, THEREFORE, the parties hereto mutually agree as follows:

**SECTION 1 - RECITALS INCORPORATED**

The foregoing recitals are incorporated herein and made a part of this Agreement by this reference.

**SECTION 2 - ADMINISTRATION**

The CODE ENFORCEMENT Official, or his designee, shall administer this Agreement on behalf of COUNTY (hereinafter "COUNTY'S contract administrator"). CITY manager, or his designee, shall administer this Agreement on behalf of CITY (hereinafter "CITY'S contract

administrator").

### **SECTION 3 - SCOPE OF SERVICES**

COUNTY shall provide the code enforcement services described in Exhibit "A" to this Agreement, which is incorporated herein by this reference. COUNTY shall comply with all CITY codes, ordinances, resolutions, regulations, and policies (hereinafter "CITY codes") in providing the code enforcement services on behalf of CITY. COUNTY shall work and consult directly with CITY and its staff in providing such services. COUNTY shall not be required to, and shall not, respond to any person or entity other than CITY concerning the code enforcement services it provides. CITY shall be responsible for responding to all such persons or entities as further set forth herein. This Agreement is related to CODE ENFORCEMENT services only and does not commit any other COUNTY agency to provide services and specifically does not include legal services.

### **SECTION 4 - PERSONNEL**

In providing the code enforcement services described in this Agreement, COUNTY and its staff shall be considered independent contractors and shall not be considered CITY employees for any purpose. COUNTY staff shall at all times be under COUNTY'S exclusive direction and control. CITY, nor its officials, officers, employees, or agents shall have control over the conduct of COUNTY or any of COUNTY'S officials, officers, employees, or agents except as set forth in this Agreement. COUNTY shall have no authority to bind CITY in any manner or to incur any obligation, debt, or liability of any kind on behalf of or against CITY, whether by contract or otherwise. COUNTY shall not at any time, or in any manner, represent that COUNTY or any of COUNTY'S officials, officers, employees, or agents are in any manner officials, officers, employees, or agents of CITY. COUNTY shall pay all wages, salaries, and other amounts due such personnel in connection with the code enforcement services to be provided pursuant to the terms of this Agreement and as required by law and COUNTY shall be responsible for any and all claims made by such personnel, including but

not limited to workers' compensation and personal injury. Neither COUNTY, nor any of COUNTY'S officials, officers, employees, or agents shall obtain any rights to retirement, health care, or any other benefits that may otherwise accrue to CITY'S employees. COUNTY expressly waives any claim COUNTY may have to any such rights. CITY may request a reassignment of a(n) employee(s), and COUNTY will reassign any COUNTY employee working under this Agreement, if for any reason the employee is incompatible with the direction CITY desires for its code enforcement program.

#### **SECTION 5 - VEHICLES**

If CITY chooses to provide vehicles for COUNTY'S use in providing professional services, the vehicles shall meet COUNTY'S specifications, shall be adequately equipped and ready for service, and shall be registered in the name of CITY. CITY-owned vehicles shall only be used for CITY-approved functions. Alternatively, if CITY-owned vehicles are not provided, COUNTY shall use its own vehicles and CITY shall agree to fuel COUNTY vehicles at CITY expense.

#### **SECTION 6 - COST OF SERVICES**

Exhibit "A" shows the total reimbursable cost to be paid by CITY to COUNTY on an annual basis for code enforcement services, excluding potential costs for any additional services requested by CITY and agreed to by COUNTY in writing. CITY shall provide office space for code enforcement services to be performed. CITY will not be charged for additional services beyond those set forth in Exhibit "A", unless agreed upon in writing by the parties.

#### **SECTION 7 - BILLING**

COUNTY'S contract administrator shall submit to CITY'S contract administrator a monthly invoice which shall include an itemized accounting of all services performed and shall reflect charges equaling one twelfth (1/12) of the annual total cost for regular services performed, plus any Additional Services that may have been requested that month, as set forth in Exhibit A.

## **SECTION 8 - PAYMENTS**

CITY shall pay each monthly invoice within thirty (30) days of receipt by CITY'S contract administrator of an invoice from COUNTY'S contract administrator. CITY may dispute any monthly invoice by submitting a written description of the dispute to COUNTY'S contract administrator within ten (10) days of the date CITY'S contract administrator receives the invoice from COUNTY'S contract administrator. CITY may defer the payment of any portion of the invoice in dispute until such time as the dispute is resolved; however, all portions of the invoice not in dispute must be paid within the thirty (30)-day period set forth herein.

## **SECTION 9 - RECORD MAINTENANCE**

COUNTY shall maintain all documents and records relating to the implementation of this Agreement, including, but not limited to, any and all ledgers, books of account, invoices, vouchers, canceled checks, and other expenditure or disbursement documents. Such documents and records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the code enforcement services provided by COUNTY pursuant to this Agreement. Such documents and records shall be maintained for three (3) years from the date of execution of this Agreement and to the extent required by laws relating to public agency audits and expenditures.

## **SECTION 10 - RECORD INSPECTION**

All documents and records required to be maintained pursuant to Section 9 of this Agreement shall be made available for inspection, audit, and copying at any time during regular business hours upon the request of CITY'S contract administrator. Copies of such documents or records shall be provided directly to CITY'S contract administrator for inspection, audit, and copying when it is practical to do so; otherwise, such documents and records shall be made available at COUNTY'S address specified in Section 14 of this

Agreement.

**SECTION 11 - DUTY TO INFORM AND RESPOND**

CITY'S contract administrator shall promptly transmit to COUNTY'S contract administrator all inquiries, complaints, and correspondence that CITY receives concerning COUNTY'S code enforcement services that CITY'S contract administrator has knowledge of. COUNTY'S contract administrator shall promptly transmit to CITY'S contract administrator all inquiries, complaints, and correspondence that COUNTY receives in the course of providing code enforcement services. CITY shall be responsible for responding to all such inquiries, complaints, and correspondence. COUNTY will cooperate in such responses by providing relevant information requested by CITY.

**SECTION 12 - STANDARD OF PERFORMANCE**

COUNTY represents and warrants that it has the qualifications and experience necessary to properly perform the code enforcement services described in this Agreement. In meeting its obligations under this Agreement, COUNTY shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of COUNTY under this Agreement.

**SECTION 13 - PERMITS AND LICENSES**

After consultation with CITY, COUNTY shall obtain any and all permits, licenses, and authorizations necessary to perform the code enforcement services described in this Agreement.

**SECTION 14 - NOTICES**

Any notices required or permitted to be sent to either party shall be deemed given when personally delivered to the individuals identified below or when addressed as follows and deposited in the U.S. Mail, postage prepaid:

County of Riverside

City of Perris

Code Enforcement Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92502  
Attention: Code Enforcement Official

101 N. D Street  
Perris, CA 92570  
Attention: Richard Belmudez  
City Manager

#### **SECTION 15 - OWNERSHIP OF DATA**

Ownership and title to all reports, documents, plans, specifications, and estimates produced or compiled pursuant to this Agreement shall automatically be vested in CITY and become the property of CITY. CITY reserves the right to authorize others to use or reproduce such materials and COUNTY shall not circulate such materials, in whole or in part, or release such materials to any person or entity other than CITY without the authorization of CITY'S contract administrator.

#### **SECTION 16 – CONFIDENTIALITY OF RECORDS**

COUNTY shall observe all applicable federal and state laws concerning the confidentiality of records. All information gained or work product produced by COUNTY pursuant to this Agreement shall be considered confidential, unless such information is subject to disclosure pursuant to any federal or state law as determined by CITY. COUNTY'S contract administrator shall promptly notify CITY'S contract administrator when COUNTY receives a request for release or disclosure of information or work product. COUNTY shall not release or disclose information or work product to persons or entities other than to CITY. Any request for release of records pursuant to the California Public Records Act shall be immediately forwarded to CITY'S contract administrator. CITY shall be solely responsible for providing the appropriate response to the person or entity making the request. COUNTY shall assist CITY, if so requested by CITY, with gathering any records CITY deems appropriate for release.

#### **SECTION 17 - INDEMNIFICATION**

**Indemnification by COUNTY.** Except as provided below in the paragraph entitled "Special Circumstances," COUNTY shall indemnify, defend, and hold harmless CITY, its officials,



officers, employees, and agents from all claims and liability for loss, damage, or injury to property or persons, including wrongful death based on COUNTY'S willful misconduct arising out of or in connection with the performance of professional services under this Agreement including, without limitation, the payment of attorney's fees.

**Indemnification by CITY.** CITY shall indemnify, defend, and hold harmless COUNTY, its officials, officers, employees, and agents from all claims and liability for loss, damage, or injury to property or persons, including wrongful death based on CITY'S willful misconduct arising out of or in connection with the performance of professional services under this Agreement including, without limitation, the payment of attorney's fees.

**Special Circumstances.** Notwithstanding the above, COUNTY shall not indemnify, defend, and hold harmless CITY, its officials, officers, employees, and agents, and CITY shall indemnify, defend, and hold harmless COUNTY its officials, officers, employees, and agents, from all claims and liability resulting from any of the following:

1. The invalidity of CITY'S codes;
2. How CITY decides to address, or prioritize actions addressing, alleged violations of CITY'S codes; and
3. CITY'S failure to provide pertinent information as provided in Sections 11 and 16 of this Agreement.

**Notification and Cooperation.** The parties mutually agree to notify each other through their respective contract administrators if they are served with any summons, complaint, discovery request, or court order (hereinafter "litigation documents") concerning this Agreement and the code enforcement services provided hereunder. The parties also mutually agree to cooperate with each other in any legal action concerning this Agreement and the code enforcement services provided hereunder. Such cooperation shall include each party giving the other an opportunity to review any proposed responses to litigation documents. This right of review does not, however, give either party the right to control, direct, or rewrite the proposed responses of the other party.

## **SECTION 18 - INSURANCE**

The parties agree to maintain the types of insurance and liability limits that are expected for entities of their size and diversity. The types of insurance maintained and the limits of liability for each insurance type shall not limit the indemnification provided by each party to the other. If CITY chooses to provide vehicles for COUNTY'S use, CITY shall maintain liability insurance for CITY-owned vehicles and insurance for any physical damage to CITY-owned vehicles in an amount equal to the replacement value of all vehicles provided. The vehicle policies shall, by endorsement, name COUNTY, its agencies and departments, and their respective officials, officers, employees, and agents as additional insured's. COUNTY shall maintain liability insurance for COUNTY-owned vehicles used in performing services under this Agreement and insurance for any physical damage to COUNTY-owned vehicles in an amount equal to the replacement value of all vehicles used. It is understood by the parties that COUNTY may provide insurance through a program of self-insurance.

## **SECTION 19 - ASSIGNMENT**

The expertise and experience of COUNTY are material considerations for this Agreement. CITY has an interest in the qualifications and capabilities of the persons that COUNTY will use to fulfill its obligations under this Agreement. In recognition of that interest, COUNTY shall not assign or transfer this Agreement, in whole or in part, or the performance of any of COUNTY'S obligations under this Agreement without the prior written consent of CITY'S contract administrator. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this Agreement entitling CITY to any and all remedies at law or in equity, including summary termination of this Agreement.

## **SECTION 20 - IMMUNITIES**

Nothing in this Agreement is intended to nor shall it impair the statutory limitations and/or immunities applicable or available to the parties under state laws and regulations.

#### **SECTION 21 - MODIFICATIONS**

This Agreement may be amended or modified only by mutual agreement of the parties. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

#### **SECTION 22 - WAIVER**

Any waiver by a party of any breach of one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of either party to require exact, full and complete compliance with any terms of this Agreement shall not be construed as changing in any manner the terms hereof, or stopping that party from enforcing the terms hereof.

#### **SECTION 23 - SEVERABILITY**

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

#### **SECTION 24 - TERM**

This Agreement shall become effective on July 1, 2016, and shall remain in effect for one (1) year, terminating June 30, 2017. This Agreement may be also terminated by CITY with sixty (60) days written notice to COUNTY or may be terminated by COUNTY with sixty (60) days written notice to CITY. This Agreement may be extended for up to an additional twelve (12) months if the parties, through their respective governing bodies, mutually agree to the extension in writing and mutually agree on the rates to be charged for code enforcement services.

#### **SECTION 25 - ENTIRE AGREEMENT**

This Agreement is intended by the parties as a final expression of their understanding with

respect to the subject matter hereof and supersedes any and all prior and contemporaneous agreements and understandings, written or oral.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date and year first-above written.

**BOARD OF SUPERVISORS:**

**CITY COUNCIL:**

\_\_\_\_\_ Dated: \_\_\_\_\_

\_\_\_\_\_ Dated: \_\_\_\_\_

**Marion Ashley**  
**Chairman, Riverside County Board of**  
**Supervisors**

**Daryl R. Busch**  
**Mayor, City of Perris**

**ATTEST:**

**ATTEST:**

**CLERK OF THE BOARD:**

**CITY CLERK:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Kecia Harper-Ihem**  
**Clerk of the Board, Riverside County**

**Nancy Salazar**  
**City Clerk, City of Perris**

**APPROVED AS TO FORM:**

\_\_\_\_\_ Dated: \_\_\_\_\_

**Karin Watts-Bazan**

**Principal Deputy County Counsel,**

**Riverside County**

**APPROVED AS TO FORM:**

\_\_\_\_\_ Dated: \_\_\_\_\_

**Eric Dunn**

**City Attorney, City of Perris**

Exhibit A

1. The following positions and overhead shall be provided by COUNTY for the initial term of the Agreement for the costs as shown:

FY16-17 Budget

(1) Code Enforcement Supervisor	\$169,246
(1) Senior Code Enforcement Officer	\$160,357
(1) Code Enforcement Officer III ¾ time	\$112,859
(1) Code Enforcement Officer III	\$136,169
(1) Code Enforcement Officer II	\$117,472
(1) Code Enforcement Technician	\$ 79,553
(1) Code Enforcement Aide	\$ 66,964
Contract Administration	\$ 25,000
Cost for (6) Vehicles (Fuel Provided by City)	<u>\$ 39,377</u>

**Total Contract** **\$906,997**

2. The following Code Enforcement Services will be provided:

- Saturday service for one (1) Code Enforcement Officer
- Conduct community outreach programs to educate public on code enforcement matters
- Accept and investigate citizen complaints of code violations
- Enforce all of CITY'S municipal codes
- Issue Notice of Violations to code violators in accordance with CITY'S municipal code, including proper noticing.
- Issue citations in accordance with CITY'S municipal code

**NOTE: Processing of citations, including processing of citation appeals, is not part of COUNTY function under this Agreement. (This is generally contracted to an outside vendor)**

- **Oversee abatements of hazardous conditions within CITY, including proper noticing**
  - **Prepare case files for presentation to City Attorney for cases requiring litigation**
  - **Respond to all code violations in a timely manner**
- 3. The parties agree, CODE ENFORCEMENT officers assigned to work in unincorporated areas adjacent to CITY may assist officers assigned to CITY as needed and agreed upon by the contract administrators. Conversely, officers assigned to CITY may assist CODE ENFORCEMENT officers working in unincorporated areas adjacent to CITY as needed and agreed upon by the contract administrators. Such arrangements shall be memorialized in writing by the contract administrators, which shall identify the work outside of the normal assignment area and the estimated cost. These assignments will be billed on an hourly reimbursement basis according to the rates set forth herein.**
- 4. Additional Services may be provided as follows, upon written request by CITY (electronic mail, E-MAIL, will be considered written request):**
- **CODE ENFORCEMENT may assist CITY in amending or creating ordinances to provide efficiencies and savings within the current process.**
  - **CODE ENFORCEMENT is available to assist CITY with mutually agreed upon special projects.**

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: June 14, 2016**

**SUBJECT:**                   **Final Parcel Map 36726 (FPM 16-05078)** — Final Map to merge six existing parcels into one industrial lot for industrial development located south of Nance Street, north of Markham Street, and between Webster and Indian Avenues within the Perris Valley Commerce Center (PVCC) Specific Plan. Applicant: Russell Pierce, Integra Pacific LLC.

**REQUESTED ACTION:**   **Approval of Final Parcel Map 36726**

**CONTACT:**                   Clara Miramontes, Development Services Director 

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**BACKGROUND/DISCUSSION:**

Tentative Parcel Map 36726 was approved by City Council on December 17, 2014 to merge six parcels with a total area of 43 acres into one industrial lot for the purpose of developing an 864,000 square foot high cube or e-commerce distribution warehouse. On the same date, the City Council certified the project Environmental Impact Report (SCH No. 2014051065) and Development Plan Review 14-02-0014. The site is located south of Nance Street, north of Markham Street, and between Webster and Indian Avenues within the Perris Valley Commerce Center (PVCC) Specific Plan area. The approved site plan includes a parcel at the northwest corner of the project site for parking of either trucks or employee vehicles, depending upon the type of distribution warehouse that ultimately occupies the site.

Final Parcel Map 36726 complies with the minimum lot size, dimensional criteria and frontage requirements for industrially-zoned parcels in the Perris Valley Commerce Center Specific Plan. The applicant has also complied with all Planning Division requirements related to the Conditions of Approval for Development Plan Review 14-02-0014.


The City Engineer has indicated that Final Parcel Map 36726 is approved, with all fees paid and all required bonds posted.

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item, cost of construction and payment of development impact fees are borne by the applicant.

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**Prepared by:**                   Diane Sbardellati, Associate Planner

**Assistant City Manager:**   Ron Carr 

**Consent Calendar:**           **June 14, 2016**

**Attachments:**                Final Parcel Map 36726  
  Planning and Engineering Conditions of Approval



# PARCEL MAP NO. 36726

IN THE CITY OF FERRIS, COUNTY OF RIVERSIDE, CALIFORNIA

BEING A SUBMISSION OF LOTS 2, 3, 6 AND 7 OF BLOCK 4 OF THE RIVERSIDE TRACT AS SHOWN BY MAP ON FILE IN BOOK 14 OF MAPS AT PAGES 688, RECORDS OF SAN DIEGO COUNTY, AND PARCEL 2 OF PARCEL MAP 23330 AS SHOWN BY MAP ON FILE IN BOOK 179 OF PARCEL MAPS AT PAGES 70 AND 71, RECORDS OF RIVERSIDE COUNTY, LING WITHIN SECTION 6, TOWNSHIP 4 SOUTH, RANGE 3 WEST, S.B.M. IN THE CITY OF FERRIS, COUNTY OF RIVERSIDE, CALIFORNIA

RECORDED'S STATEMENT  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016  
AT \_\_\_\_\_ OF PARCEL MAPS, AT  
CITY CLERK OF THE CITY OF FERRIS  
PETER ALDAMA, ASSESSOR - COUNTY CLERK - RECORDER  
BY: \_\_\_\_\_ DEPUTY

### TAX COLLECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THE DATE THERE ARE NO LIENS OR SPECIAL ASSESSMENTS ON THE MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS WHICH ARE LISTED ON THIS MAP OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, BUT A LIEN MAY NOT YET HAVE BEEN FILED.

DATE: \_\_\_\_\_ 2016  
DON VENT  
COUNTY TAX COLLECTOR  
BY: \_\_\_\_\_ DEPUTY

### TAX BOND CERTIFICATE

I HEREBY CERTIFY THAT A BOND IN THE SUM OF \$ \_\_\_\_\_ HAS BEEN DEPOSITED AND FILED WITH THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, TO SECURE THE PAYMENT OF ALL TAXES, LOCAL, STATE, COUNTY, MUNICIPAL, OR LOCAL, AND ALL SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH AT THE TIME OF FILING OF THIS MAP WITH THE COUNTY RECORDER ARE A LIEN AGAINST SAID PROPERTY, BUT NOT YET PAYABLE, AND SAID BOND HAS BEEN FULLY APPROVED BY SAID BOARD OF SUPERVISORS.

DATE: \_\_\_\_\_ 2016  
RETA HOFFER-NEW  
COUNTY TAX COLLECTOR  
BY: \_\_\_\_\_ DEPUTY

### OWNERS STATEMENT

WE, THE UNDERSIGNED, OWNERS OF THE LAND DESCRIBED WITHIN THE SUBMISSION SHOWN HEREON, THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND, THAT WE CONSENT TO THE MAKING AND RECORDING OF THIS SUBMISSION MAP AS SHOWN WITHIN THE INSTRUMENT BORDER LINE. WE HEREBY DEDICATE TO THE CITY OF FERRIS FOR STREET AND PUBLIC UTILITY PURPOSES, LOTS 2, 3, 6 AND 7.

- OWNER: PT FERRIS DC LP, A DELAWARE LIMITED PARTNERSHIP
- BY: PT FERRIS DC LP, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER
- BY: BLDG-TO-CORE INDUSTRIAL PARTNERSHIP I LP, A DELAWARE LIMITED LIABILITY COMPANY, ITS SOLE MEMBER
- BY: BLDG-TO-CORE INDUSTRIAL PARTNERSHIP II LP, A DELAWARE LIMITED PARTNERSHIP, ITS SOLE MEMBER
- BY: PT BIC I LP LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER
- BY: PT REAL ESTATE HOLDCO LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SOLE MEMBER
- BY: INDUSTRIAL PROPERTY OPERATING PARTNERSHIP LP, A DELAWARE LIMITED PARTNERSHIP, ITS SOLE MEMBER
- BY: INDUSTRIAL PROPERTY TRUST INC., A MARYLAND CORPORATION, ITS GENERAL PARTNER

PETER VANDERBURG SENIOR VICE PRESIDENT OF DEVELOPMENT  
ASSOCIATED BANK NATIONAL ASSOCIATION, A NATIONAL BANKING ASSOCIATION

MICHAEL J. SHERIDAN, SUPER VICE PRESIDENT

### NOTARY ACKNOWLEDGEMENT

I, A NOTARY PUBLIC, ON OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ TO \_\_\_\_\_ BEFORE ME \_\_\_\_\_ A NOTARY PUBLIC  
PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE  
BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) I HAVE SUBSCRIBED TO THE WITHIN INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE/HENY EXERCISED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY  
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED,  
DELECTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
FOLLOWING PARAGRAPH IS TRUE AND CORRECT:

WITNESS MY HAND  
SOMEWHERE \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR SAID STATE  
PRINT NAME \_\_\_\_\_  
BY COMMISSION EXPIRES \_\_\_\_\_ COUNTY \_\_\_\_\_

### NOTARY ACKNOWLEDGEMENT

I, A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ TO \_\_\_\_\_ BEFORE ME \_\_\_\_\_ A NOTARY PUBLIC  
PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE  
BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) I HAVE SUBSCRIBED TO THE WITHIN INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE/HENY EXERCISED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY  
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED,  
EXTENDED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
FOLLOWING PARAGRAPH IS TRUE AND CORRECT:

WITNESS MY HAND  
SOMEWHERE \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR SAID STATE  
PRINT NAME \_\_\_\_\_  
BY COMMISSION EXPIRES \_\_\_\_\_ COUNTY \_\_\_\_\_

### SURVEYOR'S STATEMENT

MATTHEW E. WEBB, LICENSED SURVEYOR OF THE STATE OF CALIFORNIA, HEREBY STATE THAT THE SURVEY, SUBMISSION MAP NO. 36726, AS SHOWN ON MY DEDICATION ON NOVEMBER 6, 2015, AND THAT SAID SURVEY IS TRUE AND CORRECT AS SHOWN BY DEDICATION. MOMENTS OF THE CHARACTER HAVE BEEN FOUND AT THE SUBDIVISION BOUNDARY CORNERS AND I WILL SET ALL OTHER MONUMENTS OF THE CHARACTER AND AT THE POSITION AND TO BE RECORDED AND TO BE RECORDED IN THIS MAP WHICH THIRTY (30) DAYS AFTER COMPLETION OF THE RECORDED IMPROVEMENTS AND SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO DEFINE THE SURVEY TO BE RE-TRACED.

DATE: \_\_\_\_\_  
MATTHEW E. WEBB  
L.S. 5229



### CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT AND ORDINANCE NO. 543 AS AMENDED, WHICH WERE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH, AND THAT THE SUBDIVISION SHOWN ON THIS MAP IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP.

DATE: \_\_\_\_\_  
WU STEPHEN CALHOUN, PLS 0890 EXP. 6/30/17  
FOR HUSB MOLAUGH, R.C.E. 31613  
CITY ENGINEER FOR THE CITY OF FERRIS



### CITY CLERK'S STATEMENT

I HEREBY STATE THAT AN UNDERWRITING OR CASH DEPOSIT SATISFACTORY TO THE CITY ENGINEER OF THE CITY OF FERRIS, GUARANTEEING THE CONSTRUCTION OF REQUIRED STREET IMPROVEMENTS AND MONUMENTATION HAS BEEN APPROVED AND FILED WITH THE CITY OF FERRIS PRIOR TO ACCEPTANCE OF THIS MAP.

DATE: \_\_\_\_\_  
CITY CLERK OF THE CITY OF FERRIS, CALIFORNIA  
BY: HANCI SALAZAR CITY CLERK

### CITY ACCEPTANCE STATEMENT

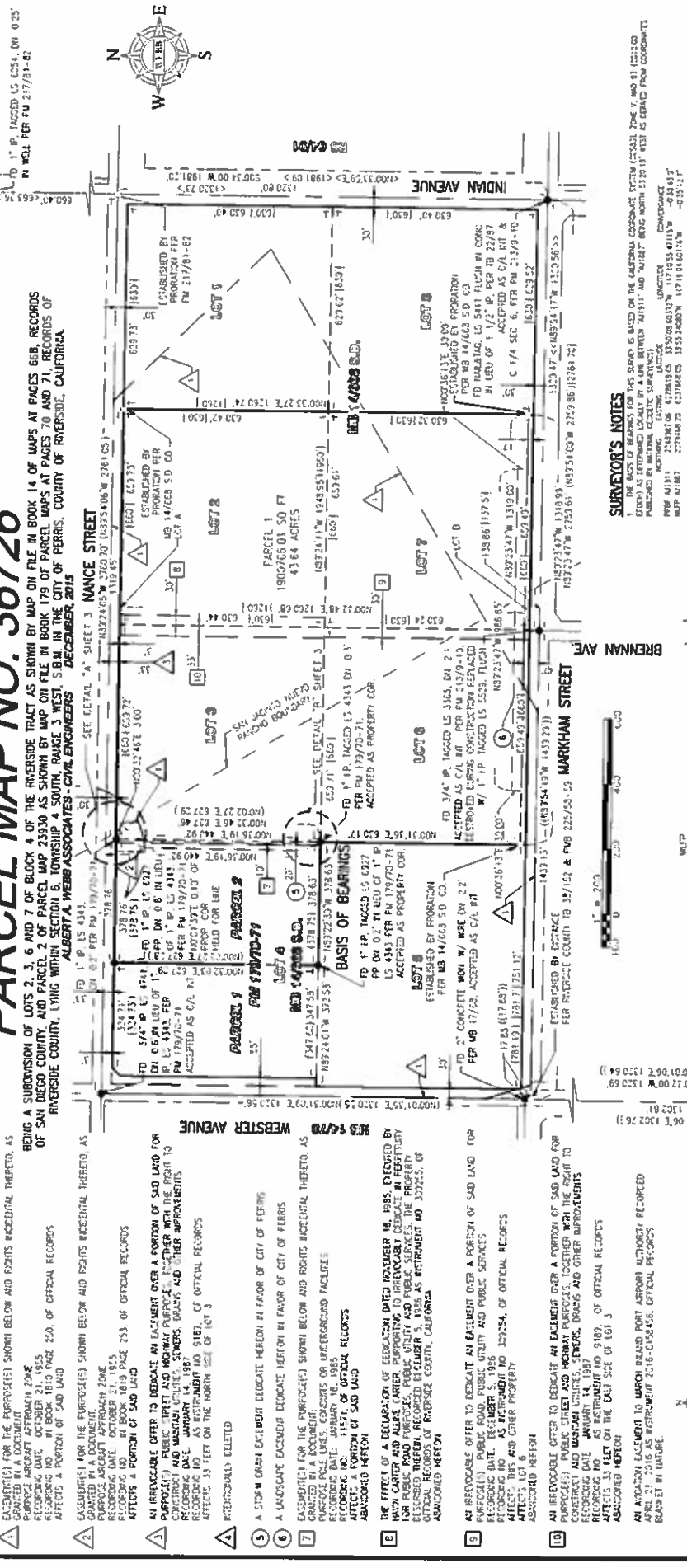
THE CITY OF FERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BY ITS CITY AUTHORIZED OFFICER, HEREBY ACCEPTS THE SUBMISSION MAP NO. 36726, THE STREET DEDICATIONS ARE HEREBY ACCEPTED SUBJECT TO COMPLETION OF ALL STREET AND UTILITY IMPROVEMENTS. THE OFFER OF DEDICATION OF A STORM DRAIN EASEMENT IS HEREBY ACCEPTED. THE OFFER OF DEDICATION OF A LANDSCAPE EASEMENT IS HEREBY ACCEPTED.

CITY OF FERRIS, CALIFORNIA  
WATOR: DARRYL R. BUSCH  
ATTEST: \_\_\_\_\_ CITY CLERK  
DATE: \_\_\_\_\_

1" = 100' HORIZONTAL SCALE  
1" = 10' VERTICAL SCALE

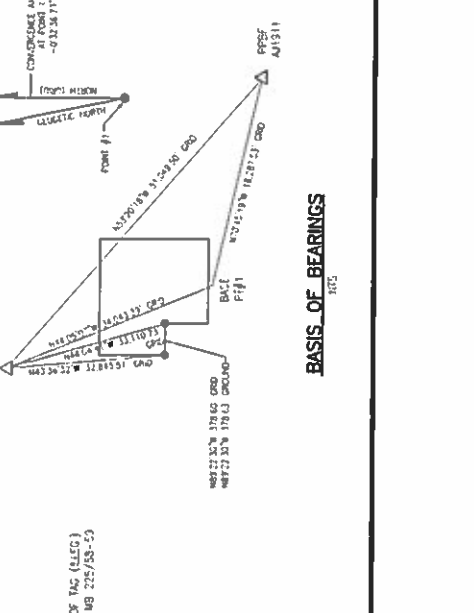
# PARCEL MAP NO. 36726

IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, CALIFORNIA  
BEING A SUBDIVISION OF LOTS 2, 3, 6 AND 7 OF BLOCK 4 OF THE RIVERSIDE TRACT AS SHOWN BY MAP ON FILE IN BOOK 14 OF PAGES 668, RECORDS OF SAN DIEGO COUNTY, AND PARCEL 2 OF PARCEL MAP 23930 AS SHOWN BY MAP ON FILE IN BOOK 179 OF PAGES 70 AND 71, RECORDS OF RIVERSIDE COUNTY, LYING WITHIN SECTION 6, TOWNSHIP 4 SOUTH, RANGE 3 WEST, S.B.M. IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, CALIFORNIA.  
ALBERTA WEBB ASSOCIATES - CIVIL ENGINEERS DECEMBER, 2015



**EASEMENT NOTES**

1. AN EASEMENT FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT RECORDING DATE: OCTOBER 14, 1955. AFFECTS A PORTION OF SAID LAND.
2. AN EASEMENT FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT RECORDING DATE: OCTOBER 14, 1955. AFFECTS A PORTION OF SAID LAND.
3. AN IRREVOCABLE OFFER TO DEED AS AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S) PUBLIC TRIFET AND HIGHWAY PURPOSES, TOGETHER WITH THE RIGHT TO CONVEY AND VOUCHER UNLIMITED, SEVERALS, DIVIDED AND OTHER IMPROVEMENTS RECORDING DATE: JANUARY 14, 1987. AFFECTS 33 FEET ON THE NORTH END OF LOT 3.
4. INTERNATIONALLY EASELED.
5. A STORM DRAIN EASEMENT LOCATED HEREON IN FAVOR OF CITY OF PERRIS.
6. A LANDSCAPE EASEMENT LOCATED HEREON IN FAVOR OF CITY OF PERRIS.
7. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT RECORDING DATE: JANUARY 14, 1987. AFFECTS 33 FEET ON THE NORTH END OF LOT 3.
8. THE EFFECT OF A DECLARATION DATED NOVEMBER 16, 1985, CREATED BY HIGH CARRIER AND ALICE CARRIER PURSUANT TO IRREVOCABLE DEEDS IN FAVOR OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, CALIFORNIA, IS HEREBY RECORDED. THE PROPERTY DESCRIBED THEREIN, RECORDED DECEMBER 1, 1985, AS INSTRUMENT NO. 20212, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
9. AN IRREVOCABLE OFFER TO DEED TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S) PUBLIC ROAD, PUBLIC UTILITY AND PUBLIC SERVICES. RECORDING DATE: DECEMBER 5, 1985. AFFECTS 10 FEET ON THE NORTH END OF LOT 3 AND OTHER PROPERTY ASSOCIATED HEREON.
10. AN IRREVOCABLE OFFER TO DEED TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S) PUBLIC ROAD, PUBLIC UTILITY AND PUBLIC SERVICES. RECORDING DATE: JANUARY 14, 1987. AFFECTS 33 FEET ON THE EAST SIDE OF LOT 3 ASSOCIATED HEREON.



**SURVEYOR'S NOTES**

1. THIS PARCEL MAP WAS PREPARED BY THE SURVEYOR, ALBERTA WEBB ASSOCIATES, CIVIL ENGINEERS, PERRIS, CALIFORNIA, AND IS BASED ON THE SURVEYING RECORDS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, AND THE RECORDS OF THE CITY OF PERRIS, CALIFORNIA, AND THE RECORDS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, AND THE RECORDS OF THE CITY OF PERRIS, CALIFORNIA.
2. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 4.64 ACRES.
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11. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 4.64 ACRES.
12. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 4.64 ACRES.
13. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 4.64 ACRES.



**CITY OF PERRIS  
DEPARTMENT OF DEVELOPMENT SERVICES  
PLANNING DIVISION**

**CONDITIONS OF APPROVAL**

**Environmental Impact Report 14-06-0005**

**Development Plan Review 14-02-0014**

**Tentative Parcel Map 36726 (14-03-0020)**

**Planning Commission: December 17, 2014**

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**Project: Integra Distribution Center.** The Integra Distribution Center Project proposes to construct an 864,000 s.f. warehouse/distribution center on approximately 43 acres in the General Industrial zone of the Perris Valley Commerce Center Specific Plan. Tentative Parcel Map 36726 would merge six existing parcels to facilitate the development. The Environmental Impact Report (SCH No. 2014051065) prepared for the project examines the potential environmental impacts associated with Development Plan Review (DPR) 14-02-0014 and Tentative Parcel Map 36726. Applicant: Russell Pierce, Integra Pacific LLC

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**GENERAL CONDITIONS:**

1. **Environmental Impact Report Mitigation Monitoring Program.** The project shall fully comply with all provisions of the adopted Mitigation Monitoring and Reporting Program (MMRP) of the certified Environmental Impact Report (SCH #2014051065). The Mitigation Monitoring and Reporting Program (MMRP) Checklist is attached to reduce potential traffic, noise, and air quality impacts, and shall be implemented in accordance with the timeline, reporting and monitoring intervals listed.
2. **Specific Plan Compliance.** The project shall conform to the General Industrial (GI) zone standards of the Perris Valley Commerce Center Specific Plan (PVCCSP).
3. **Building Occupancy.** The proposed building has been designed for either high-cube warehousing or e-commerce (electronic commerce) fulfillment warehouse use. The occupancy of the building shall not exceed the ratio of 25 employees per acre. The use of the building shall comply with Tables 2.0-2, Land Use, and 12.0-1, Land Use Restrictions, of the PVCCSP.
4. **Future Obligation of Buyers and Lessees.** All future buyers and lessees shall be informed of their obligation to comply with these Conditions of Approval. The applicant shall provide a copy of these conditions and inform the buyer or lessee of their obligation to maintain compliance with all local and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
5. **Phasing.** Any phasing plan shall be reviewed and approved by the Development Services Department and the City Engineer. Each phase of the project shall provide adequate drainage and at least two points of paved access to both lots.
6. **Expansion of Use.** No expansion of the site or the use shall occur without subsequent reviews and approvals from the Planning Division.

7. **Conformance to Approved Plans.** Development of the project site, building elevations, and conceptual landscaping shall conform substantially to the set of plans approved by the Planning Commission on December 17, 2014, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
8. **Approval Period for Development Plan Review 14-02-0014.** In accordance with P.M.C. Section 19.50.080, Expiration and Extension of Time, this approval shall expire three (3) years from the date of Planning Commission approval. Within three years, the applicant shall demonstrate the beginning of substantial construction as contemplated by this approval, which shall thereafter be diligently pursued to completion, or substantial utilization. A maximum of three (3) one-year extensions may be requested. A written request for extension shall be submitted to the Planning Division at least ten (10) days prior to the initial (and any subsequent extension) expiration of the Development Plan Review.
9. **Approval Period for Tentative Parcel Map 36726.** In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from the Planning Commission approval, unless an automatic extension is granted by the State of California. The applicant may apply for a maximum of five (5) one-year extensions, to permit additional time to record the final map. A written request for an extension shall be submitted to the Planning Division at least thirty (30) days prior to the initial (and subsequent extensions) expiration of Tentative Parcel Map approval.
10. **Building Official/Fire Marshal.** The project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Fire Marshal, and a fire access and fire underground plan shall be submitted for approval prior to submittal of construction drawings. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (as applicable) shall be shown on the final set of construction plans.
11. **ADA Compliance.** The project shall conform to all disabled access requirements in accordance with the State of California, Title 24, and Federal Americans with Disabilities Act (ADA).
12. **City Engineer.** The project shall adhere to the requirements of the City Engineer as indicated in the attached Engineering Conditions of Approval dated **November 25, 2014, and revised December 4, 2014.** On and off-site improvement plans shall be submitted for review and approval by the City Engineer.
13. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City concerning this project. The City shall promptly notify the applicant of any claim, action, or proceeding for which indemnification is sought, and shall further cooperate fully in the defense of the action.

14. **Southern California Edison (SCE).** The developer/owner shall contact the Southern California Edison for Savings by Design information (909 357-6509) and the SCE area service planner (951 928-8323) to explore energy conservation benefit options and to complete the required forms prior to commencement of construction. No grading permits shall be issued until a letter from SCE is received by the City Engineer indicating electrical service will be placed underground.
15. **Waste Hauling and Disposal.** The project shall use only the City-approved waste hauler for all construction and other waste disposal.
16. **Property Maintenance.** The project shall comply with the Perris Municipal Code Chapter 7.42 regarding Property Maintenance. The site shall be maintained graffiti-free state at all times. Any graffiti located on the site shall be removed within 48 hours.
17. **On-site & Off-site Utilities.** All utilities attached to buildings, including meters and utility boxes, shall be painted to match the wall of the building to which they are affixed. These facilities shall also be screened from the public right-of-way by landscaping.
18. **Performance Standards.** The applicant shall comply with all Performance Standards listed in Chapter 19.44.070.
19. **Glazing.** Highly-reflective glass shall not be used for architectural elevations.
20. **Roof Parapets.** The height of the roof parapet shall fully screen any roof-mounted equipment. All vent pipes and similar devices shall be painted to match the building.
21. **Downspouts.** Exterior downspouts are not permitted on building elevations facing the public right of way. Interior downspouts are required for these elevations.
22. **Fish and Game Fee.** Within three (3) days of Planning Commission approval, the applicant shall submit a check to the City Planning Division, payable to "Riverside County Clerk-Recorder", in the amount of \$3,079.75 for payment of State Fish and Game fees and the County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested, or final until the filing fees have been paid.
23. **Signage.** The project approval does not include signage. All monument signage is required to include the Perris Valley Commerce Center logo (per PVCCSP Chapter 4.2.5). Any proposed wall or monument sign will require a sign application and shall be reviewed and approved by the Planning Division prior of building permit issuance.
24. **Preliminary Water Quality Management Plan (PWQMP) 14-02-0014.** A Preliminary WQMP was prepared for the proposed project site. All PWQMPs were determined to be in substantial compliance, in concept, with the Riverside County WQMP Manual requirements. Additional Engineering Department review is required to determine if the proposed retention basin is adequately sized to meet the minimum 100 year storm event volumes. The following two conditions apply:

- a. The development shall be subject to all provisions of City of Perris Ordinance Number 1194, which establishes stormwater/urban runoff management and discharge controls to improve water quality and comply with federal regulations, and any subsequent amendments, revisions, or ordinances pertaining thereto.
  - b. The structural BMPs selected for this project have been approved in concept. The owner shall submit a Final WQMP including plans and details providing the elevations, slopes, and other details for the proposed structural BMPs including the Retention Basin. The Public Work Department shall review and approve the Final WQMP text, plans and details.
25. **Construction Practices.** To reduce potential traffic, noise, and air quality impacts, the mitigation measures listed in the EIR Mitigation Monitoring and Reporting Plan (MMRP) shall be listed and included with the "General Notes" on the construction drawings, and implemented in accordance with the timeline, reporting and monitoring intervals listed in the MMRP.
26. **Vehicle Parking.** Parking for high-occupancy vehicles (HOV) and rideshare vans, and for High-Efficiency Vehicles (HEV) and other fuel-efficient vehicles shall be provided as required by Section MM Air 19, PDF 4-2 of the Mitigation Monitoring and Reporting Plan (MMRP). Design of parking stalls shall comply with PMC 19.69.030C.5b (double-striping). Specially-designated parking stalls shall be marked as such.
27. **Employee Amenities.** In addition to the indoor and outdoor recreational amenities and shaded break area, the following employee amenities shall be provided: four (4) unisex showers, and two (2) secure bicycle storage rooms. These amenities shall be included as part of the building plans/tenant improvement.
28. **LEED Certification.** The building shall be designed to achieve the equivalent of LEED™ "Silver" rating under the US Green Building Council 2009 Core and Shell Development standards, and would be built in compliance with those plans. The design, construction, and operation of the proposed building would incorporate a series of green building strategies which shall include, but not be limited to, the following:
- The parking area shall include 30 designated parking spaces for high-occupancy vehicles (HOV) and rideshare vans. Parking stall design shall comply with Perris Municipal Code, Section 19.69.030C.5b (required by mitigation measure MM Air 14 of the PVCC Specific Plan EIR).
  - The parking area shall include 25 parking spaces for alternative-fueled vehicles.
  - The parking area shall include 2 electric vehicle charging stations for light-duty vehicles. Electrical lines shall be designed and sized to add additional charging stations when a demand is demonstrated.
  - All parking areas shall be concrete, and may include pervious concrete, if feasible.
  - Automobile parking areas shall include 24-inch box trees from the list provided in the PVCC Specific Plan Landscape Standards Section 6.0 to provide 50 percent shade coverage.
  - Energy-efficient street lighting shall be installed throughout the project site (required by mitigation measure MM Air 19 of the PVCC Specific Plan EIR).

- The building's energy efficiency shall be increased by approximately 20 percent above the current Title 24 Energy Standards, as adopted by the City, which exceeds the 15 percent requirement of the PVCC Specific Plan EIR (see mitigation measure MM Air 20).
- Indoor water use shall be reduced by 25 percent (required by mitigation measure MM Air 20 of the PVCC Specific Plan EIR).
- Irrigation water use shall be reduced through the use of a native and/or drought-tolerant plant palette and "smart" irrigation system that includes drip irrigation and a weather controller.
- Recycled water shall be used for landscape irrigation.
- Potable water use shall be reduced by selecting high efficiency fixtures, reducing indoor use, and using recycled water for landscaping irrigation.
- Light-colored, high-albedo paving and/or roofing materials that reduce the heat island effect shall be incorporated.
- A LEED Accredited Professional shall be part of a principal participant of the project team.

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

29. **Precise Grading Plans.** Precise grading plans shall be submitted to the City for review and approval. Grading plans shall be consistent with approved development plans.
30. **Traffic Control Plan.** A Traffic Control Plan shall be submitted for approval to the City Engineer.
31. **Construction Staging Areas.** Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction staging areas are located in the eastern portion of the project site, as far from the residential area at the southeast corner of Markham Street and Webster Avenue as possible. In addition, any temporary night time lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage outside of the staging area or direct broadcast of security light into the sky.
32. **Final Water Quality Management Plan (FWQMP).** To mitigate impacts related to pollutant loading to receiving waters and/or increased erosion/siltation resulting from the long-term operation of the project, the applicant shall develop, receive approval from the City, and implement a FWQMP. The FWQMP shall contain measures that will effectively treat all pollutants of concern and hydrologic conditions of concern, consistent with the Preliminary WQMP and developed in compliance with the MS4 permit. The FWQMP shall specifically identify pollution prevention, source control, treatment control measures, and other Best Management Practices (BMPs) that shall be used on site to control predictable pollutant runoff to reduce impacts to water quality to the maximum extent practicable. The FWQMP shall substantially comply with site design, source control and treatment control BMPs proposed in the approved Preliminary Water Quality Management Plan (PWQMP).



### TPM 36726 - FINAL MAP RECORDATION

33. **Application.** The Final Map application shall be submitted to the Planning Division with payment of appropriate fees for review and approval, concurrently with the application to the City Engineer. The Final Map application shall include all necessary road dedications, appropriate easements and street vacations.
34. **Map Recordation.** Prior to recordation of the Final Map, the developer shall obtain the following clearances, approvals or actions:
  - a. Verification from the Planning Division that all pertinent conditions of approval have been met, as mandated by the Perris Municipal Code.
  - b. The landowner shall convey an avigation easement to the March Inland Port Airport Authority. Contact the March Joint Powers Authority at (951) 656-7000).
  - c. Any other required approval from an outside agency.

### PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

35. **Final Parcel Map Submittal.** Prior to the issuance of the first building permit, the underlying Tentative Parcel Map 36726 shall be submitted for Final Map approval and be recorded with the County of Riverside, with proof of recording provided to the City Planning Division and Engineering Division. The Final Map shall conform substantially to the approved Tentative Map.
36. **Landscaping Plans.** Prior to issuance of building permits, three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval accompanied by the appropriate filing fee. The plans shall be prepared by a California-registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. The following treatments, consistent with the conceptual landscape plan or as conditioned herein, are required:
  - a. **Project Boundary.** Mature trees (24" to 36" box) shall be planted along the project boundary. Where tubular steel fencing is used, solid landscape screening is required in addition to mature trees.
  - b. **Water Quality Basins and Large Swales.** Tiered landscaping with mature trees (24" to 36" box) shall be planted in these areas, including berms.
  - c. **Accent Landscaping.** Large trees (24" to 36" box) shall be included in the landscape design at all driveway entrances to the project site
  - d. **Parking Areas.** A minimum of 30 percent of trees shall be 36 inch box or larger. Also, a minimum of one 24-inch box tree per 6 parking stalls shall be provided.
  - e. **Parking Lot Area Buffer.** A minimum 3-foot high hedge is required to screen all non-truck parking areas from view of the public-right-of-ways.
  - f. **Street Trees.** All street trees within the public right of way on Markham Street and Nance Street shall be 24-inch box size or larger, and planted a maximum of 30 feet on center within the parkway.
  - g. **Employee Amenity Areas.** All outdoor employee break areas shall be landscaped to include shade trees and shade structures architecturally similar in colors and materials as the industrial building.



39. **Site Lighting Plan.** A site lighting plan shall be approved that complies with the City's Outdoor Lighting Regulations and Mount Palomar Observatory's Dark Sky Ordinance. The lighting plan shall include photometrics, fixture details and light standard elevations. High efficiency fixtures with full-cut off shields shall be used to prevent light and glare above the horizontal plane of the bottom of the lighting fixture. At least one foot-candle of light shall be provided in all parking lot and pedestrian areas for safety and security.
  
40. **March Air Reserve Base.** As required by the Perris Valley Commerce Center Specific Plan, the following measures shall be implemented to address the project's location within Airport Influence Area 1:
  - a. Prior to issuance of building permits, the landowner shall have conveyed an aviation easement to the March Inland Port Airport Authority.
  - b. Any outdoor lighting installed shall be shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
  - c. The following uses shall be prohibited:
    - i) Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
    - ii) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
    - iii) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers contain putrescible wastes, construction and demolition debris facilities, fly ash disposal and incinerators.)
    - iv) Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - d. A "Notice of Airport in the Vicinity" shall be provided to all potential purchasers and tenants.
  - e. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - f. All retention and water quality basins shall be designed to dewater within 48 hours of a rainfall event.
  - g. A minimum of 45 days prior to submittal of an application for a building permit for the project, the project applicant shall consult with the City of Perris Planning Division to determine whether any implementing project-related vertical structures or construction equipment would encroach into the 100-to-1 imaginary surface surrounding the MARB. If so, the implementing development project applicant shall file a FAA Form 7460-1, Notice of Proposed Construction or Alteration.

41. **Construction Plans.** All Planning Division and Engineering Department Conditions of Approval, proposed employee amenities, LEED requirements that are included with the EIR Mitigation Monitoring and Reporting Plan, and the Mitigation Monitoring Plan itself shall be reproduced in full on construction drawings and grading plans, immediately following the cover sheet of such plans. Each Condition shall be annotated on the construction plans for ease of reference (i.e., sheet and detail numbers).

42. **Fees.** The developer shall pay the following fees according to the timeline noted:

Prior to the issuance of building permits, the applicant shall pay:

- a. Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre;
- b. Multiple Species Habitat Conservation Plan fees currently in effect;
- c. Current statutory school fees to all appropriate school districts;
- d. Any outstanding liens and development processing fees owed to the City;

Prior to issuance of the Certificate of Occupancy, the applicant shall pay:

- e. Appropriate City Development Impact Fees in effect at the time of development; and
- f. Appropriate Transportation Uniform Mitigation Fees (TUMF) in effect at the time of development, or
- g. Appropriate Road and Bridge Benefit District fees.

44. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The developer shall complete all actions required to complete such annexation prior to issuance of a Certificate of Occupancy. This condition shall apply only to districts existing at the time the project is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include but are not limited to the following:

- Landscape Maintenance District No. 1;
- Flood Control Maintenance District No. 1;
- Maintenance District No. 84-1;
- North Perris Road and Bridge Benefit District; and
- Future Fire Protection Community Facilities District.

**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

45. **Final Inspection.** The applicant shall obtain occupancy clearance from the Planning Division by scheduling a final Planning inspection after final sign-offs from the Building Division and Engineering Department. Planning Staff shall verify that all Conditions of Approval have been met.

46. **Occupancy Clearance.** The applicant shall have all required paving, parking, screen walls, colors and materials (per approved elevation plans), site lighting, landscaping and automatic irrigation installed and in good condition.

47. **Maintenance Agreement.** The applicant shall provide a recorded document in the form of a Covenant Declaration and/or a Maintenance Agreement to the Development Services Department that specifies maintenance responsibilities for on-site improvements not dedicated to public use including, but not limited to, walkways, decorative pavement, landscaping, fences and walls, signage, lighting fixtures, detention basins and water quality BMP's.

#### **PUBLIC WORKS DEPARTMENT REQUIREMENTS**

48. **Dedication and Landscape Easement.** Offer of dedication and/or landscape easements for City maintenance is required for the right of way on Markham Street and Nance Street, and a landscape easement is recommended for private landscaping in front of screen walls.
49. **Off-site Landscaping Plans.** Similar to onsite landscape submittal, three copies of conceptual Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division accompanied by the appropriate filing fee. These plans will be forwarded to Public Works Administration for review and approval. The landscape plans shall be prepared by a California-registered landscape architect and conform to the requirements of Chapter 19.70 of the Zoning Code. The location, number, genus, species, and container size of the plants shall be shown. This landscape plan shall be titled "LMD Conceptual Off-site Landscape Plan 14-02-0014," and exclude private on-site landscaping, unless intended to be included in landscape easement and annexation. The Conceptual Landscape Plan shall include but not be limited to:
- a. **Landscape Limits** – Limits of right-of-way areas or easement areas, defined by concrete mow curb and fully dimensioned, to be annexed into the Landscape Maintenance District. A planting palette and hardscape plan intended to meet the design intent of the Landscape Guidelines in effect for the area, or if no such guidelines exist, the design intent of neighboring development as determined by the Engineering Administration and Special Districts Division.
  - b. **Irrigation** – A list of irrigation system components intended to meet the performance, durability, water efficiency, and anti-theft requirements for Special District landscape areas as determined by the Engineering Administration and Special Districts Division. Components shall include, but not be limited to Salco or GPH flexible PVC risers, an ET based controller with weather station (Hunter or equal), Sentry Guard Cable Guard and Union Guard, and backflow Wilkens Model 375 (or equal) (if one is not already in place).
  - c. **Benefit Zone Quantities** – Include a Benefit Zone quantities table (i.e., SF of planting areas, turf, number of trees, SF of hardscape, etc.) in the lower right hand corner of the cover sheet for off-site landscape areas, indicating the amount of landscaping the district will be required to maintain.
  - d. **Meters** – If landscape system will be separate from on-site meter water and power, provide new water meter and electrical service. If system is separate, system and accounts to be turned over to landscape district, and district will assume costs for water and power. Each district is required to be metered separately. Show locations of water and electrical meter for landscape district. *[end of Conditions]*



# CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

## *CONDITIONS OF APPROVAL*

P8-1233

November 25, 2014, Revised December 4, 2014,

**Revised Planning Commission December 17, 2014**

DPR 14-02-0014, PM 36726, Integra Pacific

(APN # 302-030-002, 003, 006, 008 & 011)

With respect to the Conditions of Approval for the above referenced project, the City of Perris requires that the developer provide the following street improvements and/or road dedication in accordance with the City of Perris Municipal Code Title 18. It is understood that the site plan correctly shows all existing and proposed easements, traveled ways, rights-of-way, and drainage courses with appropriate Q's and that their omission may require the map to be resubmitted for further consideration. These Ordinances and the following conditions are essential parts and requirement occurring in ONE is as binding as though occurring in all. They are intended to be complimentary and to describe the conditions for a complete design of the improvements. Unless otherwise noted, all offsite improvements as conditioned shall be installed prior to issuance of any occupancy permits. All questions regarding the true meaning of the conditions shall be referred to the City Engineer's office.

1. This project is located within the limits of the Perris Valley area drainage plan for which drainage fees have been adopted. Drainage fees shall be paid to the City of Perris prior to issuance of a permit. Fees are subject to change and shall be in the amount adopted at the time of issuance of the permit.
2. The project's grading shall be in a manner to perpetuate existing drainage patterns, any deviation from this, concentration or increase in runoff must have approval of adjacent property owners. Drainage easements shall be obtained from effected property owners or if within this site, shall be shown on the final map. The applicant shall accept the offsite runoff and convey to acceptable outlet.
3. The incremental increase in runoff between developed and undeveloped stage (100-year) and the nuisance runoff shall be retained within onsite private detention basins and drained to Line "E-3" as approved by City and Riverside County Flood Control.

The project shall also comply with conditions stated in RCFC letter dated November 20, 2014 and install Lateral B-5 to Line "B".

**DEPARTMENT OF ENGINEERING**  
170 WILKERSON AVE., SUITE D, PERRIS, CA 92570-2200  
TEL.: (951) 943-6504 - FAX: (951) 943-8416

4. Onsite landscape area(s) shall be designed in a manner to collect the onsite nuisance runoff in compliance with WQMP Standards.
  5. Prior to issuance of any permit, the developer shall sign the consent and waiver forms to join the lighting and landscape districts. The developer shall maintain all on and offsite landscaping with exception of median improvements which will be included in landscape maintenance. The proposed streetlights and portions of existing and new signals at Harley Knox Blvd. with Patterson and the new signal at Webster with Nance shall be maintained by City and partial cost paid for by the property owners through annexation to lighting and landscaping districts. In the event RCFC does not maintain the proposed offsite drainage facilities, it shall be annexed to Flood control District for maintenance.
  6. Existing power poles within the project site or along the project boundary (under 65kv), if any, shall be removed and cables undergrounded. All other utility poles, if any, shall be removed and utilities undergrounded.
  7. Streetlights shall be installed along perimeter streets adjacent to this site as approved by City Engineer per Riverside County and Southern California Edison standards. Additional streetlights shall be installed along Nance Street on either sides of the project and on Webster Avenue as determined by City Engineer.
  8. This project is located within EMWD's water and sewer service area. The applicant shall install water and sewer facilities as required by EMWD and Fire Department.
  9. The applicant shall submit to City Engineer the following for his review:
    - a. Street Improvement Plans
    - b. Signing, Striping, and Signal Plans
    - c. Onsite Grading Plans, SWPPP, and Erosion Control Plan
    - d. Water and Sewer Plans
    - e. Drainage Plans, Hydrology and Hydraulic Reports
    - f. Streetlight Plan
    - g. Final WQMP
- The project's design shall be in compliance with EMWD and Riverside County Standards and coordinated with approved plans for adjacent developments.
10. All pads shall be graded to be a minimum of 1' above 100-year calculated water surface or adjacent finished grade.

11. All grading and drainage improvements shall comply with NPDES and Best Management Practices. Erosion control plans shall be prepared and submitted to Water Quality Board and the City as part of the grading plans. Catch basins shall be installed at intersection of Webster with Nance and Nance with Indian (as needed) and at all new driveways on Nance Street to eliminate nuisance runoff.
12. 6' concrete sidewalk, handicap ramps, and driveways shall be installed pursuant to Riverside County and ADA standards and as approved by Planning Department. All driveway approaches shall be constructed per Riverside County standards for Commercial Driveway (Std. 207A) and comply with the ADA requirements.
13. Construction of Master Planned Underground Drainage Facilities (Line "E-3") along Nance Street from Webster Avenue and connection to existing drainage pipe and construction of Lat. B-5 and connection to Line "B" pursuant to RCFC letter dated November 20, 2014. Prior to start of design of these facilities, the applicant's engineer shall meet with Flood Control to understand to design criteria established by Flood Control for such facilities. All such improvement plans and drainage reports shall be reviewed and approved by RCFC and City of Perris. Installation of catch basins and connection to existing and proposed drainage system at the intersection of all new driveways and at Webster and Nance Street intersection shall be required and installed to eliminate nuisance runoff from cross-gutters. In the event RCFC does not accept maintenance of these facilities, it shall be annexed to City's Flood Control Maintenance District and no drainage credit provided.
14. All onsite drainage runoff shall be collected via onsite underground facilities and conveyed to proposed master planned facilities.
15. This and other similar projects will significantly impact the transportation infrastructure within the City of Perris and adjacent communities. For this reason, the following transportation related improvements are required to mitigate the initial and the ongoing impact to the transportation facilities.
16. Nance Street from east property line to the intersection of Webster Avenue within 60-63' part-width dedicated right-of-way shall be improved with 40' of new paving, curb/gutter located ~~22'~~ 20' on either side of centerline and sidewalk along the south side. Nance Street from east property line to Indian shall be improved with new curb/gutter located ~~22'~~ 20' south of centerline and minimum of 24' paving. Nance Street dedication along the south side adjacent to the project shall be 33'.
17. Markham Street from east to west boundaries along north side shall be improved with minimum of 30' of new paving, curb/gutter



and sidewalk located 32' north of centerline within 47' half width dedicated right-of-way. Markham Street along the same reach on the south side shall be improved to provide for minimum of 20' of paving (existing pavement if adequate shall be grind/overlay).

18. Webster Avenue from Nance Street north to Harley Knox Blvd. shall be improved to provide for minimum of 42' of new paving (3 lanes) within dedicated right-of-way. The intersection of Webster with Nance shall include right and left turn lanes. The intersection of Harley Knox Boulevard and Webster Avenue shall be improved with round-about designed to accommodate the anticipated traffic and in compliance with the concept plan dated November 25, 2014 prepared by Webb and Associates. The design shall meet the City of Perris landscape guidelines and pursuant to March Reserve Base Standards. The improvements shall include concrete to accommodate the truck traffic.
19. Traffic index of 10.5 shall be used for any work on Nance and Webster Avenue and Markham Street.
20. The intersections of Webster with Nance shall be improved with concrete section to withstand the truck traffic.
21. Right-of-way acquisition. All right-of-way property area necessary for construction of the street and traffic improvements including any utility and construction easements, not under Applicant's ownership shall be acquired by the Applicant, at Applicant's sole cost. If Applicant is unsuccessful in negotiating any right-of-way acquisition with third party owners after a 30 day period, then City shall conduct the necessary analysis to determine in its sole discretion whether to attempt to acquire the right-of-way by exercise of its power of eminent domain; provided, however, that nothing herein shall be deemed a prejudgment or commitment with respect to condemnation.
22. Reimbursement of costs. Applicant and City shall cooperate to ensure that Applicant receives, to the greatest extent practicable, reimbursement for all of Applicant's eligible costs of constructing all of the street and traffic improvements. Reimbursement agreement or some similar agreement between Applicant and the City and/or establishment of a RBB community facilities district or other assessment district that will fund the costs of such construction. Notwithstanding the forgoing, City shall have no obligation to reimburse or credit Applicant from any source of City funding other than under the local Development Impact Fee program as adopted by the City. Other sources of reimbursement future developers who benefit from the improvements constructed by the Applicant, and/or participants in a community facilities or assessment district created to fund such improvements and other improvements in the vicinity of Applicant's project.

23. New traffic signals shall be installed at intersection of Webster with Nance Street.
24. Driveways shall be installed per Riverside County Standard No. 207A. The proposed driveway #4 along Nance Street shall be eliminated. The proposed driveway #6 along Markham shall be right in and **left** out (for trucks) only.
25. Minimum of one RTA stop and City/RTA standard shelter shall be provided along Markham and Webster as determined by the City Engineer and RTA.
26. Prior to issuance of any permit, final map shall be recorded, bonds posted, evidence of utility non-interference submitted to support vacation of Brennan within this subdivision.
27. Truck access to this site shall be limited from I-215 interchange at Harley Knox Boulevard to Webster south to Nance or Harley Knox Boulevard to Indian Avenue to Nance or Markham Street. No truck shall use Webster south of Nance or Markham west of the easterly driveway.
28. Prior to issuance of any permit, evidence of well abandonment shall be submitted to City.
29. Street improvement plans shall include a class II/III bike lane in accordance with the Perris Trails Master Plan, subject to the approval of the City Engineer.
30. Prior to issuance of occupancy permit, the applicant shall pay the City \$500,000 for their contribution towards implementation of interim and ultimate improvements to I-215/Ramona Expressway, Placentia/I-215 interchange, and other improvements. This one time contribution is above and beyond RBD and other City fees and is not reimbursable.
31. The improvements @ I-215 and Harley Knox Blvd. shall be in compliance with Table 1-5 of Urban Crossroads Traffic Report dated June 6, 2014 and as approved by Caltrans, City of Perris, and the County of Riverside.

*Habib Motlagh*

Habib Motlagh  
City Engineer

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: June 14, 2016**

**SUBJECT:** **INTENT TO OVERRULE** an inconsistency finding of the Riverside County Airport Land Use Commission (ALUC) for a proposed 202-unit multifamily residential development north of Orange Avenue, between Barrett Avenue and Perris Boulevard, with the March Air Reserve Base Land Use Plan. Applicant: Peter Kulmaticki (GPA 15-05205, ZC 15-05206, DPR 15-00014, TPM 15-05205 (TPM 37014))

**REQUESTED ACTION:** **ADOPT A RESOLUTION** authorizing staff to initiate the overrule process regarding the project's inconsistency determination by Riverside County ALUC and allowing a density of 12 units per acre with a maximum of 202 units, in accordance with the "Infill" policy of the March Airport Land Use Compatibility Plan.

**CONTACT:** Clara Miramontes, Director of Development Services 

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**BACKGROUND/DISCUSSION:**

This item was continued from the City Council hearing April 26, 2016 to allow staff to meet with other agencies regarding possible alternatives to an ALUC overrule. Staff met with the Riverside Conservation Agency (RCA), who determined the land was not eligible for conservation. Therefore, staff is ready to initiate the overrule process with Council approval.

The project proposal is a 202-unit multifamily residential development on 16.9 acres on vacant land north of Orange Avenue, between Barrett Avenue and Perris Boulevard. The site is primarily zoned MFR-14, with one acre to be changed from Community Commercial to MFR-14 (Exhibit C). The density proposed is 12 units per acre, which is consistent with the MFR-14 Multi-Family Residential Zone, and in accordance with the infill policy of the March Airport Land Use Compatibility Plan. The project is located in March Air Reserve Base/Inland Port (March ARB) Influence Area C2, and was therefore subject to review by the Riverside County Airport Land Use Commission for compliance with the ALUCP (Exhibit D).

On March 10, 2016, the Riverside County Airport Land Use Commission (ALUC) made a finding of inconsistency with the March Air Reserve Base Airport Land Use Compatibility Plan (MARB ALUCP) due to the project exceeding the maximum permissible average density of 6 units per acre in the Compatibility Zone C2 and exceeding the maximum allowed density of 12 units per acre under the plan's "Infill" policy. Although the project meets the requirements of the infill policy that would allow 12 units per acre (202 units), the applicant was requesting additional density up to 13.49 units per acre (228 units). The applicant requested that consideration of Section 3.3.6 (Other Special Conditions) be applied in order to allow for an additional density of 1.49 units per acre, totaling 13.49 units per acre. In order to apply the "Other Special Conditions" policy, the applicant needed to demonstrate that there are special conditions where a normally incompatible use can be considered compatible because of terrain, location or other factors. The applicant had suggested that 2.1 acres of open land park space within the future Harvest Landing Specific Plan could be used for emergency landing, thereby minimizing safety risks for emergency landing. A representative from the March ARB spoke during the public comment in opposition to the project and agreed with ALUC staff's recommendation. The ALUC did not support the applicant's request for "Other Special Considerations" and determined the project to be inconsistent overall.

Since ALUC made a determination of inconsistency based on the applicant's proposal of 13.49 units per acre, the City is still required to overrule the decision of ALUC even to allow the permitted number of units under the "Infill" policy of the airport plan. The Infill policy will allow 202 units (12 units per acre), in which the applicant would have to remove 26 units from the project. The applicant is still requesting that the ALUC overrule by the City allow for 13.49 units per acre to allow 228 units. After the ALUC hearing, staff sent a transmittal requesting comments from MARCH ARB Commander prior to the initiation of an ALUC overrule in order to address concerns. On April 13, 2016, Commander Muncy submitted a letter to City staff stating March ARB's concerns. In summary, the letter stated that the project site is outside the MARB clear and accidental potential zones for the

runway, however, it is located within an area that is exposed to elevated levels of noise from the base's flying operations.

The Commander further stated that there will be an elevated accident potential risk to an apartment complex on this site even though it sits outside of the designated accident potential zone for March ARB. Additionally, the letter acknowledged that MARB's position is that even though this site and project is compatible with guidance found in the AFI 2015 under the Air Installations Compatible Use Zones Program, it is probable that this apartment complex could have a negative impact on current and future flight operations for MARB. He concluded by adding that mitigation steps could be implemented that could reduce potential noise complaints and it would be their desire that such steps be researched and implemented if at all possible. The letter also noted that the project density is inconsistent with the airport compatibility plan.

In order to address the MARB's concerns related to noise and reduce noise impacts to acceptable interior noise levels, the project will be required to comply with the City's Municipal Code Chapter 16.22 for construction standards for projects located near arterials, railroads and airports. This requires an study and construction standards for insulation against noise for areas within the vicinity of airports where the exterior community noise equivalent level exceeds 60 decibel (CNEL). Residential developments subject to noise impacts from aircraft operations are required to be designed and constructed to reduce interior levels to 45 decibels or less. As well, ALUC's standard conditions of approval will be applied to the project, which includes a "Notice of Airport Vicinity" notification to all tenants. These conditions will address MARB's primary concern related to noise complaints.

In considering the density of the surrounding area, undeveloped Harvest Landing Specific Plan is located west of the project across Barrett Avenue, and features densities from 9.4 du/ac to 22.4 du/ac. The densities of Harvest Landing Specific Plan were considered in order to allow for the Infill policy for the subject project because it is a vested approved project. On the east side, a single family tract of homes is zoned MFR-14 with a density of 5.2 du/ac. Industrial and commercial land uses are present to the north and south and are not considered in the density calculation.

In order to comply with the March Airport Land Use Plan 2015 and address March ARB's concerns, staff is recommending that the City Council initiate an overrule to allow a maximum of 12 units per acre in accordance with the Infill policies of the March Airport Land Use Plan. However, the applicant is requesting that the City Council initiate an overrule to allow 13.49 units per acre and make findings that the "Other Special Considerations" be made in order to exceed the maximum density allowed under the infill policy. As a matter of information, the City is currently in the process of update the City's General Plan to be in compliance with the 2014 March Airport Land Use Plan.

ALUC inconsistency determinations may be overruled by a two-thirds vote of the City Council. To overrule ALUC's determination, City Council must find that the proposal is consistent with the General Plan, and provides for the orderly development of the area surrounding a public use airport. The Public Resources Code requires the City to provide ALUC and the State Division of Aeronautics with a copy of the Council's intent to overrule and draft findings at least 45 days before a final decision is made. Therefore, the City Council is requested to review the findings contained in the draft Resolution and authorize staff to commence the ALUC overrule process.

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**BUDGET (or FISCAL) IMPACT:** Costs for staff preparation of this item are borne by the applicant.

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**PREPARED BY:** Diane Sbardellati, Associate Planner

**City Attorney:** N/A  
**Assistant City Manager:** Ron Carr 

**Consent:** June 14, 2016

**Attachments:**  
1. Resolution  
2. City Council submittal packet dated April 26, 2016

**RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO COMMENCE THE PROCESS TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY AND ALLOWING A MAXIMUM DENSITY OF 12 UNITS PER ACRE IN ACCORDANCE WITH THE INFILL POLICY OF THE MARCH AIRPORT LAND USE COMPABILITY PLAN, THEREBY ALLOWING 202 UNITS FOR DEVELOPMENT PLAN REVIEW 15-00014, GENERAL PLAN AMENDMENT 15-05207, ZONE CHANGE 15-05206, AND TENTATIVE PARCEL MAP 15-05205 (TPM 37014).**

**WHEREAS**, the City of Perris received an application for Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014, for a 228-unit multifamily apartment complex, located north of Orange Avenue, South of Placentia Avenue, between Perris Blvd. and Barrett Avenue (Exhibit A); and

**WHEREAS**, the project is located on a 16.9 acre undeveloped site surrounded by residential, commercial and industrial development to the east, north, and south, with an approved vested specific plan to the west; and

**WHEREAS**, the project proposes a density of 13.49 dwelling units per acre, and staff supports a density of 12 dwelling units per acre, which complies with the Infill provision of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Section 3.3.1); and

**WHEREAS**, the proposed project known as Barrett Apartments, is located within the March Air Reserve Base Compatibility Zone C2 (Exhibit D), and is therefore subject to ALUC review, as the General Plan of the City has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB"); and

**WHEREAS**, at the hearing on March 10, 2016, ALUC found proposed Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014 to be inconsistent with the 2014 March Air Reserve Base Airport Land Use Compatibility Plan ("ALUCP") based on the applicant's proposed density of 13.49 units per acre, which exceeded the allowable density of six dwelling units per acre in Compatibility Zone C2, and the maximum permissible infill density of 12 dwelling units per acre under Infill policy 3.3.1 of the Countywide Policy Document.

**WHEREAS**, at the City Council hearing on April 26, 2016, it was decided the “Intent to Overrule” would be continued to allow City staff to meet with other agencies to consider possible alternatives to development; and

**WHEREAS**, staff met with the Riverside Conservation Agency (RCA) to determine if the subject property was eligible for conservation however the land did not qualify, therefore staff is recommending an overrule; and

**THE CITY COUNCIL OF THE CITY OF PERRIS** does resolve as follows that pursuant to Public Utilities Code Section 21676(b), the City Council hereby intends to overrule the ALUC decision to allow 12 units per acre, based on the following specific findings:

1. The proposed project site is located approximately 16,735 feet (3.1 miles) southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base and within March Air Reserve Base Compatibility Zone C2, which is a Flight Corridor Zone. The maximum elevation on site is 1,456 feet above mean sea level. The maximum height of the proposed buildings is 40 feet, which brings the top point elevation to a maximum of 1,498 feet above mean sea level. The elevation of the runway at its nearest point (the south terminus) is 1,488 feet above mean sea level. At a distance of 16,735 feet from the runway, objects at an elevation of 1,655 feet and above would require Federal Aviation Administration (FAA) obstruction evaluation review. A review for height reasons is not required since the top elevation is only a few feet higher than the runway elevation.
2. The area surrounding the site includes MFR-14 zoned single family residential development to the east, and varying residential densities associated with the vested, undeveloped Harvest Landing Specific Plan to the west. Developed commercial land is located to the south, and developed light industrial uses are present to the north. Previous entitlements for the project site (as part of the existing 300,000 square foot Spectrum Center adjacent to the proposed project to the south) included a 2,200-seat movie theater, a 36-lane bowling center and a health club. The site was re-zoned in 2003 to allow for multifamily development. The current proposal for development is less intensive than the original entitlement. Existing commercial uses (a fast food restaurant and an auto parts store) are located along Perris Boulevard in front of the proposed project.
3. Under the infill provisions of the March Airport Land Use Compatibility Plan and Countywide Policy Document (Section 3.3.1, Infill) the project is allowed 12 dwelling units per acre under specific conditions. To qualify for the infill provision under

Section 3.3.a(1) to allow twice the density limit for Zone C2 from 6 to 12 dwelling units per acre, the parcel size under consideration must not exceed 20 acres, and 50% of the site's perimeter shall be bound by existing uses similar to, or more intensive than, that proposed within 300 feet (not including roadways). The vested Harvest Landing Specific Plan area to the west across Barrett Avenue has a planning area with 78 dwelling units at the density of 9.4 dwelling units per acre. The planning area to the northwest is approved for 345 dwelling units at a density of 22.4 dwelling units per acre. A 16.5 acre sports park is planned to the southwest. On the opposite side, the density of the residential tract to the east across Perris Blvd. is 712 dwelling units on 150 acres, which equals approximately 4.75 dwelling units per acre. Density can be calculated by averaging the density levels of each of these three residential areas, which results in a density of slightly more than 12 dwelling units per acre. This qualifies the site for consideration as an infill site. Harvest Landing Specific Plan is fully approved and vested, but not developed, nor are there recorded tract maps. However, the maximum allowable density permitted per the Infill policy is double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A of the MALUCP 2014. The density permitted under the Compatibility Criteria matrix is 6 units per acre, therefore doubling this density would allow a maximum of 12 units per acre. With the Infill provision, a density of 12 dwelling units per acre at the project site would be consistent with the March Airport Land Use Compatibility Plan.

4. The proposed project as submitted is consistent with the City of Perris General Plan and zoning designation of Multi-Family Residential 14 (MFR-14), except for one .92 acre lot currently zoned Community Commercial (CC). General Plan Amendment 15-05207 and Zone Change 15-05206 will change this land use designation to MFR-14 for consistency.
5. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (2014), the project site is within the March Air Reserve Base's 60-65 DNL Noise Zone. The site is located within an area projected to be subject to average noise levels in excess of 60 dB(A) CNEL from aircraft operations once F-15 aircraft are placed into operation at March Air Reserve Base. It is also within the activity corridor utilized for closed-circuit flight training (occurring primarily during daylight hours) and may be overflown by turning aircraft. Within Compatibility Zone C2, single-event noise may be disruptive to outdoor and noise-sensitive activities. The maximum, aircraft-related, interior noise level that is considered acceptable to ALUC is CNEL 40 dB.

Interior noise levels from aviation-related sources should not exceed 40dB(A) CNEL. To reduce noise impacts to acceptable interior noise levels, the following City standard conditions of approval are required per PMC 16.22 Construction Located near Arterials, Railroads, and Airport.

- a) An analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permits. The report shall comply with the requirements of Section 16.22.070 and shall identify the noise sources and characteristics, provide the predicted noise spectra, indicate the basis for the prediction (measured or obtained from published data), and quantify the effectiveness of the proposed building construction to ensure that the CNEL standard of 40 dB is met within the interior living spaces. In the event that the analysis and design report includes a challenge to the March Airport Land Use Compatibility Plan noise contours, it shall also comply with the requirements and procedures for a challenge study.
  - b) **Development Restrictions.** Residential development will be considered acceptable by the city's building official for mitigating interior noise exposures if it incorporates the features described in Section 16.22.060 of the chapter. Alternative materials and methods of construction may be permitted provided such alternatives are demonstrated to the satisfaction of the city's building official to be equivalent to those described in this chapter.
6. In connection with adoption of General Plan 2030, and certification of a Final Environmental Impact Report for General Plan 2030, the City Council found inconsistencies between the General Plan 2030 land use element and the AICUZ to be significant and unavoidable, and adopted the General Plan 2030 upon finding overriding considerations. Thus, the City Council has previously recognized that development within the City will not necessarily be consistent with the AICUZ. As a result of the adoption of the 2014 March ALUCP, the City's previous overrule is no longer applicable and all discretionary actions within the updated March AIA require ALUC review.
- a) On November 13, 2014 the Riverside County Airport Land Use Commission adopted the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP) to reflect future air craft operations. This Compatibility Plan now supersedes the 1984 Riverside County Airport Land Use previously in effect for the March Air Reserve Base Airport Influence Area (AIA).



- b) In the mid-1990s, the Federal Government ceased or reduced military operations at several military bases throughout the United States. The bases were “realigned” for civilian use and/or military reserve uses. Subsequent to the base realignment process in 1996, March Air Force Base (AFB) became March Air Reserve Base (ARB), and portions of the former Air Force base were reserved for use as a commercial airport. The March Joint Powers Authority (JPA) was created to oversee conversion and operation of the commercial airport, March Global Port. Airport Influence Area boundaries around March AFB were adopted by the County of Riverside Airport Land Use Commission (ALUC) in May, 1986, and became part of the County’s Airport Land Use Plan (ALUP). As of the calendar year 2012, fewer than 100 annual operations by civilian aircraft have occurred since discontinuation of commercial air cargo aircraft activity.
- c) City of Perris General Plan 2030 includes the following policies to recognize March ARB and ensure that the ALUCP and AICUZ are considered as part of new development review:

**Safety Element - Goal I - Reduce risk of damage to property or loss of life due to natural or man-made disasters.**

**Safety Element - Policy I.D: Aircraft - Consult the Air Installation Compatible Use Zone (AICUZ) Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.**

**Safety Element - Implementation Measures - I.D.1** Participate in March Operations Assurance Task Force to resolve inconsistencies between local land use regulations and AICUZ and ALUP policies.

**I.D.2** Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.

7. The following conditions shall also be applied as part of the Overrule by the City, as recommended by ALUC:

- a) Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflections into the sky. Outdoor lighting shall be downward facing.
- b) The following uses shall be prohibited:
  - i. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take off or toward an aircraft engage in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - ii. Any use which would direct sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - iii. Any use which would generate excessive smoke or water vapors or which would attract large concentrations of birds, or which may otherwise affect a safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflowers, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal and incinerators.
  - iv. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- c) A Notice of Airport in Vicinity shall be provided to all prospective purchasers of the property and tenants and/or lessees of the proposed buildings, and shall be recorded as a deed notice.
- d) Any new detention basin(s) on the site shall be designed so as to provide for a maximum 48-hours detention period following the conclusion of the storm event for the design storm, and to remain totally dry between rainfalls, Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be

spaced so as to prevent large expanses of contiguous canopy when mature.

- e) March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air base radio communications could result. Sources of electromagnetic radiation include radio waves transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  - f) The proposed residences must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than 40dB(A) CNEL. The City of Perris shall require an acoustical study to ensure compliance with this requirement.
- 8. Per the MARB, this site and project is compatible with guidance found in AFI 32-7063 dated December 18, 2015 titled Air Installation Compatible Use Zones Program.
  - 9. As shown in the above findings, the proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
  - 10. As shown in the above findings, the proposed project promotes the overall goals and objectives of the California Airport noise standards and prevents the creation of new noise and safety problems.
  - 11. As shown in the above findings, the proposed project protects the public, health, safety and welfare by minimizing the public's exposure to excessive noise and safety hazards in the area around public airports.

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Perris, as follows:

***Section 1.*** The City Council hereby authorizes the initiation to commence the overrule of the Airport Land Use Commission's findings of inconsistency based on the findings listed above, and hereby directs staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014.

***Section 2.*** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining

provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

**Section 3.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 14<sup>th</sup> day of June 2016.

\_\_\_\_\_  
MAYOR, DARYL R. BUSCH

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

- Attachments:
- Exhibit A: Vicinity Map
  - Exhibit B: Aerial Map
  - Exhibit C: Site Plan
  - Exhibit D: General Plan Map
  - Exhibit E: MARB Land Use Compatibility Plan
  - Exhibit F: Noise Contours
  - Exhibit G: MARB Proximity to Project Site

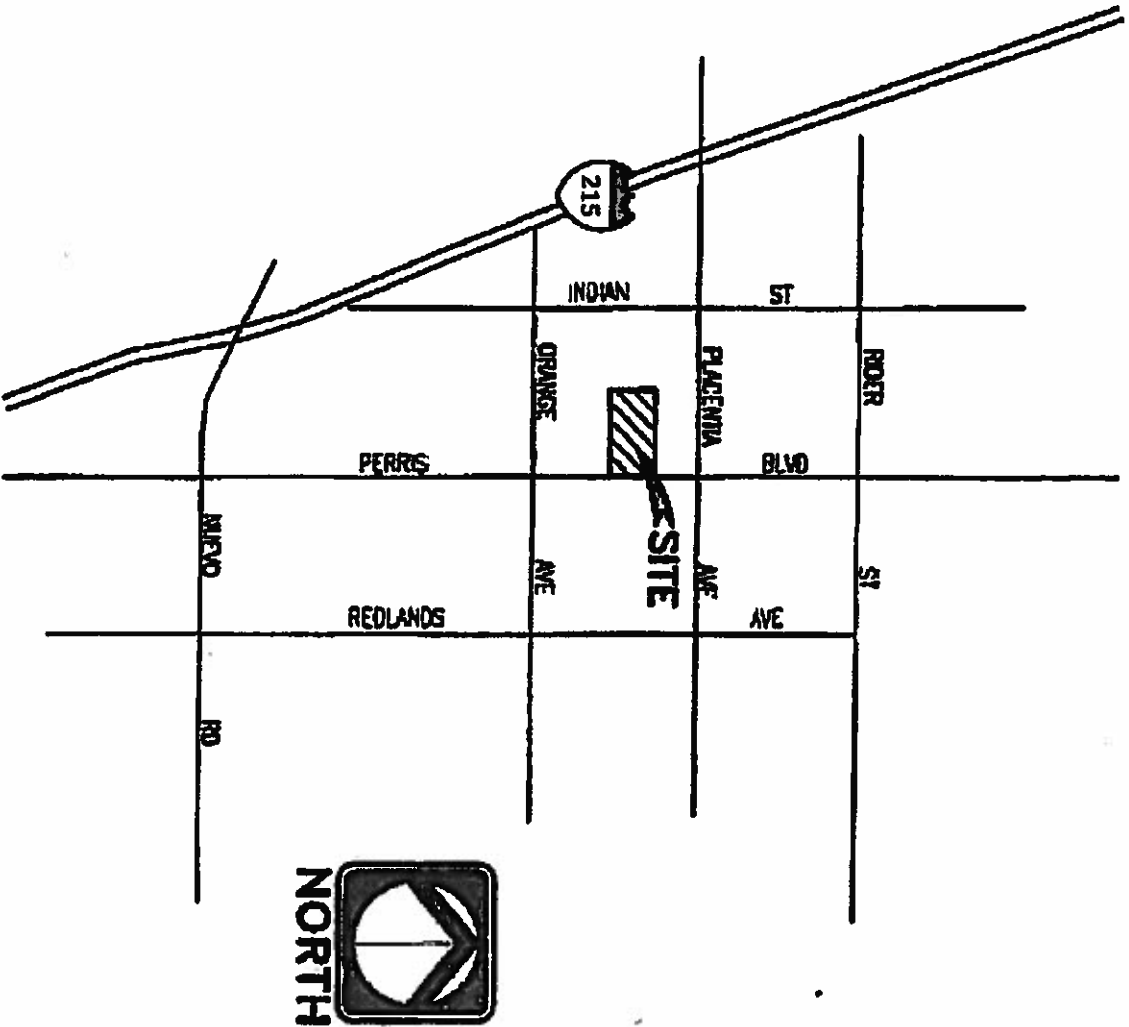
STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, **NANCY SALAZAR**, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 14<sup>th</sup> day of June 2016, by the following vote:

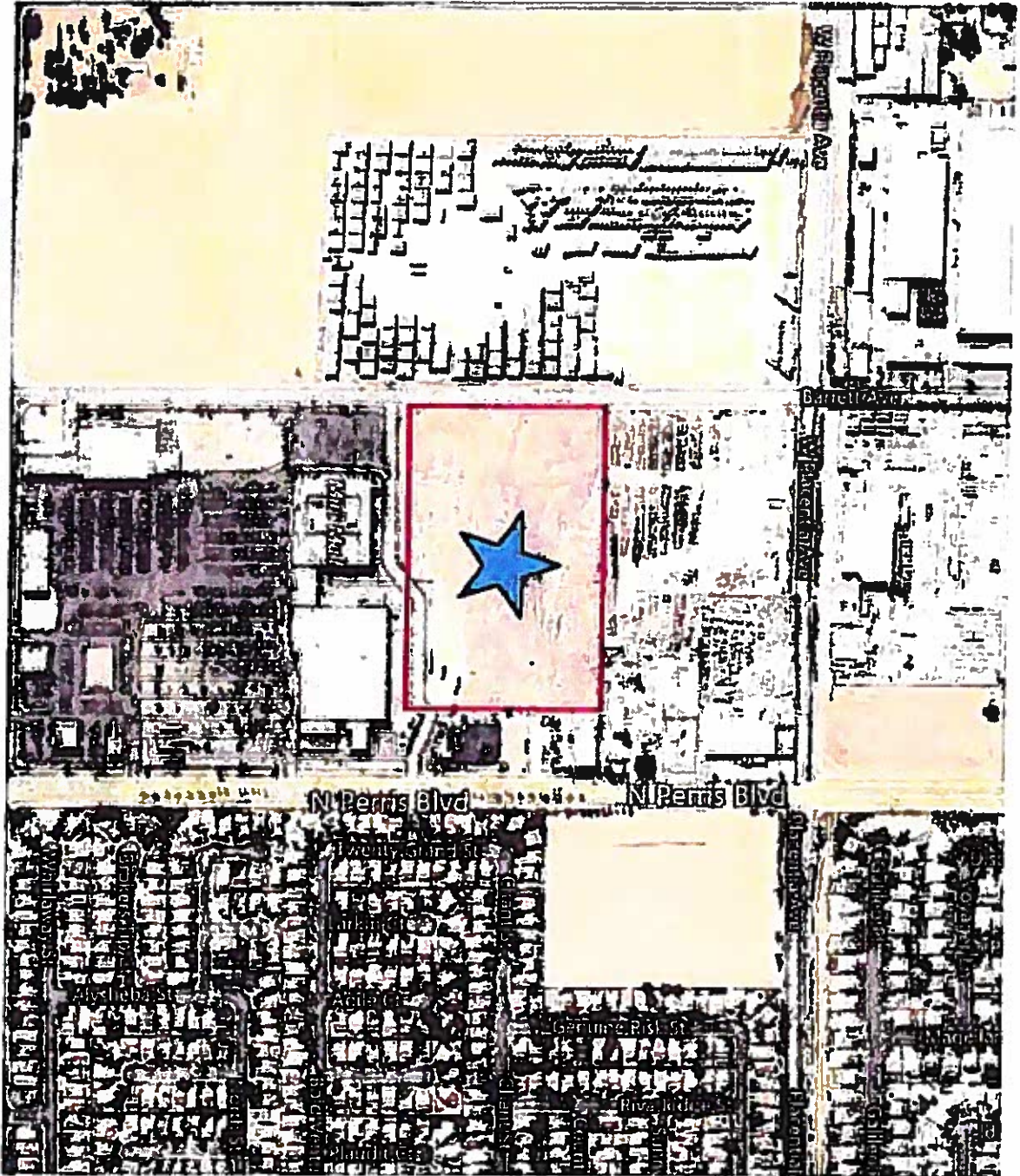
AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
City Clerk, Nancy Salazar

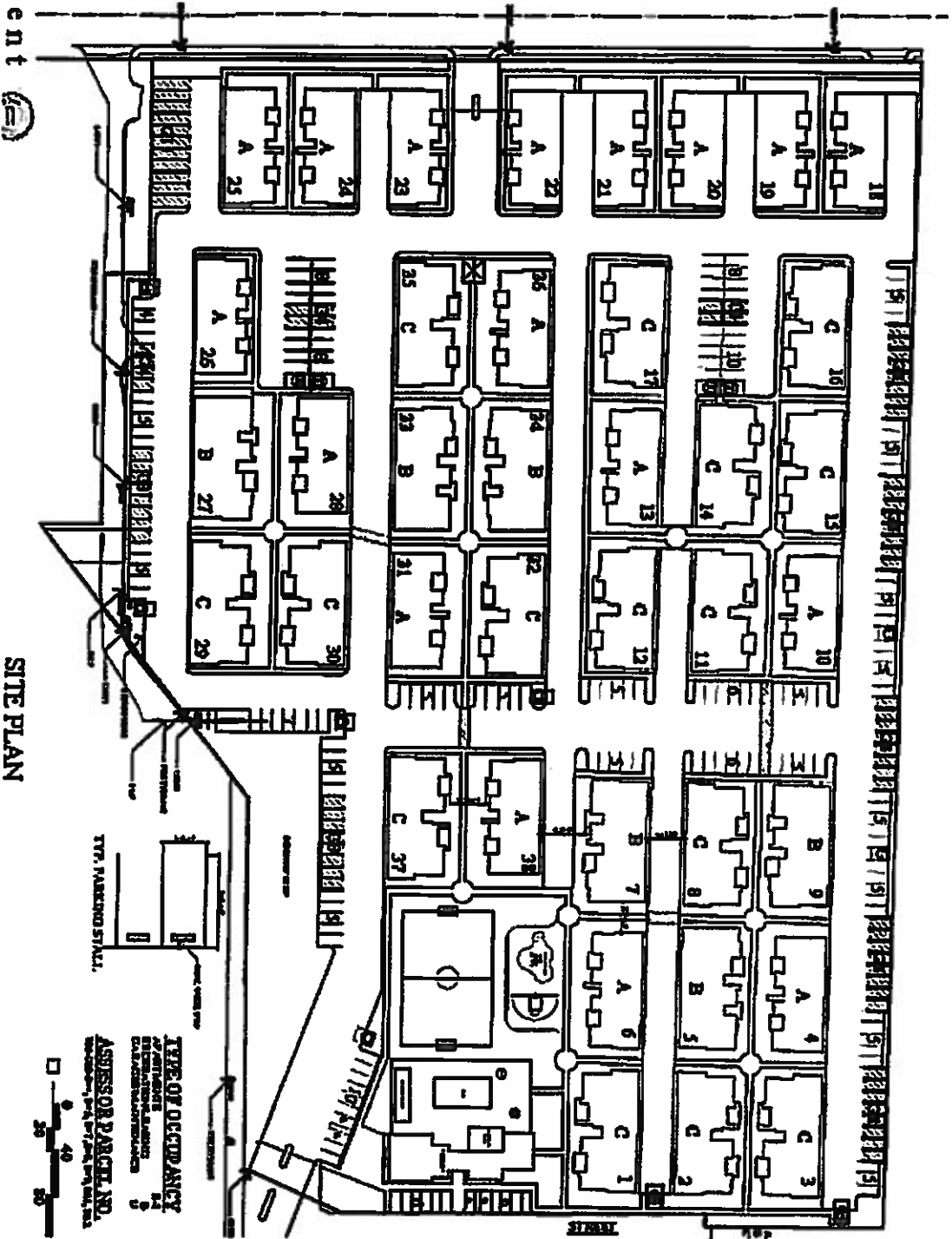
Vicinity Map



Aerial View



Site Plan



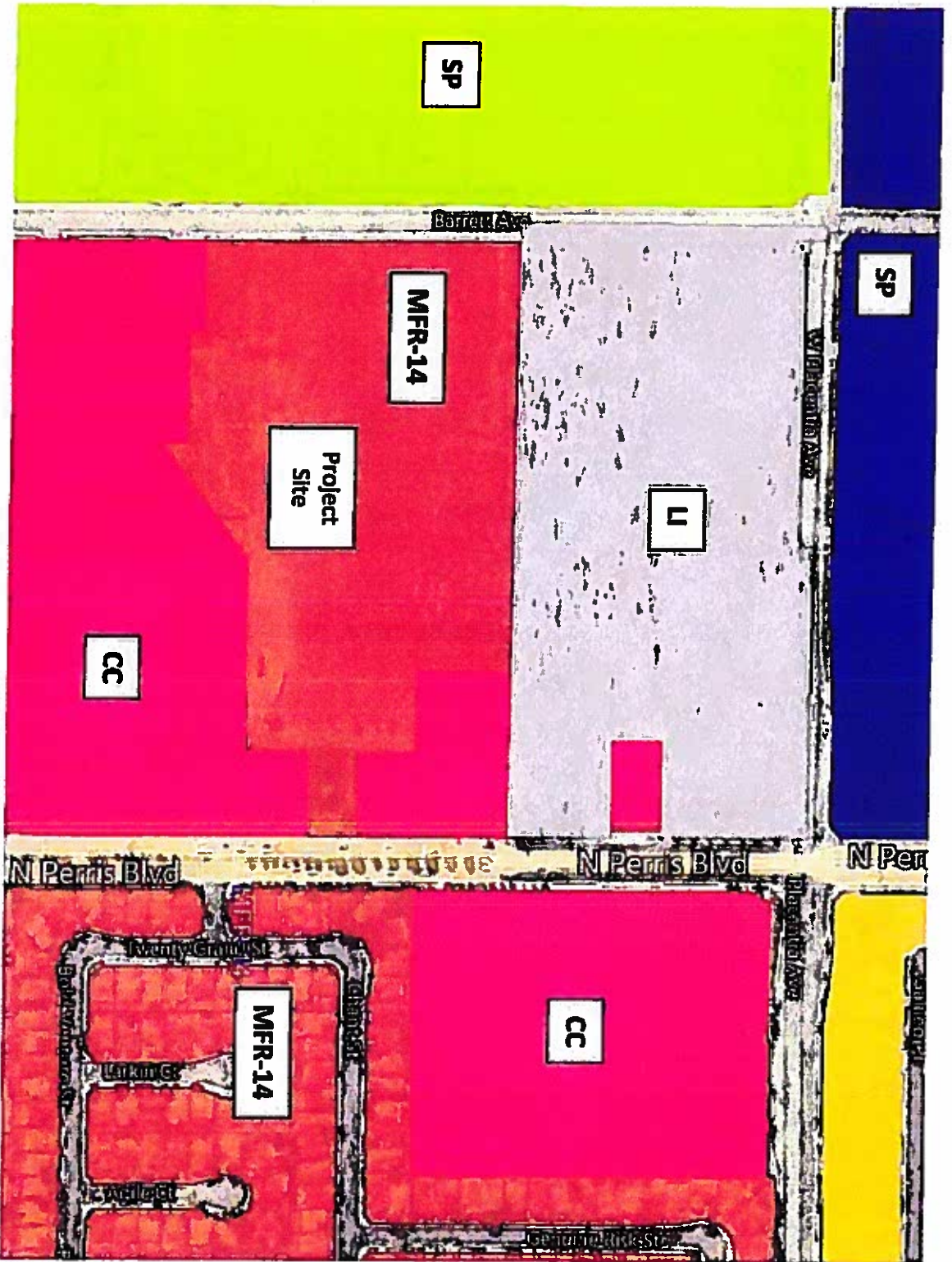
SITE PLAN

TYPE OF OCCUPANCY  
 A APARTMENT  
 B BUSINESS  
 C COMMUNITY  
 D DETACHED

ASSESSOR PARCEL NO.  
 100-100-100-100



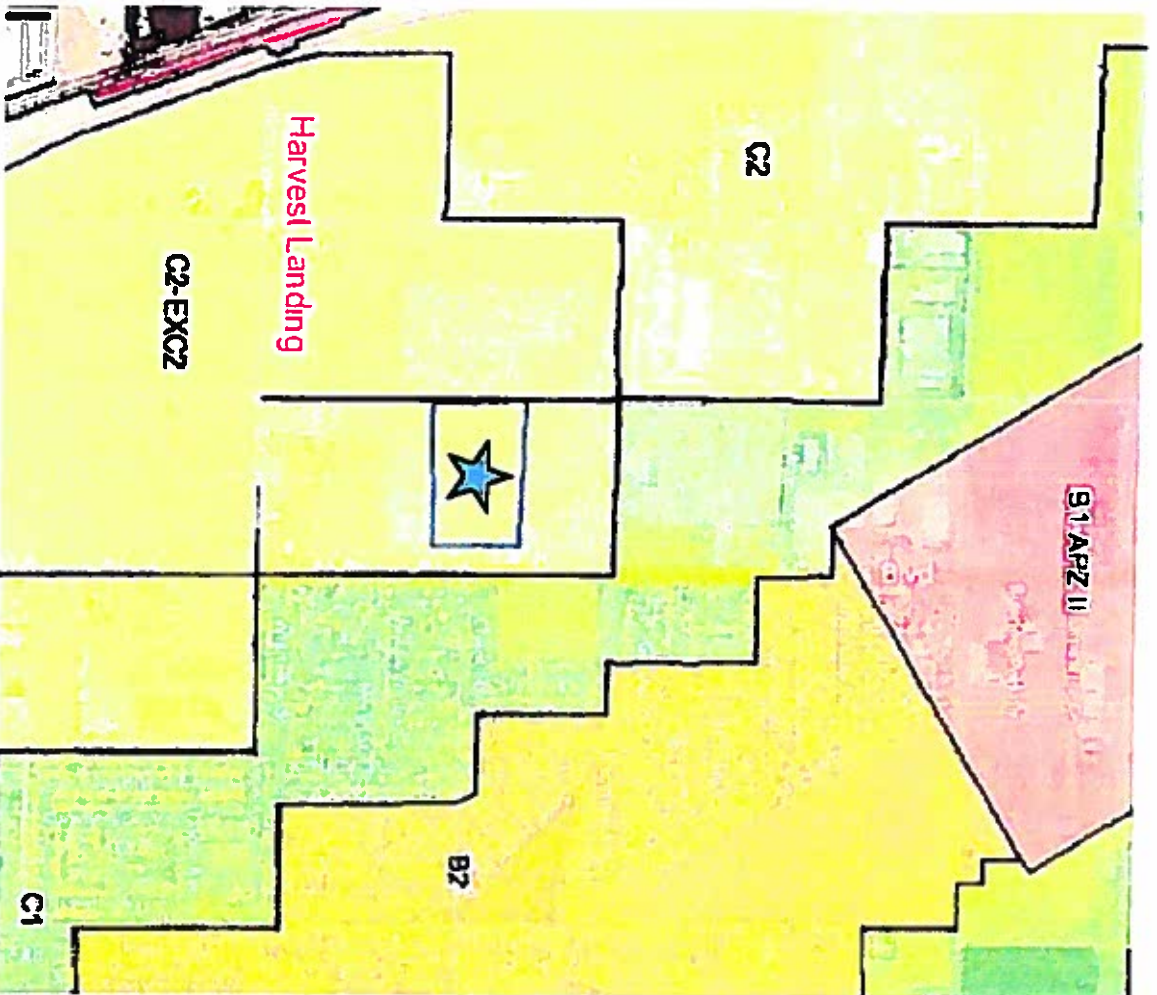
# General Plan and Zoning Designation



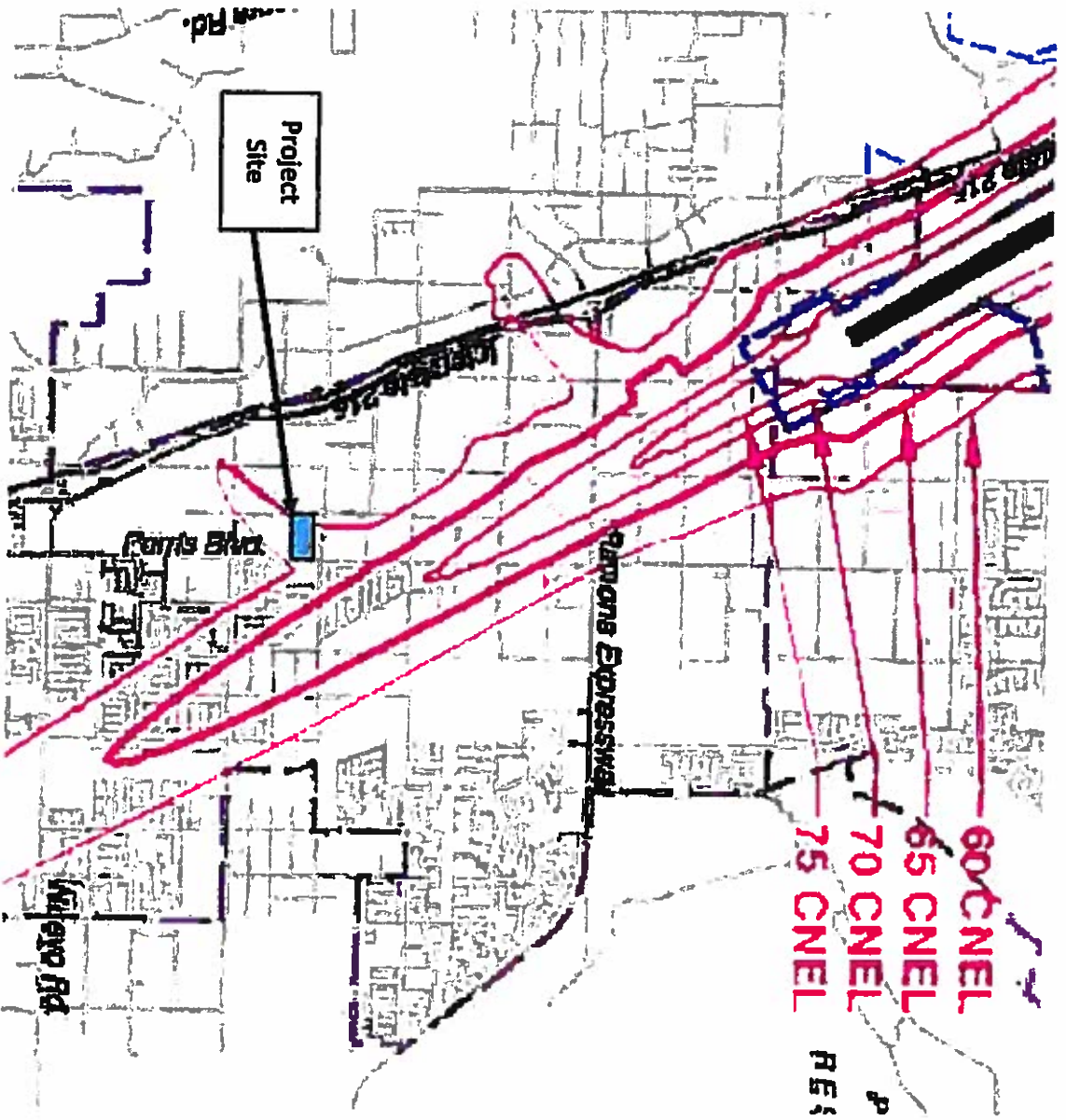
City Council April 26, 2016  
Exhibit D  
General Plan and Zoning

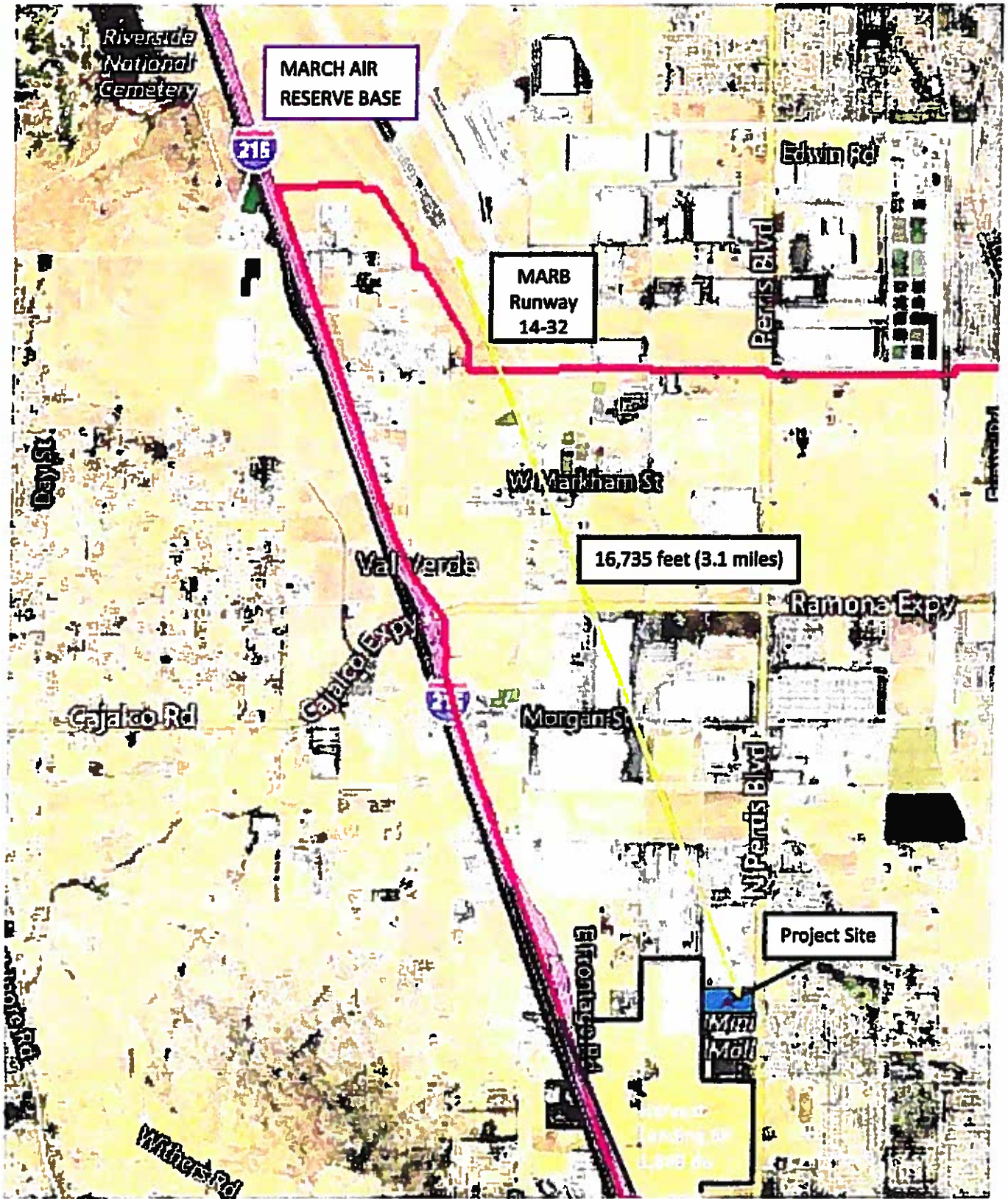


**March ARB Airport Land Use Compatibility Plan**



**Noise Contours**






City Council April 26, 2016  
Exhibit G  
Proximity to MARB

**CITY COUNCIL / SUCCESSOR AGENCY  
AGENDA SUBMITTAL  
Meeting Date: June 14, 2016**

**SUBJECT:** City Hall Campus – Demolition of Dilapidated Structures

**REQUESTED ACTION:** Authorize the City Manager or his designee to finalize and execute related documents.

**CONTACT:** Michael McDermott, Redevelopment & Economic Development Manager 

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**BACKGROUND/DISCUSSION:**

The City no longer uses or needs the row of trailers located behind Development Services nor the old Engineering trailer located next to the Statler building.

Removal will greatly enhance the sites from their currently dilapidated condition, thereby increasing the safety, usability and value of the City owned property.

All trailers were surveyed per donating or selling, all were deemed too dilapidated to move and have no resale value.

The City has received a proposal of \$38,792 with an additional \$850 to survey for lead and asbestos. If in fact lead and/or asbestos is found the proposal may increase substantially.

**BUDGET (or FISCAL) IMPACT:** Community Resource DIF funds of \$39,642.49 plus remediation of lead and/or asbestos if found.

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Reviewed by:  
Assistant City Manager  
Redevelopment & Economic Development Manager  
Attachments: Demolition Proposal  
Consent XX



25125 Felswood Road  
Menifee, CA 92584

Phone 951-244-2235

# PROPOSAL

Fax 888-885-9174

SUBMITTED TO: City of Perris

PROJECT: 135 N D Street Perris, CA

TELEPHONE: 951-943-6100

EMAIL: mmcdermott@cityofperris.org

ATTN: Mike McDermott

We propose to furnish materials, labor and equipment (the work) in accordance with the specifications, terms and conditions as set forth below for the sum of \$ **Please See Below** Payment due within thirty (30) days upon substantial completion of the work. Payment for work completed the preceding month shall be received by the tenth (10th) of the following month and payment in full shall be made within thirty (30) days of completion. A charge of 1 1/2% per month (18% per year) will be charged on past due accounts. Payment in full shall be made if a break of continuity of work exceeds thirty-five (35) days. Proposal good for 30 days after date of submittal.

Graham Crackers-Demo, Inc. hereby proposes the following scope in accordance with job walk on 4-11-2016.

### Location A

Provide operated equipment, labor, trucking, dump fees, dust control and AQMD notification for the demolition and removal of existing structures at first location, approximately 9720 square feet. All debris will be off hauled to a local landfill and/or inert recycler.

Total for the demolition and removal of Existing Structures with non-prevailing labor wages .....\$ 30,962.48  
Total for demolition and removal of Existing Structure with Prevailing labor wages.....\$ 31,797.75

### Location B

Provide operated equipment, labor, trucking, dump fees, dust control and AQMD notification for the demolition and removal of existing structures at second location, approximately 1200 square feet. All debris will be off hauled to a local landfill and/or inert recycler.

Total for the demolition and removal of Existing Structure with non-prevailing labor wages .....\$ 6,716.52  
Total for demolition and removal of Existing Structure with Prevailing labor wages.....\$ 6,994.74

Add Alternative: Provide asbestos/lead survey for both locations.....\$ 850.00

All utilities to be disconnected and/or abandoned prior to start of demolition.

CONDITIONS/EXCLUSIONS: One move-on, straight time work; no footings below 3 feet; unidentified/unusual below grade structural concrete; concrete removal based on six inches (6") or less, asphalt removal based on four inches (4") or less, extra charges will apply for asphalt containing petromat. Excludes all bonds, permits; specialized insurance's; demolition plan, engineer submittals, engineer monitoring/testing/inspection; survey; layouts; identification or location of underground utilities; dewatering, excavation, backfill, grading or compaction; disconnect and/or capping of utilities; removal of underground utilities; removal of unforeseen material, erosion control, SWPPP's (storm water pollution prevention program), shoring or bracing; fencing; barricades, traffic control, dust control, protective covers or canopies; underpinning or falsework; protection of finished surfaces; removal of hazardous waste; concrete cutting or drilling for other trades; noise/vibration control; QA/QC Soils testing; contaminate testing or disposal, hydrocarbon impacted soils, asbestos or lead paint detection or removal, handling/disposal of hazardous or contaminated material by others; selective removals for other trades; Removal of grade beams, caissons or piles is excluded. OUR CONDITIONS/EXCLUSIONS SHALL BECOME A PART OF THE SUBJECT CONTRACT AGREEMENT SHOULD WE BE AWARDED THIS JOB.

Submitted By:

Approved By:

Paul Graham, President

Signature: \_\_\_\_\_

Date of Submittal: 4-11-2016

Date of Acceptance: \_\_\_\_\_



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**BUDGET / FISCAL IMPACT:**

The Annexation of territory into the District increases the tax base to fund the public safety services to be provided to the residents and businesses within the District. The levy of the Special Tax will begin in the fiscal year for which a building permit was issued prior to March 1<sup>st</sup> of the previous fiscal year.

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Prepared by: Daniel Louie, Willdan Financial Services

City Attorney:

Asst. City Manager: *DL*

Public Hearing: June 14, 2016

## NOTICE OF PUBLIC HEARING

City of Perris  
Community Facilities District No. 2001-3  
(North Perris Public Safety)  
Annexation No. 22

NOTICE IS HEREBY GIVEN that at 6:30 p.m. on June 14, 2016, or as soon thereafter as practicable, at City Hall, located at 101 North "D" Street, Perris, California 92570, the City Council of the City of Perris, California (the "City Council") will hold a public hearing on the Annexation of territory ("Annexation No. 22") to City of Perris Community Facilities District No. 2001-3 (North Perris Public Safety) (the "CFD"), the proposed rate, and method of apportionment of the special tax (the "Special Tax") to be levied on certain property within Annexation No. 22.

On May 10, 2016, the City Council adopted Resolution No. 4989 (the "Resolution of Intention") declaring its intention to annex Annexation No. 22 to the CFD pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Act"), and to levy Special Taxes to finance the following public Services:

Fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto.

Except where funds are otherwise available, a special tax sufficient to pay for such services and related incidental expenses authorized by the Act, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the boundaries of the CFD and Annexation No. 22. Commencing with Fiscal Year 2016-2017 a Maximum Special Tax shall be levied as follows: (1) \$329.87 per Single-Family Unit; (2) \$65.97 per Multi-Family Unit; and (3) \$1,319.47 per acre for Non-Residential parcels. For each subsequent fiscal year following Fiscal Year 2016-2017, the Maximum Special Tax may be increased by an amount not to exceed two percent (2.00%) per year.

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the fiscal year the error is believed to have occurred. The City and/or CFD Administrator will then promptly review the appeal and, if necessary, meet with the taxpayer. If the City and/or CFD Administrator verifies that the tax should be changed, the Special Tax levy shall be corrected and, if applicable in any case, a credit shall be applied to the Special Tax levied on such parcel in the subsequent fiscal year.



The Special Tax as levied pursuant to the Rate and Method of Apportionment, shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the CFD may direct bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary, to meet the financial obligations of Annexation No. 22 and the CFD, or as otherwise determined appropriate by the City.

The Special Tax shall be levied in perpetuity to fund public Services provided to Annexation No. 22 and the CFD.

If at least 12 persons have been registered to vote within the territory to be annexed to the CFD for each of the 90 days preceding the close of the public or protest hearing, the vote in the special election shall be by the registered voters of Annexation No. 22 with each voter having one vote. In that event, the special election shall be conducted by the Registrar of Voters of the County of Los Angeles and shall be held on a date selected by the City Council and the ballots for the special election shall be distributed to the qualified electors of Annexation No. 22 by mail with return postage prepaid, and the special election shall be conducted as a mail ballot election.

If at the time of the close of the public hearing less than 12 persons have been registered to vote within the territory of Annexation No. 22, the vote shall be by the landowners of Annexation No. 22, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns within Annexation No. 22. In that event, the special election shall be conducted by the City Clerk.

At the hearing, the testimony of all interested persons, including all taxpayers or persons owning property in the area, for or against the annexation of Annexation No. 22 to the CFD, the extent of Annexation No. 22, the furnishing of a specified type or types of public facilities or services, will be heard. If 50 percent or more of the registered voters residing within the territory proposed to be annexed to the CFD, or the owners of one-half or more of the area of the land in the territory proposed to be annexed to the CFD and not exempt from the Special Tax, file written protests against the annexation of Annexation No. 22 to the CFD, and protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex Annexation No. 22 to the CFD or to levy the Special Tax shall be taken for a period of one year from the date of the decision of the City Council. If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of facilities or services within Annexation No. 22, or against levying a specified special tax, those types of facilities or services or the specified special tax shall be eliminated from the resolution of annexation.

All capitalized terms not defined herein shall be as defined in the Resolution of Intention to Annex Territory to the CFD. The complete texts of the Resolution of Intention to Annex Territory to the CFD, the proposed Rate and Method of Apportionment of the Special Tax among parcels of real property in the CFD and

Annexation No. 22, and the Boundary Map of Annexation No. 22 are on file in the office of the City Clerk and available for public inspection.

If you have any questions, please call the Office of the City Clerk (951) 956-2925.

Dated: June \_\_, 2016

Sincerely,

Nancy Salazar  
City Clerk  
City of Perris

**Resolution No. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 22 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 22**

***WHEREAS***, the City Council (the "Council") of the City of Perris, California (the "City"), acting in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District"), on May 10, 2016, has heretofore adopted its Resolution No. 4989 (the "Resolution of Intention") stating its intention to annex certain territory (the "Property") as described therein to the District pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act") being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Article 3.5 thereof, and calling a public hearing on the question of the proposed annexation of the Property to the District, including the levying of a special tax on the Property and all other matters as set forth in the Resolution of Intention; and

***WHEREAS***, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory proposed for annexation to the District, stating the public services to be provided in and for the Property and a plan setting forth sharing of such services provided in common with the existing District, and specifying the special taxes to be levied within the Property and any alteration in the Rate and Method of Apportionment (as defined therein and incorporated herein by this reference) is on file with the City Clerk of the City; and

***WHEREAS***, the Resolution of Intention set June 14, 2016 as the date of the public hearing and to consider the question of the proposed annexation of the Property to the District, including the levying of a special tax on the Property and all other matters set forth in the Resolution of Intention and this Council held said public hearing as required by law; and

***WHEREAS***, notice of the public hearing was duly given as required by Section 53339.4 of the Act or has been duly waived by the property owner; and

***WHEREAS***, the public hearing was held on June 14, 2016; and

***WHEREAS***, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the annexation of the Property to the District, the levy of the special tax on the Property, and all other matters as set forth in the Resolution of Intention were heard and a full and fair hearing was held; and

**WHEREAS**, at the public hearing evidence was presented to the Legislative Body on the matters before it, and the Legislative Body at the conclusion of the hearing is fully advised as to all matters relating to the proposed annexation of the Property to the District, including the levy of the special tax on the Property; and

**WHEREAS**, it has now been determined that written protests have not been received by registered voters and/or property owners representing more than one-half (1/2) of the area of land proposed to be annexed to the District or within the original District; and

**WHEREAS**, there were not at least twelve (12) registered voters residing within the territory proposed to be annexed to the District during each of the ninety (90) days preceding the closing of the June 14, 2016 public hearing; and

**WHEREAS**, on the basis of the foregoing, the Legislative Body has determined at this time to proceed with the annexation of the Property to the District, and to call an election therein to authorize such annexation, including the levy of the special tax therein (as such tax is more particularly described in the Resolution of Intention) to pay for the public services proposed to be financed by the District;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, acting in its capacity as the Legislative Body of Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, California, as follows:

**Section 1.** That the above recitals are all true and correct.

**Section 2.** Written protests against the annexation of the Property to the District, or against the furnishing of specified services or the levying of a specified special tax within the District, have not been filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the boundaries of the proposed annexation, nor by owners representing one-half (1/2) or more of the area of land proposed to be annexed to the District. All protests and objections, if any, are hereby overruled.

**Section 3.** The Legislative Body does declare the annexation of the Property to the existing District, to be known and designated as "Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22." The Legislative Body hereby finds and determines that all prior proceedings taken with respect to the annexation of the Property to the District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1 of the Act.

**Section 4.** The boundaries and parcels of land to be annexed and in which the public services are to be provided and on which the special taxes will be levied in order to pay the costs and expenses for said public services are generally described as all that territory proposed to be annexed to the existing District as said property is shown

on a map as previously approved by the Legislative Body, said map designated "Annexation Map No. 22 to Community Facilities District No. 2001-3, (North Perris Public Safety)," a copy of which is on file in the office of the City Clerk and shall remain open for public inspection. The map of the proposed boundaries of Annexation No. 22 to the District has been recorded in the Office of the County Recorder of Riverside County, California in Book 79, Page 62 of the Book of Maps of Assessments and Community Facilities Districts (Document Number 2016-0198255).

**Section 5.** The Council finds that the Services, generally described as fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as set forth in Exhibit "B" hereto are necessary to meet the increased demand put upon the City as a result of the development within Annexation No. 22.

**Section 6.** Except where funds are otherwise available, a special tax is hereby authorized, subject to the approval of the landowners as the eligible electors of the District, to levy annually in accordance with procedures contained in the Act, a special tax within the District, secured by recordation of a continuing lien against all nonexempt real property in the District, sufficient to pay for the Services and Incidental Expenses. The rate and method of apportionment and manner of collection of the special tax within the District is described in detail in Exhibit "A" attached hereto and incorporated herein by this reference. Exhibit "A" allows each landowner within the District to estimate the maximum amount that may be levied against each parcel.

**Section 7.** The Rate and Method of Apportionment of the special tax is based on the expected demand that each parcel of real property within the District will place on the Services, on the cost of making the Services available to each parcel within the Property, and on other factors. The Council hereby determines the rate and method of apportionment of the special tax set forth in Exhibit "A" to be reasonable. The special tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act and such special tax is not based upon the value or ownership of real property. In the event that a portion of the property within Community Facilities District No. 2001-3 shall become for any reason exempt, wholly or partially, from the levy of the special tax specified on Exhibit "A," the Council shall, on behalf of Community Facilities District No. 2001-3, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in Exhibit "A," to the extent necessary upon the remaining property within the District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described herein. The obligation to pay special taxes may be prepaid as set forth in Exhibit "A." Upon recordation of a notice of special tax lien pursuant to Streets and Highways Code Section 3114.5, continuing lien to secure each levy of the special tax will attach to all nonexempt parcels within the Property and the lien shall continue in force and effect until the special tax obligation is permanently satisfied and the lien canceled in accordance with the law or until collection of the special tax by the Legislative Body ceases.

**Section 8.** Pursuant to Section 53325.7 and 53326 of the Act, a special election is hereby called on behalf of the District on the proposition of levying the special tax on the territory within Annexation No. 22 to the District and establishing an appropriations limit therein. The proposition relating to the District authorizing the levy of the special tax on the Property and establishing an appropriations limit shall be substantially in the form attached hereto as Exhibit "C."

**Section 9.** The special election for the District on the proposition of authorizing the levy of the special tax on the Property and establishing an appropriations limit shall be held on June 14, 2016.

**Section 10.** It is hereby found that there were not at least twelve (12) registered voters that resided within the territory of the proposed Annexation No. 22 during each of the ninety (90) days preceding the closing of the June 14, 2016 public hearing regarding the levy of the special tax on the territory within Annexation No. 22 and establishing an appropriations limit therein and, pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed by personal service, or by mail, with return postage prepaid, by the Election Official, to the landowners of record within the District as of the close of the public hearing. Each landowner shall have one (1) vote for each acre or portion thereof that he or she owns within the District, as provided in Section 53326 of the Act and may return the ballot by mail or in person to the Election Official not later than 6:30 p.m. on June 14, 2016, or 6:30 p.m. on another election day mutually agreed to by the Election Official and the landowners. In accordance with Section 53326(d) of the Act, the election shall be closed and the results certified by the Election Official as soon as all qualified electors have voted.

**Section 11.** If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing such appropriations limit are cast in favor of levying such special tax within the District as determined by the Legislative Body after the canvass of the returns of such election, the Legislative Body may levy such special tax within the District under the Act in the amount and for the purposes as specified in this Resolution. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a rate lower than that specified herein and the maximum annual tax rate may be lowered. Such special tax may be levied so long as it is needed to pay for the financing of the services.

**Section 12.** If special taxes of the District are levied against any parcel used for private residential purposes, (i) the maximum special tax rate shall not be increased over time except that it may be increased by an amount not to exceed two percent (2.00%) per year to the extent permitted in the rate and method of apportionment; (ii) such tax shall be levied in perpetuity, as further described in Exhibit "A" hereto; and (iii) under no circumstances will such special tax be increased more than ten percent (10%) as a consequence of delinquency or default by the owner of any other parcels within the District by more than ten percent.

**Section 13.** In the event that a portion of the property in the District shall become for any reason exempt, wholly or partially, from the levy of the special tax specified in Exhibit "A" the Council shall, on behalf of the District, increase the levy to the extent necessary upon the remaining property within the District which is not delinquent or exempt in order to yield the required payments, subject to the maximum tax.

**Section 14.** The Council finds that there is not an ad valorem property tax currently being levied on property within the proposed District for the exclusive purpose of financing the provision of the same services to the territory of the District as provided by the Services.

**Section 15.** An appropriations limit for the District is hereby established as an amount equal to all the proceeds of the special tax collected annually and as defined by Article XIII B of the California Constitution, as adjusted for changes in the cost of living and changes in population.

**Section 16.** The Elections Official shall cause to be published once in a newspaper of general circulation the text of Proposition A, along with a description of the election proceedings. The publication shall also state that only the qualified electors in the District may vote on the proposition and that the canvass of the election will take place in the office of the City Clerk following the close of the election. Pursuant to the petition and request, the publication of such notice has been waived by the property owner.

**Section 17.** The District shall constitute a single election pursuant for the purpose of holding said election. Following the close of the election, the election shall be canvassed at the office of the City Clerk, 101 North "D" Street, Perris, California 92570.

**Section 18.** The Office of the City Manager, 101 North "D" Street, Perris, California 92570, (909) 943-6100, or its designee, is designated to be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and for estimating future special tax levies pursuant to Section 53340.2 of the Government Code.

**Section 19.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 6 above:

- A. Such Special Tax with respect to the District shall be levied for the specific purposes set forth in and Section 5 hereof and Proposition A referred to herein.

- B. The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 5 hereof and Proposition A referred to herein.
- C. The District shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.
- D. The City Manager or Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

**Section 20.** The City Clerk is directed to certify and attest to this Resolution, and to take any and all necessary acts to call, hold, canvass and certify an election or elections on the levy of the special tax, and the establishment of the appropriation limit.

**Section 21.** This Resolution shall take effect immediately upon its adoption.



**ADOPTED, SIGNED and APPROVED** this 14th day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14th day of June, 2016, by the following called vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
City Clerk, Nancy Salazar

## Exhibit A

### CITY OF PERRIS COMMUNITY FACILITIES DISTRICT NO. 2001-3 NORTH PERRIS PUBLIC SAFETY

#### SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

##### A. BASIS OF SPECIAL TAX LEVY

A Special Tax shall be levied on all Taxable Property in Community Facilities District No. 2001-3 ("District"), North Perris Public Safety of the City of Perris and collected each fiscal year commencing in Fiscal Year 2005/06 in an amount determined by the Council through the application of this Rate and Method of Apportionment of the Special Tax. All of the real property in CFD No. 2001-3 unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

##### B. DEFINITIONS

**Act** means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

**Administrative Expenses** means the costs incurred by the City to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports, and any other costs required to administer CFD No. 2001-3 as determined by the Finance Director.

**Annual Cost(s)** means for each fiscal year, the total of 1) the estimated cost of services provided through the Police & Fire Protection Program adopted by the City; 2) Administrative Expenses, and 3) any amounts needed to cure actual or projected delinquencies in Special Taxes for the current or previous fiscal year.

**Annual Tax Escalation Factor** means an increase in the Maximum Special Tax Rate each year following the Base Year in an amount not to exceed 2.00% annually.

**Base Year** means Fiscal Year ending June 30, 2006.

**CFD No. 2001-3** means the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris.

**City** means the City of Perris, California.

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**Council** means the City Council of the City of Perris as the legislative body for CFD No. 2001-3 under the Act.

**County** means the County of Riverside, California.

**Developed Parcel** means for each fiscal year, each Parcel for which a building permit for new construction or renovations was issued prior to March 1 of the previous fiscal year.

**District** means the Community Facilities District No. 2001-3, ("CFD 2001-3), North Perris Public Safety of the City of Perris.

**Exempt Parcel** means any Parcel that is not a Residential Parcel or a Non-Residential Parcel. Exempt Parcels are exempt from the levy of Special Taxes.

**Finance Director** means the Finance Director for the City of Perris or his or her designee.

**Fiscal Year** means the period starting July 1 and ending the following June 30.

**Maximum Special Tax** means the greatest amount of Special Tax that can be levied against a Parcel in a given fiscal year calculated by multiplying the Maximum Annual Special Tax Rate by the relevant acres or units of the Parcel.

**Maximum Special Tax Rate** means the amount determined pursuant to Section D below, which will be used in calculating the Maximum Special Tax for a Parcel based on its land use classification. Each fiscal year following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Tax Escalation Factor and otherwise adjusted as provided in this Special Tax Rate and Method of Apportionment.

**Maximum Special Tax Revenue** means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Special Tax.

**Multi-Family Unit** means each multi-family attached residential unit located on a Developed Parcel.

**Non-Residential Acres** means the acreage of a Non-Residential Parcel. The acreage assigned to such a Parcel shall be that shown on the County assessor's parcel map.

**Non-Residential Parcel** means a Developed Parcel for which a building permit(s) was issued for private non-residential use. Non-Residential Parcels do not include Parcels that are intended to be, (1) publicly owned or owned by a regulated public utility, or (2) assigned minimal value or is normally exempt from the levy of general *ad valorem* property taxes under California law, including homeowners association property, public

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utility, public streets; schools; parks; and public drainage ways, public landscaping, greenbelts, and public open space.

**Parcel** means a lot or parcel shown on an assessor's parcel map with an assigned assessor's parcel number located in CFD No. 2001-3 based on the last equalized tax rolls of the County.

**Police & Fire Protection Program** means a program adopted by the Council pursuant to Section 53313 of the Act for the provision, in a defined area of benefit, of police and fire protection services that are in addition to those services that would be provided to the area of CFD No. 2001-3 if CFD No. 2001-3 were not in existence.

**Residential Parcel** means a Developed Parcel for which a building permit(s) was issued for residential use.

**Single-Family Unit** means a Developed Parcel used for single-family detached residential development.

**Special Tax(es)** means any tax levy under the Act in CFD No. 2001-3.

**Taxable Property** means every Residential Parcel and Non-Residential Parcel.

**Zone A** means property designated as Zone A.

**C. DURATION OF THE SPECIAL TAX**

Duration of Special Tax for Taxable Property in CFD No. 2001-3 shall remain subject to the Special Tax in perpetuity.

**D. ASSIGNMENT OF MAXIMUM SPECIAL TAXES**

**1. Classification of Parcels**

Each fiscal year, using the Definitions above, each Parcel of Taxable Property is to be classified as either a Residential Parcel or Non-Residential Parcel. Each Residential Parcel is to be further classified as either a Single-Family Unit or as the number of Multi-Family Units located on such Parcel.

**2. Maximum Special Tax Rates**

**TABLE 1**  
**Maximum Special Tax Rate for Developed Property in**  
**Community Facilities District No. 2001-3**  
**Fiscal Year 2005/06**

Tax Status	Base Year Maximum Special Tax Rate	Tax Levy Basis
Single Family Residential Unit	\$265.30	Per Unit
Multi-Family Residential Unit	\$53.06	Per Unit
Non-Residential Parcel	\$1,061.21	Per Acre

Each Fiscal Year following the Base Year of FY 2005/06, the Maximum Special Tax Rates shall be increase in accordance with the Annual Tax Escalation Factor.

**E. SETTING THE ANNUAL SPECIAL TAX LEVY**

The Special Tax levy for each Parcel of Taxable Property will be established annually as follows:

1. Compute the Annual Costs using the definitions in Section B.
2. Calculate the available special tax revenues by taxing each Parcel of Taxable Property at 100.00% of its Maximum Special Tax. If revenues are greater than the Annual Costs, reduce the tax proportionately against all Parcels until the tax levy is set at an amount sufficient to cover Annual Costs.
3. Levy on each Parcel of Taxable Property the amount calculated above. No Special Tax shall be levied on Exempt Parcels.

The City shall make every effort to correctly assign the number of taxable units and calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

**F. ADMINISTRATIVE CHANGES AND APPEALS**

The Finance Director or designee has the authority to make necessary administrative adjustments to the Special Tax Rate and Method of Apportionment in order to remedy any portions of the Special Tax formula that require clarification.

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Finance Director appealing the levy of the Special Tax. The Finance Director will then promptly review the appeal, and if necessary, meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, a recommendation at that time will be made to the Council and, as appropriate, the

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Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to CFD No. 2001-3.

**G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

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## **Exhibit B**

### **COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, ANNEXATION NO. 22**

#### **TYPES OF SERVICES TO BE FINANCED**

Fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto.

**Exhibit C**

**OFFICIAL BALLOT**

**TO BE OPENED ONLY BY THE CANVASSING BOARD**

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)  
OF THE CITY OF PERRIS, ANNEXATION NO. 22**

**SPECIAL TAX AND APPROPRIATIONS LIMIT ELECTION**

**June 14, 2016**

To vote, mark a cross (+) or (X) in the voting square after the word "YES" or after the word "NO." The voter should then sign the ballot. All distinguishing marks otherwise made are forbidden and will void the ballot.

This ballot is provided to SFP-E, LLC as owner or authorized representative of such sole owner of 2.23 acres of the land within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22 (the "Property") and represents 3 of the votes required for annexation.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Perris at 101 North "D" Street, Perris, California 92570 and obtain another.

**PROPOSITION A:** Shall the Property be annexed and shall a Special Tax be levied within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22 to pay for the provision of fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; and police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as authorized in the Resolution calling election adopted on June 14, 2016 and the Resolution of Intention referred to therein; and shall an appropriations limit be established for Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22 pursuant to Article XIIIB of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population, where said Maximum Special Tax Rate for Fiscal Year 2016-2017 is \$329.87 per Single-Family Residential Unit, \$65.97 per Multi-Family Residential Unit and \$1,319.47 per acre for Non-residential Parcels and is subject to an Annual Tax Escalation Factor not to exceed 2.00% annually

YES

NO

Number of votes: 3

Property Owner: SFP-E, LLC

By: \_\_\_\_\_



Resolution No. \_\_\_\_\_

**Resolution No. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO ANNEXATION NO. 22 AND ORDERING THE ANNEXATION OF SUCH TERRITORY, THE LEVYING OF A SPECIAL TAX WITHIN THE AREA OF ANNEXATION NO. 22 AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN**

The City Council (the "Council") of the City of Perris, California (the "City"), acting in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District"), does hereby resolve as follows:

**WHEREAS**, the Legislative Body called and duly held an election in the District pursuant to Resolution No. \_\_\_\_\_ adopted on June 14, 2016 for the purpose of presenting to the qualified electors within the certain territory proposed to be annexed to the District known and designated as "Annexation No. 22" (the "Property"), a proposition for the levy of a special tax and the establishment of an appropriations limit ("Proposition A") in accordance with the method set forth in Exhibit "A" to Resolution No. 4989 adopted on May 10, 2016 (the "Resolution of Intention"); and

**WHEREAS**, the landowners of record within the Property as of the close of the public hearing held on June 14, 2016 unanimously consented to a waiver of the time limits for setting the election and a waiver of any written analysis, arguments or rebuttals as set forth in California Government Code sections 53326 and 53327. Such waivers are set forth in written certificates executed by the landowners which are on file with the City Clerk as election official (the "Election Official") concurring therein; and

**WHEREAS**, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the special election was held on June 14, 2016; and

**WHEREAS**, there has been presented to this Legislative Body a Certificate of the Election Official as to the Results of the Canvass of the Election Returns (the "Certificate of the Election Official"), a copy of which is attached hereto as Exhibit "A;"

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, acting in its capacity as the Legislative Body of Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, California, as follows:

**Section 1.** That the above recitals are all true and correct.

**Section 2.** The canvass of the votes cast in the Property to be annexed to the District at the special election held on June 14, 2016, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

**Section 3.** Proposition A presented to the qualified electors of the Property for receipt by the Election Official on June 14, 2016, has received a unanimous vote of the qualified electors voting at said election, and Proposition A has carried. The Legislative Body is hereby authorized to take the necessary steps to levy the special tax authorized by Proposition A on the Property.

**Section 4.** The City Clerk is hereby directed to enter the title of this Resolution on the minutes of the Legislative Body and to indicate the official declaration of the result of such special election.

**Section 5.** The Legislative Body hereby determines that the Property is added to and part of the existing District with full legal effect, and hereby authorizes the levy of a special tax at the Rate and Method of Apportionment set forth in Exhibit A to the Resolution of Intention. The whole of the territory within the Property shall be subject to the special tax consistent with the provisions of the Act.

**Section 6.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 3 above:

- A. Such Special Tax with respect to the District shall be levied for the specific purposes set forth in Proposition A and Section 3 hereof.
- B. The proceeds of the levy of such Special Tax with respect to each Improvement Area shall be applied only to the specific purposes set forth in Section 3 hereof and Proposition A referred to therein.
- C. The District shall establish an account or accounts into which the proceeds of such Special Tax with respect to each Improvement Area shall be deposited.
- D. The City Manager, Assistant City Manager and Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

**Section 7.** The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Riverside a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

**Section 8.** This Resolution shall take effect immediately upon its adoption.

**Section 9.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**ADOPTED, SIGNED and APPROVED** this 14<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14<sup>th</sup> day of June, 2016, by the following called vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
City Clerk, Nancy Salazar

**Exhibit A**

**COMMUNITY FACILITIES DISTRICT NO. 2001-3  
(NORTH PERRIS PUBLIC SAFETY)  
OF THE CITY OF PERRIS, ANNEXATION NO. 22**

**CERTIFICATE OF THE ELECTION OFFICIAL  
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS**

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, NANCY SALAZAR, City Clerk in my capacity as Elections Official in the City of Perris, California, in its capacity as the legislative body of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, DO HEREBY CERTIFY, that pursuant to the provisions of Section 53325.4 of the Government Code and Division 15, commencing with Section 15000 of the Elections Code of the State of California, I did canvass the return of the votes cast at the Special Tax Election on June 14, 2016, held in

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)  
OF THE CITY OF PERRIS, ANNEXATION NO. 22**

I FURTHER CERTIFY that the Statement of All Votes Cast, to which this certificate is attached, shows the total number of ballots case within the Property to be annexed to the District for the Proposition, and the totals of the respective columns and the totals as shown for the Proposition are full, true and correct.

WITNESS my hand and Official Seal this 14<sup>th</sup> day of June, 2016.

CITY OF PERRIS, CALIFORNIA, acting as the  
LEGISLATIVE BODY OF THE COMMUNITY  
FACILITIES DISTRICT NO. 2001-3 (NORTH  
PERRIS PUBLIC SAFETY) OF THE CITY OF  
PERRIS

By: \_\_\_\_\_

City Clerk, Nancy Salazar

**COMMUNITY FACILITIES DISTRICT NO. 2001-3  
(NORTH PERRIS PUBLIC SAFETY)  
OF THE CITY OF PERRIS, ANNEXATION NO. 22**

**STATEMENT OF ALL VOTES CAST  
SPECIAL TAX ELECTION**

	Qualified Landowner Votes	Total Votes Cast	YES	NO
City of Perris, Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22, Special Election, June 14, 2016	3	_____	_____	_____

**PROPOSITION A SUBMITTED TO VOTE OF VOTERS:** Shall the Property be annexed and shall a Special Tax be levied within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22 to pay for the provision of fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; and police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as authorized in the Resolution calling the election adopted June 14, 2016 and the Resolution of Intention referred to therein; and shall an appropriations limit be established for Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 22 pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population.

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: June 14, 2016**

**SUBJECT:** Ordinance Repeal: Chapter 10.44 of the Perris Municipal Code, Bicycles

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTIONS 10.44.010, 10.44.020, 10.44.030, 10.44.040, 10.44.060, AND 10.44.070 OF CHAPTER 10.44 OF TITLE 10 OF THE CITY OF PERRIS MUNICIPAL CODE REGARDING THE REGISTRATION AND LICENSING OF BICYCLES**

Ordinance Repeal: Chapter 1.20 of the Perris Municipal Code, Prisoner Labor

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTION 1.20.010 OF CHAPTER 1.20 OF TITLE 1 OF THE CITY OF PERRIS MUNICIPAL CODE REGARDING PRISONER LABOR**

**REQUESTED ACTION:** Introduce for first reading of Ordinance No. \_\_\_\_ to repeal Chapter 10.44 of the Municipal Code of the City of Perris established by Ordinance No. 144 in 1948

Introduce for first reading of Ordinance No. \_\_\_\_ to repeal Chapter 1.20 of the Municipal Code of the City of Perris established by Ordinance No. 32 in 1913

**CONTACT:** Jennifer Erwin, Assistant Director of Finance

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**BACKGROUND/DISCUSSION:**

At the March 16, 2016 Ways and Means Subcommittee meeting, a recommendation to review the City's Municipal Code for outdated chapters was made to staff. The City Council approved this recommendation on March 29, 2016 at its regularly scheduled meeting.

In 1948, Ordinance No. 144 was adopted and created Chapter 10.44 of the City of Perris Municipal Code. An amendment to this ordinance was approved by Ordinance No. 404 on June 11, 1973. In 1913, Ordinance No. 32 was adopted and created Chapter 1.20 of the City of Perris Municipal Code. An amendment to this ordinance was approved by Ordinance No. 384, Section 3(a), on July 10, 1972. Both Municipal Code Chapters were

reviewed with the Ways and Means Subcommittee on May 17, 2016 and determined to be outdated.

Staff recommends the City Council approve the repeal of these ordinances. A second reading will occur at the next regularly schedule City Council meeting.

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**BUDGET (or FISCAL) IMPACT:** None

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Reviewed by:

City Attorney

Assistant City Manager *lc*

Attachments:

1. City of Perris Ordinance Repealing Chapter 10.44 of the Municipal Code
2. City of Perris Ordinance No. 144 Creating Chapter 10.44 of the Municipal Code
3. City of Perris Ordinance No. 404 Amending Ordinance No. 144
4. City of Perris Ordinance Repealing Chapter 1.20 of the Municipal Code
5. City of Perris Ordinance No. 32 Creating Chapter 1.20 of the Municipal Code
6. City of Perris Ordinance No. 384 Amending Ordinance No. 32

Public Hearing

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTIONS 10.44.010, 10.44.020, 10.44.030, 10.44.040, 10.44.060, AND 10.44.070 OF CHAPTER 10.44 OF TITLE 10 OF THE CITY OF PERRIS MUNICIPAL CODE REGARDING THE REGISTRATION AND LICENSING OF BICYCLES**

**WHEREAS**, on March 5, 1948, the City Council adopted Ordinance No. 144, which enacted Sections 10.44.010, 10.44.020, 10.44.030, 10.44.040, 10.44.060, and 10.44.070 of Chapter 10.44 of the City of Perris Municipal Code; and

**WHEREAS**, Ordinance No. 144 was amended by Ordinance No. 404 on June 11, 1973; and

**WHEREAS**, the City Council has determined to repeal old ordinances and sections of the Municipal Code that are no longer applicable.

**WHEREAS**, the City Council now desires to repeal these sections.

**THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

**Section 2.** No Repeal of other Provisions. Ordinance 144 and Ordinance 404 are hereby repealed. Unless expressly modified or added herein, all provisions of Title 10 remain in full force and effect.

**Section 3.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 4.** Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**Section 5.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.



**ADOPTED, SIGNED and APPROVED** this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Daryl R. Busch, Mayor

**ATTEST:**

\_\_\_\_\_

Nancy Salazar, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF PERRIS )

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the \_\_\_ day of \_\_\_\_\_, 2016, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Nancy Salazar, City Clerk

## ORDINANCE NO. 144

AN ORDINANCE OF THE CITY OF PERRIS PROVIDING FOR  
THE REGISTRATION OF BICYCLES IN SAID CITY  
AND PROVIDING PENALTY FOR VIOLATION THEREOF

The City Council of the City of Perris, California, does ordain as follows:

SECTION 1. It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the City of Perris, California, without first obtaining from the Police Department a license therefor.

SECTION 2. The Police Department is hereby authorized and directed to issue, upon written application, bicycle licenses which shall be effective for each calendar year, except that the remainder of the calendar year in which this ordinance becomes effective shall be deemed a full calendar year. Said licenses when issued shall entitle the licensee to operate such bicycle for which said license has been issued upon all the streets, alleys and public highways, exclusive of the sidewalks thereof, in the City of Perris.

SECTION 3. The City of Perris shall provide each year suitable license plates and seals, together with registration cards, said license plates and registration cards having numbers stamped thereon in numerical order, beginning with Number 1, and indicating the year for which the same are issued, and the letters PEL stamped thereon; such license plates shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the Police Department to attach one such license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license fee herein provided for. Such license plates shall remain attached during the existence of such license. The Police Department shall keep a record of the date of issue of each license, to whom issued and the number thereof.

SECTION 4. All persons engaged in the business of buying second-hand bicycles are hereby required to make daily report to the Police Department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the license plate found thereon, if any. All persons engaged in the business of selling new or second-hand bicycles are hereby required to make a daily report to the Police Department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the license plate attached thereto, if any.

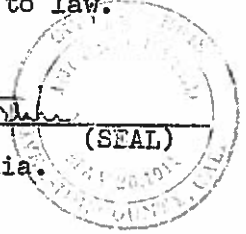
SECTION 5. It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the Police Department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within five days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of said sale or transfer.



I, Mildred E. Martin, City Clerk of the City of Perris, California, hereby certify that the foregoing is a true and correct copy of Ordinance No. 144 of the City of Perris, California, and that the same has been published pursuant to law.

*Mildred B. Martin*

City Clerk  
City of Perris, California.



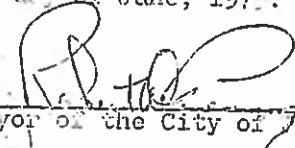
AN ORDINANCE OF THE CITY OF PERRIS, CALIFORNIA, AMENDING CHAPTER 10.44 OF THE PERRIS MUNICIPAL CODE RELATING TO LICENSING OF BICYCLERS

The City Council of the City of Perris does ordain as follows:


Section 1. Section 10.44.070 of Chapter 10.44 is amended to change the license fee of "fifty cents" in the second line of the first paragraph thereof to "One Dollar".

Section 2. This Ordinance shall be published according to law and become effective January 1, 1974.

PASSED AND ADOPTED by the City Council of the City of Perris at its regular meeting held on the 11th day of June, 1973.

  
Mayor of the City of Perris

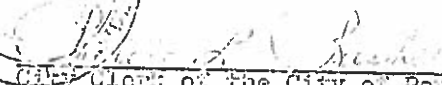
ATTEST:

  
City Clerk

(STATE OF CALIFORNIA)  
COUNTY OF RIVERSIDE) ss.

I hereby certify that the foregoing Ordinance was introduced by the City Council of the City of Perris at an adjourned regular meeting held on May 21, 1973 and duly adopted by said Council at a regular meeting thereof held on June 11, 1973 by the following voters:

AYES: McGroty, Perry, Melander,  
Roberts and Senger.  
NOES: None.  
ABSENT: None.

  
City Clerk of the City of Perris

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REPEALING SECTION 1.20.010 OF CHAPTER 1.20 OF TITLE 1 OF THE CITY OF PERRIS MUNICIPAL CODE REGARDING PRISONER LABOR**

**WHEREAS**, on August 15, 1913, the City Council adopted Ordinance No. 32, which enacted Section 1.020.010 of Chapter 1.20 of the City of Perris Municipal Code; and

**WHEREAS**, Ordinance No. 32 was amended by Ordinance No. 384, Section 3(a) on July 10, 1972; and

**WHEREAS**, the City Council has determined to repeal old ordinances and sections of the Municipal Code that are no longer applicable.

**WHEREAS**, the City Council now desires to repeal these sections.

**THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

**Section 2.** No Repeal of other Provisions. Ordinance 32 and Ordinance No. 384, Section 3(a), are hereby repealed. Unless expressly modified or added herein, all provisions of Title 10 remain in full force and effect.

**Section 3.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 4.** Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**Section 5.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Daryl R. Busch, Mayor

**ATTEST:**

\_\_\_\_\_

Nancy Salazar, City Clerk



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF PERRIS )

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the \_\_\_ day of \_\_\_\_\_, 2016, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

---

Nancy Salazar, City Clerk

ORDINANCE NO. 32

AN ORDINANCE PROVIDING FOR THE FORCING OF CRIMINALS  
TO WORK ON THE STREETS AND OTHER PUBLIC WORKS OF  
THE CITY OF PERRIS.

The Board of Trustees of the City of Perris do ordain as follows:

Section 1. That in all cases of the entry of a judgment against any person for any violation of the Ordinance of the City of Perris wherein the said persons shall be sentenced to pay a fine, the court shall have power to make it a part of the Judgment that the defendant be imprisoned until the fine is paid and satisfied at a rate of one dollar per day. And the Court may make it a part of the Judgment and sentence that such person, if physically able shall perform labor on the streets and other public works of said City until such fine shall be discharged at the rate of one dollar per day.

For each day which said person so convicted may pass in prison he shall be entitled to a credit of one dollar per day upon his fine and he may at any time pay the sum remaining unsatisfied and obtain his discharge from custody. And in all cases of the entry of judgment against any person for any violation of the Ordinances of the City of Perris wherein the said person shall be sentenced to imprisonment, the said person may be forced, if physically able and the court may make it a part of the judgment that he be forced to perform labor on the streets and other public works of said City during the term of said imprisonment, provided that in no case shall any person under sixteen years of age or any female be forced to work upon the public works of said city.

Section 2. This Ordinance shall take effect immediately.

Enacted Aug. 15, 1913.

The above ordinance was passed by the affirmative vote of at least three trustees, and signed and attested this 15th day of August, 1913, by the following vote:

Ayes: Jas. Malcolm, W. C. Short, J. W. Reese  
Nays: J. W. Lowery  
Absent: R. D. Ingraham

Attest: H. W. Akin  
City Clerk

Approved: John W. Reese  
President of the board of trustees

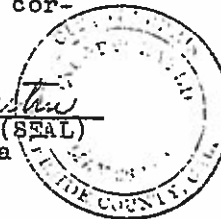
The above ordinance was posted according to law on the 20 day of August, 1913.

H. W. Akin  
City Clerk

STATE OF CALIFORNIA, )  
COUNTY OF RIVERSIDE, ) ss.  
CITY OF PERRIS. )

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 32 of the City of Perris.

Mildred B. Masten  
City Clerk (SEAL)  
City of Perris, California



ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF PERRIS REPEALING  
AND AMENDING OUTDATED ORDINANCES

The City Council of the City of Perris, California, does  
ordain as follows:

Section 1. The following ordinances of the City of Perris,  
California, are hereby repealed in their entirety:

Ordinances No. 11, 36, 64, 88, 108, 136, 169, and 170.

Section 2. The following ordinances of the City of Perris,  
California, are repealed as to the portions thereof specified  
herein:

Ordinances No. 51, Sec. 1 through 11; 74, Sec. 5, 8th  
paragraph; 91, Sec. 1, 10, and 13; 94, Sec. 2; 103, Sec. 3; 244,  
Sec. 2; 298, Sec. 1-4; 327, all except for Sec. 6; 313, Sec. 13;  
360, Sec. 3.

Section 3. The following ordinances of the City of Perris,  
California, are amended as follows:

(a) In Ordinance No. 32, Sec. 1, the figure "\$1" is amended  
to read "\$5."

(b) In Ordinance No. 3, Sec. 1, the amounts of the bonds are  
increased as follows - City Clerk, \$2,000; City Treasurer, City  
Manager, and Water Clerks, \$1,000 each; and the references to City  
Marshall and Recorder are hereby deleted in their entirety.

(c) In Ordinance No. 74, Sec. 4, after the word "assigned,"  
the words "without authorization of the City of Perris" are hereby  
added; in Sec. 5, after the word "issued," the words "shall be"  
are hereby added, and after the word "year" the words "at a pro

LAW OFFICES  
WILLIAM R. BAILEY, JR.  
3800 MARKET STREET  
POST OFFICE BOX 708  
RIVERSIDE, CALIFORNIA 92502  
TELEPHONE 882-3302

1 ratio rate," are hereby added.

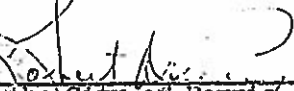

2 (d) In Ordinance No. 110, Sec. 3, the references to the  
3 "Act of May 26, 1915" is deleted and "California Government Code,  
4 Sections 39560-39587, as amended" is hereby substituted therefor.


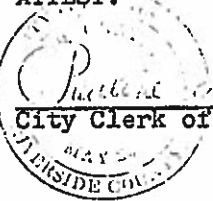
5 (e) In Ordinance No. 154, Sec. 1, the reference to Health  
6 and Safety Code, "Sections 12500 and 12501" are amended to read  
7 "Sections 12503 and 12504."; in Sec. 2 the reference to the "Health  
8 and Safety Code Sections 12507, 12508, 12509 and 12510" is amended  
9 to read "Health and Safety Code, Sections 12600-12610 as amended"  
10 and any requirement for a permit for safe and sane fireworks is  
11 hereby deleted.

12 (f) In Ordinance No. 360, Sec. 2, after the words "Uniform  
13 Wiring Code," the words "published by the Southern California  
14 Chapter, International Association of Electrical Inspectors" are  
15 hereby added.

16 Section 4. This Ordinance shall take effect 30 days after its  
17 adoption and shall be published according to law.

18 Passed and adopted by the City Council of the City of Perris  
19 at its regular meeting held on the 10th day of July, 1972.

20  
21   
22 Mayor of the City of Perris  
23 


24 ATTEST:  
25   
26 City Clerk of the City of Perris  
27 

LAW OFFICES  
WILLIAM R. BAILEY, JR.  
5900 MARKET STREET  
POST OFFICE BOX 708  
RIVERSIDE, CALIFORNIA 92502  
TELEPHONE 952-3502

1 STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss:

2  
3 I hereby certify that the foregoing Ordinance was introduced  
4 by the City Council of the City of Perris at an adjourned regular  
5 meeting held on June 26, 1972, and adopted by said Council at a  
6 regular meeting thereof held on the 10th day of July, 1972, by the  
7 following votes:

8 AYES Councilmen McGroty, Perry, Senger and  
9 NOES None. Stewart.  
10 ABSENT Councilman Nelander.

11  
12   
13 City Clerk of the City of Perris


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LAW OFFICES  
WILLIAM R. BAILEY, JR.  
3900 MARKET STREET  
POST OFFICE BOX 708  
RIVERSIDE, CALIFORNIA 92502  
TELEPHONE 682-3502

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: June 14, 2016**

**SUBJECT:**                    **ALUC OVERRULE** of the Riverside County Airport Land Use Commission's (ALUC) decision that the proposed 77-unit single family residential planned development located on the northwest corner of Murrieta Road and Water Avenue is inconsistent with their March ARB Airport Land Use Plan. Applicant: Tom Mungari

**REQUESTED ACTION:**    **ADOPT A RESOLUTION**, containing findings, to overrule ALUC's decision of inconsistency with the March ARB Airport Land Use Compatibility Plan for a 77-unit single family residential planned development (Development Plan Review 15-00012, Planned Development Overlay Zone 15-05197, General Plan Amendment 15-0199, Zone Change 15-05200 and Tentative Tract Map 36797)

**CONTACT:**                    Clara Miramontes, Director of Development Services 

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**BACKGROUND/DISCUSSION:**

The proposed 77-unit single family residential development is on 19 acres located on the northwest corner of Murrieta Road and Water Avenue. This project is in the March Air Reserve Base (MARB) Influence Area B2 and C1, and is subject to ALUC review for compliance with their Comprehensive Land Use Plan. The site is zoned R-20,000 and the applicant is proposing requesting a General Plan Amendment and Zone Change to R-10,000. A General Plan Amendment or Zone Change requires ALUC review.

On January 14, 2016, ALUC determined the project to be inconsistent with the March ARB Airport Land Use Compatibility Plan. The project site is located within the Compatibility Zones B2 and C1. Compatibility Zone B2 does not allow any new residential lands uses and Compatibility Zone C1 typically allow residential densities at or below 3.0 dwelling units per acre. The project proposes a density of 3.9 units over the entire 19 acres, which is covered by both B2 and C1 Compatibility Zones.

At the February 23, 2016 City Council meeting, the Council authorized staff to initiate an intent to overrule ALUC's decision based on the unique circumstances of the project site and its surrounding area. In accordance with the Public Resources Code, the City provided ALUC and the State Division of Aeronautics with a copy of the Council's intent and draft findings at least 45 days before a final decision is made. Comment letters were received by the California Department of Transportation (CalTrans), ALUC and MARB. ALUC commented that they appreciate the City's willingness to apply ALUC's recommended conditions of approval to mitigate hazards to flight and base operations in event that the City proceeds with an overrule and approves the project.

MARB commented that even though this site and project is compatible with the guidance found in the Air Installations Compatible Use Zones Program, it is probable that a residential development at this location could have a negative impact on current and future flight operation for MARB. There may be mitigation steps that could be implemented that could reduce the potential for noise complaints, and it would be our desire that all such steps are researched and implemented if at all possible. As mentioned above, staff is incorporating recommended conditions of approval provided by ALUC and construction requirements to mitigate noise concerns. CalTrans commented that the City's findings do not provide substantial evidence to warrant the over rule. CalTrans is required to provide assistance to cities, counties and ALUCs in the implementation of policies and rather provide input and guidance.

The subject site is one of the last large undeveloped parcels for residential development in the area. The site had a previous application for a residential development; however, the tract map was never completed due to the housing market downturn in 2007. Other residential developments with similar densities in the same Compatibility Zones B2 and C1 exist within the surrounding area. Tract Map 32428 "Skylark" is located just south of this project and has a density of 4.4 dwelling units per acre. Tract Map 31241 is north of the project site and has a density of 5.1 dwelling units per acre. In addition, the City of Perris Municipal Code has standards of insulation against noise for areas in vicinity of airport where the exterior community noise equivalent level exceeds 60 decibel (CNEL). Residential developments such as noise impacted areas shall be designed and constructed so as to isolate them appropriately from interior noise exposures produced by aircraft operations. The majority of the Tentative Tract is between the 60-65 decibel (CNEL) contour line for aircraft noise from MARB. The project will be conditioned to have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than 40dB. As well, ALUC has provided recommended conditions of approval if an overrule is approved.

City may overrule the ALUC by two-thirds vote of the City Council if findings are made to warrant an over rule. Findings have been prepared and included in the attached resolution. Staff is recommending that the City Council overrule ALUC's decision of inconsistency; finding that this project would be consistent with the existing surrounding land uses and incorporating ALUC's recommended conditions and citywide policies to reduce noise impacts and hazards to protect the public welfare and base operations. If the overrule is approved by the City Council, the entitlement applications will then be scheduled for a public hearing by the Planning Commission and City Council.

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item is borne by the applicant.

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**PREPARED BY:** Ilene Lundfelt, Associate Planner

**Assistant City Manager:** Ron Carr *RC*

**Public Hearing:** June 14, 2016

**Attachments:**

- A. Resolution, including Findings
- B. Notice of Intent to Overrule Letter to Agencies
- C. Comment Letters from ALUC, MARB and CalTrans
- D. February 23, 2016 City Council Submittal

**RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY FOR DEVELOPMENT PLAN REVIEW 15-00012 PLANNED DEVELOPMENT OVERLAY ZONE 15-05197 GENERAL PLAN AMENDMENT 15-05199 ZONE CHANGE 15-05200 AND TENTATIVE TRACT MAP 36797.**

**WHEREAS**, the City of Perris has received an application for Development Plan Review 15-00012, Planned Development Overlay 15-05197, General Plan Amendment 15-0199, Zone Change 15-05200, and Tentative Tract Map 36797, 77-unit single family residential subdivision, located on the northwest corner of Murrieta Road and Water Avenue; and

**WHEREAS**, the proposed project known as Perris Estates, is within the March Air Reserve Base Influence Area, and is therefore subject to ALUC review as the General Plan of the City has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB"); a General Plan Amendment or Zone Change requires ALUC review; and

**WHEREAS**, at the ALUC hearing on January 14, 2016, ALUC found the proposed Development Plan Review 15-00012, Planned Development Overlay 15-05197, General Plan Amendment 15-0199, Zone Change 15-05200, and Tentative Tract Map 36797 to be inconsistent with the 2014 ALUCP in regards to density of over 3 dwelling units per acre in the C1 zone and no new residential development in the B2 zone; and

**WHEREAS**, at the City Council hearing on February 23, 2016, the City Council upon reviewing the information submitted authorized staff to move forward with ALUC overrule as required in accordance with Public Utility Code (PUC) Section 21676.59(a); and

**WHEREAS**, a 45-Day Notice of Intent to Overrule and Draft Findings were provided to ALUC and the Caltrans Division of Aeronautics as required by Sections 21676(b) of the Public Utilities Code; and

**WHEREAS**, a public hearing to consider ALUC Overrule has been duly noticed; and

**WHEREAS**, a public hearing was held on June 14, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and



***THE CITY COUNCIL OF THE CITY OF PERRIS*** does further resolve as follows that pursuant to Public Utilities code section 21676(b), the City Council hereby intends to overrule the ALUC decision, based on the following specific findings:

1. The proposed project site is located approximately 4 miles north of the Perris Valley Airport and outside the safety zones and main approach areas.
2. The proposed project site is located approximately 19,200 feet southeasterly of the March ARB runway, and within March Air Reserve Base Influence Area. At a distance approximately 19,200 feet from the runway, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1680 feet AMSL. The proposed grading plan despite a maximum pad elevation of approximately 1439.6 feet AMSL (on lot 1, located closest to the runway) and a maximum proposed building height of 30 feet (per the R-6,000 Zone) for a total maximum elevation of 1469.6 feet AMSL. There for the proposed residences would have a top point elevation below the runway elevation and review by FAA Obstructing Evaluation Service for height/obstruction reason would not be required.
3. Other residential developments with similar densities in the same Compatibility Zones B2 and C1 existing within the surrounding area. Tract Map 32428 "Skylark" that is just south of this project has a density of 4.4 dwelling units per acre. Tract Map 31241 that is north of the project site has a density of 5.1 dwelling units per acre. This tract is approximately 14,800 feet southeasterly of the March ARB runway.
4. The area surrounding the site does include residential development at varying densities with some vacant properties to the north. Densities in the more rural surrounding areas to the north, east and a portion of the area south are between 1 and 2 dwelling units per acre. The density of the area to the west is approximately 3.43 dwelling units per acre along approximately 670 feet of the site perimeter. The density of the remaining portion of the area to the south is approximately 3.19 dwelling units per acre along approximately 950 feet of the perimeter. In total, the two areas with existing densities greater than 3.0 dwelling units per acre represent approximately 1,620 feet of the total approximated 3,835 foot perimeter or approximately 42% of the perimeter.
5. In connection with adoption of General Plan 2030, and certification of a Final Environmental Impact report for General Plan 2030, the City Council found inconsistencies between the General Plan 2030 land use element and the AICUZ to be

significant and unavoidable, and adopted the General plan 2030 upon finding overriding considerations. Thus, the City Council has already recognized that development within the City will not necessarily be consistent with the AICUZ. As a result of the adoption of the 2014 March ALUCP, the City's previous overrule is no longer applicable and all discretionary actions within the updated March AIA require ALUC review.

- i. On November 13, 2014 the Riverside County Airport Land Use Commission adopted the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP) to reflect future air craft operations. This Compatibility Plan now superseded the 1984 Riverside County Airport land Use Which was Previously in effect within the march Air Reserve Base Airport Influence Area (AIA).
- ii. In the 1990s, the Federal Government ceased or reduced military operations at several military bases throughout the United States. The bases were "realigned" for civilian use and/or military reserve uses. Subsequent to the base realignment process in 1996, March Air Force Base (AFB) became March Air Reserve Base (ARB), and portions of the former Air Force base were reserved for use as a commercial airport. The March Joint Powers Authority (JPA) was created to oversee conversion and operation of the commercial airport, March Global Port. Airport Influence Area boundaries around March AFB were adopted by the County of Riverside Airport Land Use Commission (ALUC) in May, 1986, and became part of the County's Airport Land Use Plan (ALUP). As of the calendar year 2012, fewer than 100 annual operations by civilian aircraft have occurred since discontinuation of commercial air cargo aircraft activity.

The March Air Reserve base remains an active military Facility hosting the 452th Air Mobility Wing and fourteen other numbered military units as well as specialty facilities such as American Forces Network Broadcast Center and the Navy Operation Support Center.

- iii. City of Perris General Plan 2030 includes the following policies to recognize March ARB and ensure that the ALUP and AICUZ are considered as part of new development review:

Safety Element - Goal I - Reduce risk of damage to property or loss of life due to natural or man-made disasters.

Safety Element - Policy I.D: Aircraft - Consult the Air Installation Compatible Use Zone (AICUZ) Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.

Safety Element - Implementation Measures - **I.D.1** Participate in March Operations Assurance Task Force to resolve inconsistencies between local land use regulations and AICUZ and ALUP policies.

**I.D.2** Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.

6. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (2014), the project site is within the March Air Reserve Base's 60-65 DNL Noise Zone. ALUC's objective is that interior noise levels from aviation-related sources not exceed 40dBA CNEL. Within compatibility Zone B2, which includes land near the 65 CNEL contour, single-event noise is sufficient to disrupt many land use activities, including indoor activities if windows are open. (*Source: County of Riverside Airport Land Use Commission, January 14, 2016, Agenda Item 3.2, Staff Report, p.3*)

The proposed residential development would be generally compatible with the project aircraft-related noise levels, subject to mitigation for noise reduction to the residential buildings.

7. The following conditions shall be applied as part of the Overture by the City, as recommended by ALUC:
- a. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflections into the sky. Outdoor lighting shall be downward facing.
  - b. The following uses shall be prohibited:

- i. Any uses which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take off or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - ii. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - iii. Any use which would generate excessive smoke or water vapors or which would attract large concentrations of birds, or which may otherwise affect a safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflowers, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal and incinerators.)
  - iv. Any uses which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - v. Residential care facilities, churches and religious institutions, convalescent and senior home facilities, schools and educational institutions, childcare facilities, and homes for the aged.
- c. Prior to recordation of the final map, issuance of any building permits, or sale to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowners shall convey and have recorded an aviation easement to the March Inland Port Airport Authority, Contact March Joint powers Authority at (951) 656-7000 for additional information.
  - d. The Notice of Airport in Vicinity shall be provided to all prospective purchasers of the property and tenants and/or lessees of the proposed buildings, and shall be recorded as a deed notice.
  - e. Any proposed detention basins shall be designed so as to

provide for a maximum 48-hours detention period following the conclusion of the storm event for the design storm (maybe less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

- f. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air base radio communications could result. Sources of electromagnetic radiation include radio waves transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  - g. The proposed residences must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 40dB. The City of Perris shall require an acoustical study to ensure compliance with this requirement.
8. To reduce hazards or aircraft flying near the project site, the following City standard conditions of approval are required per *PMC 16.22 Construction Located near Arterials, Railroads, and Airport*.
- a. An analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permits. The report shall comply with the requirements of *Section 16.22.070* and shall identify the noise sources and characteristics, provide the predicted noise spectra, indicate the basis for the prediction (measured or obtained from published data), and quantify the effectiveness of the proposed building construction to ensure that the CNEL standard of forty dB is met within the interior living spaces. In the event that the analysis and design report includes a challenge of the AICUZ noise contours for March Air Force Base, it shall also comply with the requirements and procedures for a challenge study.
  - b. Development Restrictions. Residential development will be considered acceptable by the city's building official for mitigating interior noise exposures if it incorporates the features described in *Section 16.22.060* of the chapter.

Alternative materials and methods of construction may be permitted provided such alternatives are demonstrated to the satisfaction of the city's building official to be equivalent to those described in this chapter.

9. As shown in the above findings, the proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
10. As shown in the above findings, the proposed project promotes the overall goals and objectives of the California Airport noise standards and prevents the creation of new noise and safety problems.
11. As shown in the above findings, the proposed project protects the public, health, safety and welfare by minimizing the public's exposure to excessive noise and safety hazards in the area around public airports.

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Perris, as follows:

***Section 1.*** The City Council hereby overrules the Airport Land Use Commission's findings of inconsistency based on the findings listed above, and hereby direct staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding the Development Plan Review 15-00012, General Plan Amendment 15-05199, Zone Change 15-05200, Planned Development Overlay 15-05197 and Tentative Tract map 36797.

***Section 2.*** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

***Section 3.*** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

***ADOPTED, SIGNED and APPROVED*** this 14<sup>th</sup> day of June 2016.

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MAYOR, DARYL R. BUSCH

ATTEST:

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City Clerk, Nancy Salazar

- Attachments:
- Exhibit A: Resolution
  - Exhibit B: Notice of Intent Letter
  - Exhibit C: Received Comment Letter
  - Exhibit D: February 23, 2016 City Council Submittal

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, **NANCY SALAZAR**, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 14<sup>th</sup> day of June 2016, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

City Clerk, Nancy Salazar





# CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

135 NORTH D STREET, PERRIS, CA 92570-2200  
TEL.: (951) 943-5003 FAX: (951) 943-8379

February 25, 2016

Edward Cooper  
Administrative Center  
4080 Lemon St. 14<sup>th</sup> Floor  
Riverside, CA 92501

**Subject: Notice of Intent to Overrule ALUC inconsistency determination for Development Plan Review 15-00012, Planned Development Overlay Zone 15-05197, General Plan Amendment 15-05199, Zone Change 15-05200, and Tentative Tract Map 36797; a proposed 78-unit gated community on 19 acres located at the Northwest corner Water Avenue and Murrieta Road.**

Dear Director Cooper:

The City Council, at its regularly scheduled meeting on February 23, 2016, vote 5-0 to approved a Resolution authorizing staff to commence the process to overrule Airport Land Use Commission (ALUC) findings of inconsistency for Development Plan Review 15-00012, Planned Development Overlay Zone 15-05197, General Plan Amendment 15-05199, Zone Change 15-05200, and Tentative Tract Map 36797. In accordance with the Public Resources Code, the City of Perris has prepared this letter as a Notice of Intent along with the attached Resolution and accompanying documents to provide at least 45 days notice to ALUC and the State Division of Aeronautics, of the City's intent to overrule ALUC's inconsistency determination made on January 14, 2016. The 45 days will commence on February 29, 2016 and ends on April 14, 2016.

If you have any questions or require any additional information, please do not hesitate to contact me at (951) 943-5003 ext 253.

Sincerely,

Ilene Lundfelt  
Associate Planner

Cc: John Guerin

City Council June 14, 2016  
ALUC Overrule  
Attachment B



# CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

135 NORTH D STREET, PERRIS, CA 92570-2200  
TEL.: (951) 943-5003 FAX: (951) 943-8379

February 25, 2016

Gary Cathey  
Department of Transportation  
Division of Aeronautics, MS 40  
P. O. Box 942874  
Sacramento, CA 94274-0001

**Subject: Notice of Intent to Overrule ALUC inconsistency determination for Development Plan Review 15-00012, Planned Development Overlay Zone 15-05197, General Plan Amendment 15-05199, Zone Change 15-05200, and Tentative Tract Map 36797; a proposed 78-unit gated community on 19 acres located at the Northwest corner Water Avenue and Murrieta Road.**

Dear Chief Cathey:

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If you have any questions or require any additional information, please do not hesitate to contact me at (951) 943-5003 ext 253.

Sincerely,

Ilene Lundfelt  
Associate Planner



**DEPARTMENT OF THE AIR FORCE**  
**AIR FORCE RESERVE COMMAND**

13 April 2016

**MEMORANDUM FOR CITY OF PERRIS**  
**ATTN: ILENE LUNDFELT, PROJECT PLANNER**  
**DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION**  
**135 N "D" STREET**  
**PERRIS CA 92570**

**FROM: 452 AMW/CC**  
**2145 Graeber Street Suite 117**  
**March ARB CA 92518-1667**

**SUBJECT: Development Plan Review (DPR) 15-00012, Planned Development Overlay 15-05197, General Plan Amendment (GPA) 15-05199, Zone Change 15-05200, Tentative Parcel Map 36797.**

- 1. The March Air Reserve Base (MARB) review of the proposed 78-unit single family residential development located on the northwest corner of Murrieta Road and Water Avenue. General Plan Amendment and Zone Change from R-20,000 to R-10,000 is provided with this memorandum.**
- 2. This development is located outside of the MARB clear and accident potential zones for runway 14/32; however, it is located within an area that is exposed to elevated levels of noise from the base's flying operations. One could reference the Air Installation Compatible Use Zone Study for March Air Reserve Base for the noise contours for this areas, but this publication is somewhat dated with a publishing date of August 2005. A more up to date model can be found within the Land Use Compatibility Plan (LUCP) adopted by the Riverside County Airport Land Use Commission (RC ALUC) dated November 13, 2014. The document titled Background Data: March Air Reserve Base/Inland Port Airport Environs is an insert to the RC ALUC LUCP. Referencing Exhibit MA-4 from the aforementioned insert, it would appear that this project resides within or immediately adjacent to an area that is subject to 60-65 dB CNEL. In addition, this site is situated in an area where aircraft flying instrument and visual straight in approaches to runway 32 could overfly this proposed residential development at relatively low altitudes (less than 1500 feet above ground level). As such, we feel that inhabitants of this proposed development will be subject to noise occurrences that will generate complaints from the residents for the base and the community leadership.**
- 3. In referencing a map of the area with respect to safety issues, this site is approximately 4 miles from the approach end of runway 32 and slightly to the right of the extended runway centerline/approach corridor. The site is located approximately 2 miles inside the final approach fix for runway 32. The final approach fix marks the descent point for instrument approaches for**

City Council June 14, 2016  
ALUC Overture  
Attachment C

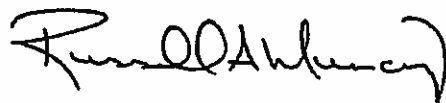
this runway. The site's location is such that it could be overflowed by aircraft on a descending flight path for runway 32. As such, there will be an elevated accident potential risk to a residential development on this site even though it sits outside of the designated accident potential zones for March ARB.

4. The MARB position is that even though this site and project is compatible with guidance found in AFI 32-7063 dated 18 December 2015 titled Air Installations Compatible Use Zones Program, it is probable that a residential development at this location could have a negative impact on current and future flight operations for MARB. There may be mitigation steps that could be implemented that could reduce the potential for noise complaints, and it would be our desire that all such steps are researched and implemented if at all possible. The safety issue would be much more difficult if not impossible to address.

5. Lastly, we reviewed the guidance found in the Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission as well as the City of Perris General Plan. Based upon our review of these plans, this location is or may be inconsistent with respect to the density, noise and/or safety guidelines within these plans.

6. MARB looks forward to receiving notification of the final site plans.

7. Thank you for the opportunity to review and comment on this proposed development. If you have questions please contact Ms. Denise Hauser at (951) 655-4862.



RUSSELL A. MUNCY, Brig Gen, USAFR  
Commander

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF AERONAUTICS – M.S. #40**  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY 711  
www.dot.ca.gov



*Serious drought!  
Help Save Water!*

March 22, 2016

Ms. Ilene Lundfelt, Associate Planner  
City of Perris  
Development Services Department Planning Division  
135 North D Street  
Perris, CA 92570-2200

Dear Ms. Lundfelt:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of the communities in which aeronautical activities take place. We encourage collaboration with our partners in the planning process and thank you for including us in the review of the proposed overrule of the Riverside County ALUC.

On February 29, 2016, the Division received a notification letter from the city of Perris (City) regarding a proposed overrule (City Resolution Number 4964) for a proposed 78-unit gated community on 19 acres located at the northwest corner of Water Avenue and Murrieta Road. The location of the proposed development is approximately 19,200 feet southeast of the March Air Reserve Base Runway 14/32.

On January 14, 2016, the proposed development was found inconsistent by the Riverside County ALUC within Compatibility Zones B2 and C1 for exceeding the maximum densities allowed, according to the current Riverside County Airport Land Use Compatibility Plan adopted November 13, 2014.

The Division has reviewed the proposed findings provided by the City and has determined the findings are insufficient to warrant this overrule. Specifically, the findings are not consistent with the purposes of the statutes set forth in California Public Utilities Code (PUC), section 21670. These findings do not provide substantial evidence that the proposed residential development will meet the requirements of PUC, section 21670(a) (1) and (2).

Resolution 4964 contains 11 findings to justify this overrule and to prove the proposed development is complying with the requirements in the PUC. The ALUC found the project incompatible due to the densities being too high. Findings 3 and 4 both use surrounding use densities and infill to justify the project. According to the ALUC, the area in question does not qualify for infill and still exceeds allowable maximum densities.

Ms. Ilene Lundfelt  
March 22, 2016  
Page 2

If you have questions or we may be of further assistance, please contact me at (916) 654-7075 or via email at [ron.bolyard@dot.ca.gov](mailto:ron.bolyard@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Ron Bolyard". The signature is written in a cursive, flowing style.

RON BOLYARD, Aviation Planner  
Office of Aviation Planning

c: Mr. John Guerin, Principal Planner, Riverside County Administration Center,  
4080 Lemon Street, 14th Floor, Riverside, CA 92501-3609



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

April 13, 2016

**CHAIR**  
Simon Housman  
Rancho Mirage

**VICE CHAIRMAN**  
Rod Ballance  
Riverside

**COMMISSIONERS**

Arthur Butler  
Riverside

John Lyon  
Riverside

Glen Holmes  
Hemet

Greg Pettis  
Cathedral City

Steve Manos  
Lake Elsinore

**STAFF**

Director  
Ed Cooper

Russell Brady  
John Guerin  
Paul Rull  
Barbara Santos

County Administrative Center  
4000 Lemon St., 14th Floor  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

Ms. Ilene Lundfelt, Associate Planner  
City of Perris Community Development Department, Planning Division  
101 North "D" Street  
Perris CA 92570

**RE: Your letter of February 25, 2016 - Notice of Intent to Overrule ALUC  
Inconsistency Determination**

File No.: ZAP1168MA15  
Related File No.: 15-00012 (Development Plan Review) 15-05197 (Planned  
Development Overlay Zone), 15-05199 (General Plan  
Amendment), 15-05200 (Zone Change), and Tentative Tract  
Map 36797  
APN: 300-190-001 through 300-190-004

Dear Ms. Lundfelt:

Thank you for providing the Riverside County Airport Land Use Commission (ALUC) with a letter advising of the intent of the Perris City Council to consider overruling ALUC's inconsistency determination as to the above referenced project and a copy of the City's Resolution No. 4964 containing findings to support its intended overrule decision in accordance with Public Utilities Code Section 21676(b).

The applicant, Sa Refka LLC, proposes to:

- amend the City of Perris General Plan land use designation of 18.98 net (19.97 gross) acres located northerly of Water Avenue, easterly of Wilson Avenue, and westerly of Murrieta Road from R-20,000 to R-10,000;
- change the zoning of the same property from R-20,000 to R-10,000 with a Planned Development Overlay with R-6,000 development standards;
- divide the property into 78 residential lots and 2 common area lots; and
- build homes on the lots thereby established.

On January 14, 2016, the Riverside County Airport Land Use Commission (ALUC), by a 7-0 vote, found the above-referenced project **INCONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("March ALUCP"), due to the prohibition of new residential development within Airport Compatibility Zone B2 and the density of the portion of the development within Airport Compatibility Zone C1 exceeding the maximum permissible average density of three dwelling units per acre. The prohibition of residential development within Airport Compatibility Zone B2 is attributable to both the high noise level (within or near the 65 CNEL contour, with single-event noise levels sufficient to disrupt many activities) and safety risk to persons on the ground (adjacent to final approach flight corridor and potential for direct overflight at low altitudes).

**Airport Land Use Commission**  
**Page 2 of 3**

March Air Reserve Base is a major contributor to the economy of Western Riverside County, with 9,525 persons employed at Base facilities. The inevitable corollary of residential development in areas where exterior noise levels approach, equal, or exceed 65 db CNEL is the generation of complaints regarding aircraft noise that could ultimately be a decisive factor when Federal authorities consider whether to retain or retire a military facility.

Resolution No. 4964 states in the second paragraph on page 1 that the proposed project is "subject to ALUC review as the General Plan of the City has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission for the March Air Reserve Base ("March ARB"). This is a true statement, but it should be noted that the general plan amendment and zone change would trigger a requirement for ALUC review even if the City's General Plan had been reviewed and determined consistent. In the same paragraph, it is stated that the project is within the March Air Reserve Base Influence Area 2, but the delineation of Areas I, II, and III was superseded with the adoption of the current ALUCP.

In the third paragraph of the same page, it is stated that ALUC found the project to be "inconsistent with the 2014 Air Force Installation Compatible Use Zone (AICUZ) studies." This is an incorrect attribution. The project was found inconsistent with the 2014 ALUCP. The most recent AICUZ study applicable to the area in the vicinity of March ARB was issued in 2005, and this particular project is not located within the area where land use restrictions are recommended in that study, as the project is not located within the Clear Zone or within one of the delineated Accident Potential Zones. However, this same paragraph also states "it is believed that the intent of the State Aeronautics Act allows ALUC to take into consideration the AICUZ studies as part of its determination." In fact, Section 21675(b) of the California Public Utilities Code requires that an airport land use compatibility Plan for the area surrounding a military airport be "consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport."

Finding 3 on page 2 cites existing subdivisions in Compatibility Zones B2 and C1 with higher densities than the proposed project. ALUC has no jurisdiction over existing land uses, some of which may very well be incompatible with the March ALUCP. However, development of the proposed project would continue to increase the existing incompatibilities.

Finding 4 on page 2 states that approximately 42 percent of the perimeter of the site is bordered by areas with existing densities greater than 3.0 dwelling units per acre. However, in order for the site to qualify for an increased density through the infill provisions, at least 50 percent of the site's perimeter must be bordered by uses of equal or greater density than the proposed project. (Approved, albeit unbuilt, uses also qualify.)

Part II of Finding 5 on page 3 fails to acknowledge that March Air Reserve Base remains an active military facility hosting the 452<sup>nd</sup> Air Mobility Wing and fourteen other numbered military units as well as specialty facilities such as the American Forces Network Broadcast Center and the Navy Operational Support Center. As to the relative paucity of civilian operations in the year 2012, civilian activity is expected to increase as a result of the installation of general aviation facilities. Finally, the March Inland Port Airport Authority has not ruled out the potential for resumption of commercial air cargo aircraft activity at some point in the future.

In Finding 6 on page 4, the facts stated in the first paragraph of the finding do not support the conclusion in the second paragraph that "the proposed residential development would be generally compatible with the ... aircraft-related noise levels." In particular, while the proposed dwelling units would need to incorporate noise reduction into design, exterior noise levels would still be high, affecting homeowners' enjoyment of their patios and yards.

We appreciate the City's willingness to apply ALUC's recommended conditions in the event that the City deems it appropriate to proceed with this overrule of ALUC's determination of inconsistency and approve the project. Such conditions are necessary in order to mitigate



**Airport Land Use Commission**  
**Page 3 of 3**

hazards to flight or to Base operations. However, implementation of such conditions does not render the project consistent with the ALUCP.

In regard to finding 8, we would respectfully draw the City's attention to a conflict between item 7g and item 8a. Item 7g requires that proposed residences have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 40 dB. Item 8a is more detailed in its specification of acoustical study contents, but references a requirement that "the CNEL standard of forty-five dB is met within the interior living spaces." The March ALUCP requires the more stringent standard of 40 dB. Therefore, the reference in Item 8a should be modified from 45 dB to 40 dB for this project and for other residential projects within the noise contours depicted in the ALUCP.

We concur with the determination made by the California Department of Transportation, Division of Aeronautics in its letter to the City dated March 22, 2016.

Should you have any questions, please contact John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Edward C. Cooper, Director

JJGJG

cc: Russell A. Muncy, Brig Gen, Commander, 452<sup>nd</sup> AMW, March Air Reserve Base  
Clara Miramontes, Community Development Director, City of Perris  
Ron Bolyard, Aviation Planner, California Division of Aeronautics  
Denise Hauser/Sonia Pierce, March ARB Civil Engineering Staff  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Simon Housman, ALUC Chairman  
ALUC Staff

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PERRIS COMMUNITY ECONOMIC DEVELOPMENT CORPORATION  
AGENDA SUBMITTAL  
Meeting Date: June 14, 2016

**SUBJECT:** Hometown Heroes Active Military Banner Program Update

**REQUESTED ACTION:** The City Council consider allowing active duty military personnel to remain on display until discharged. Procedure for veteran participants will remain the same, rotating on an annual basis.

**CONTACT:** Michael McDermott, Chief Operating Officer

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**BACKGROUND/DISCUSSION:**

[PowerPoint Presentation]

**BUDGET (or FISCAL) IMPACT:** No fiscal impact.

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Reviewed by:

Chief Operating Officer

Assistant City Manager *MC*

Attachments:

Prepared By: Michele Ogawa, Management Analyst

New Business:

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: June 14, 2016**

**SUBJECT:** Medical Marijuana Tax and Dispensary Regulation Ordinances for Submission to Voters as Ballot Measures

**REQUESTED ACTION:** Review the attached ordinance to tax marijuana dispensaries and cultivation, and the attached ordinance to provide for a medical marijuana dispensary regulatory program; consider passage of six resolutions to send the two ordinances to the voters as ballot measures for the November 8, 2016 general municipal election.

**CONTACT:** Clara Miramontes, Director of Development Services

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**BACKGROUND/DISCUSSION:**

At the January 12, 2016 City Council meeting, staff was directed to prepare both an ordinance for regulation and permitting of medical marijuana dispensaries, as well as an ordinance to tax marijuana dispensaries and cultivation, for consideration by the City Council for placement on the November 8, 2016 ballot. The City Council was presented with various topics for the regulation of dispensaries, including number of dispensaries, tax rates, and permitting requirements.

The City Attorney's Office has completed the two ordinances (Refer to Exhibits 2 & 6), and prepared the necessary six resolutions to send the two ordinances to the City's voters for approval or disapproval at the November 8, 2016 general municipal election.

A two-thirds (i.e., 4 Councilmembers) vote of all members of the City Council (Cal. Const. art. 13C, § 2(b) and Gov't Code § 53724(b)) is required to pass the resolution to send to the voters a ballot measure on the ordinance for taxation of marijuana dispensaries and cultivation. (Refer to Exhibit 1.) The proposed taxes will generate revenue, deposited in the general fund, available for any general governmental purpose. Thus the taxes are considered "general taxes." Under Proposition 218, the levy of a new general tax must be approved by a majority of voters. (Cal. Const. art. 13C, § 2(b).)

A simple majority vote of the City Council is required to pass the resolution to send to the voters a ballot measure on the ordinance for regulation and permitting of medical marijuana dispensaries to the voters. (Refer to Exhibit 5.)

For each ordinance there is also a resolution (Refer to Exhibits 3 & 7) authorizing arguments and an impartial analysis by the City Attorney's Office, as well as for each ordinance there is a resolution (Refer to Exhibits 4 & 8) authorizing (optional) rebuttals to the arguments.

**A. State and Federal Law**

In 1996, California voters passed the Compassionate Use Act (i.e., Proposition 215) (CUA) which decriminalized medical marijuana. In 2003 the Medical Marijuana Program Act (MMPA) established a voluntary program for medical marijuana identification cards and provided state criminal immunity to certain medical marijuana activities.

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The federal Controlled Substances Act of 1970 (CSA) prohibits the manufacture, distribution or possession of marijuana. In 2013 the U.S. Justice Department ordered enforcement of the CSA a low priority in states like California which regulate medical marijuana. On December 9, 2014 the U.S. Congress passed the Rohrabacher-Farr amendment, which specifically prohibits federal funds from being used to prevent states from implementing laws authorizing the use, distribution, possession or cultivation of medical marijuana. On October 19, 2015 a U.S. District Court affirmed that the Rohrabacher-Farr amendment prevents the U.S. Justice Department from prosecuting otherwise lawful state medical marijuana businesses. Despite this recent change in the federal stance regarding CSA enforcement, the CSA remains valid federal law.

### **B. New California Medical Marijuana Regulation and Safety Act**

Sacramento recently passed the Medical Marijuana Regulation and Safety Act (MMRSA) to establish a statewide regulatory system for licensing and operation of cultivation, processing, transportation, testing, distribution and use of medical marijuana. (Refer to Exhibit 9 for a summary of the MMRSA.) State licenses for these activities will likely start being issued in January, 2018. The MMRSA is three bills (AB 266, AB 243 and SB 643) and over fifty pages of legislation largely amending the Business & Professions Code.

### **C. Tax Ordinance**

A review of revenue generated by various cities that tax medical marijuana has been conducted. (Refer to attached Exhibit 10). Based on a review of taxes imposed by other cities, staff is recommending that a taxation rate of up to 10% of gross revenues of marijuana dispensaries be levied. Staff also recommends that (in the event cultivation is allowed in the City) a taxation rate of up to \$25.00 per square foot of space utilized as marijuana cultivation area (with annual adjustment upwards based on the Consumer Price Index) be levied. The two ordinances proposed for the ballot, however, do **not** permit or authorize marijuana cultivation – that would need to be done at a future date for the cultivation tax to be collected. The ordinance expressly may be amended and/or repealed by City Council action subsequent to voter approval (other than tax rates cannot be raised).

There likely will be a statewide measure on the November 8, 2016 ballot to legalize recreational marijuana. In anticipation of the passage of either this statewide measure or another one, the proposed taxation ordinance levies taxes on both medical marijuana as well as (prospectively) recreational marijuana.

### **D. Regulation Ordinance**

In regards to medical marijuana dispensaries, a review has been conducted of multiple cities that permit and regulate dispensaries, including Palm Springs, Cathedral City, Desert Hot Springs and Santa Ana. (Refer to attached Exhibit 11.) Below are some highlights of the proposed regulatory ordinance. The ordinance expressly may be amended and/or repealed by City Council action subsequent to voter approval.

Two provisions are in the regulatory ordinance to ensure that marijuana activities will only be permitted if tax revenue can also be generated. The regulatory ordinance is only effective if a tax ordinance is also approved by the voters. If such an approved tax ordinance is later preempted in whole or in part by county, state or federal marijuana taxes, then the regulatory ordinance is rendered null and void.

<b>ORDINANCE REGULATION</b>	<b>RECOMMENDED</b>
Number of Legal Dispensaries	No Maximum Cap
Issuance of Dispensary Permits	Development Services Department
Permitted Zones for Dispensaries	Industrial /Commercial
Minimum Distance from Residential Zones	600 feet
Permit(s)	Regulatory Permit
Indemnify City for Operation of Dispensary	Yes
Authority to Recoup Fees and Costs by Resolution	Yes
Minimum Distance From Other Dispensary	None
Marijuana Use Allowed on Dispensary Premises	No
Delivery Regulations	Yes
Minimum Distance from a place-of-worship, park, school, youth oriented facility or community center	600 feet
Cultivation Allowed by Dispensaries	No
Age Limit	18
Record Keeping	Mandatory
24/7 Security Cameras	Yes
Doctor Recommendations On-Site	No
Background Checks on Employees	Yes
Alarm System	Mandatory
Odor Control	Yes
Lounge, Café or Alcohol	No
City Inspections Allowed	Yes

If state and/or federal law decriminalizes or legalizes recreational marijuana, then the regulatory ordinance would apply to recreational marijuana (if recreational marijuana is permitted or allowed at the local level).

#### **E. Suggested Administrative Regulations**

The proposed regulatory ordinance allows for adoption of additional regulation by either the City Council, or (if authorized by the City Council) the Director of Development Services. Below are some suggested administrative regulations. (Refer to attached Exhibit 12.) No action need be taken now on these proposed additional regulations.

<b>ADMINISTRATIVE REGULATIONS (RECOMMENDED)</b>
Hours of Operation daily from 7 am - 10 pm
Unarmed Security Guard Required
Public Signage Describing Laws and Rules
Labeling and Packaging Requirements
Insurance Requirements
Employee Training

#### **F. Staff Recommendation**

Staff is recommending that the City Council review the attached recommended Regulatory and Taxation Ordinances and initiate ballot measures that would rescind the City's current prohibition on marijuana dispensaries and instead provide a process whereby medical marijuana dispensaries are permitted in the City subject to an application process, regulations and zoning restrictions, and which would tax dispensaries at up to 10% and cultivation at up to \$25 per foot of cultivation area.

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**BUDGET (or FISCAL) IMPACT:**

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Cost for staff preparation of this item has been budgeted in the 2015-2016 budget.

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Prepared by: Clara Miramontes, Director of Development

City Attorney: Eric Dunn  
Assistant City Manager: Ron Carr 

**Business Item: June 14, 2016**

**Attachments:**

- Exhibit 1 - Resolution Submitting to Voters a Ballot Measure on Marijuana Dispensary and Cultivation Tax Ordinance
- Exhibit 2 - Marijuana Dispensary and Cultivation Tax Ordinance
- Exhibit 3 - Resolution for Written Arguments and Impartial Analysis on Ballot Measure on Marijuana Dispensary and Cultivation Tax Ordinance
- Exhibit 4 - Resolution for Rebuttals to Written Arguments on Ballot Measure on Marijuana Dispensary and Cultivation Tax Ordinance
- Exhibit 5 - Resolution Submitting to Voters a Ballot Measure on the Medical Marijuana Dispensary Regulatory Program Ordinance
- Exhibit 6 - Medical Marijuana Dispensary Regulatory Program Ordinance
- Exhibit 7 - Resolution for Written Arguments and Impartial Analysis on Ballot Measure on Medical Marijuana Dispensary Regulatory Program Ordinance
- Exhibit 8 - Resolution for Rebuttals to Written Arguments on Ballot Measure on Medical Marijuana Dispensary Regulatory Program Ordinance
- Exhibit 9 - Summary of CA Medical Marijuana Regulation and Safety Act
- Exhibit 10 - Survey of Municipal Medical Marijuana Tax Revenue
- Exhibit 11 - Survey of Municipal Medical Marijuana Dispensary Regulations
- Exhibit 12 - Suggested Additional Regulations for Medical Marijuana Dispensaries

**RESOLUTION NUMBER 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE, ENTITLED THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 5005**

**WHEREAS**, the City Council of the City of Perris has called a General Municipal Election to be held on Tuesday, November 8, 2016, by Resolution No. 5005 adopted on May 31, 2016; and

**WHEREAS**, the City Council of the City of Perris also desires to submit to the voters at the General Municipal Election on November 8, 2016 a proposed ordinance for the taxation of marijuana dispensaries and marijuana cultivation;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the City Council of the City of Perris, pursuant to its right and authority, hereby orders submitted to the voters at the General Municipal Election to be held on Tuesday, November 8, 2016 the following question:

<b>Shall the ordinance known as the MARIJUANA DISPENSARY AND CULTIVATION TAX, estimated to annually collect \$875,000 - \$1,200,000 from marijuana dispensaries (through a maximum tax rate of ten cents for each \$1 of dispensary proceeds), estimated to annually collect another \$100,000 - \$1,000,000 from marijuana cultivation (if cultivation is allowed, through an annual maximum tax rate of \$25 per square foot of cultivation area, subject to CPI adjustments), with no sunset clause, be adopted?</b>	<b>YES</b>
	<b>NO</b>

**Section 2.** That the text of Ordinance 16-XXXX to be submitted to the voters as a proposed measure is attached as Exhibit "A" to this resolution.

**Section 3.** The method of tax collection and all aspects of the application and operation of any tax levied pursuant to the adoption of the ordinance known as the "Marijuana Dispensary and Cultivation Tax" shall be as provided for in the ordinance and/or as authorized in the ordinance to be conducted and determined by the City Council, and any such tax shall become effective only upon approval of a majority of the votes cast by the voters voting upon the ballot measure.

**Section 4.** The ordinance shall not take effect, and no tax authorized by the ordinance shall be levied, unless and until the ordinance receives the approval of a majority of the votes cast by the voters of the City voting upon the ballot measure on the proposed ordinance at the November 8, 2016 General Municipal Election.

**Section 5.** That the vote requirement for the ballot measure to pass is a majority (50% +1) of the votes cast.

**Section 6.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 7.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**Section 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**ORDINANCE NO. 16-XXXX**

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA APPROVING AND IMPLEMENTING A MARIJUANA TAX OF UP TO 10 CENTS PER \$1.00 OF PROCEEDS ON MARIJUANA DISPENSARIES OPERATING IN THE CITY; AND, APPROVING AND IMPLEMENTING A MARIJUANA CULTIVATION TAX OF UP TO \$25 PER SQUARE FOOT OF SPACE UTILIZED AS CULTIVATION AREA IN THE CITY, BY ADDING CHAPTER 3.40 (MARIJUANA TAX) TO TITLE 3 (REVENUE AND FINANCE) OF THE PERRIS MUNICIPAL CODE**

WHEREAS, in 1996 the California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code Section 11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health and Safety Code Section 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in 2005 the California Board of Equalization began issuing seller’s permits for sales consisting only of medical marijuana; and

WHEREAS, in 2015, the California legislature enacted the Medical Marijuana Regulation and Safety Act (“MMRSA”) (AB 243, AB 266, and SB 643) to establish a framework for regulating medical marijuana; and

WHEREAS, Business & Professions Code section 19320(d) provides that local jurisdictions retain the power to assess fees and taxes, as applicable, on medical marijuana facilities that are licensed pursuant to MMRSA and the business activities of those licensees.

WHEREAS, one or more recreational marijuana ballots measures may appear on the statewide ballot in the November, 2016 general election; and

WHEREAS, while the City Council does not condone or support the use of marijuana, the City Council at the same time does not seek to forego a potential revenue source for the City from either marijuana dispensing and sales, or marijuana cultivation; and

WHEREAS, presently the City has no local tax on either medical marijuana or recreational marijuana; and

WHEREAS, pursuant to subdivision (b) of Section 2 of Article XIIC of the California Constitution and Section 53720 et. seq. of the Government Code the City Council is authorized to impose a general tax upon submission of such general tax to the voters of the City and approval by a majority of the voters voting on the issue, at an election consolidated with a regularly scheduled general election for members of the governing body of the local government;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. CHAPTER 3.40 (MARIJUANA TAX) IS HEREBY ADDED TO TITLE 3 (REVENUE AND FINANCE) OF THE PERRIS MUNICIPAL CODE AS FOLLOWS:**

**“CHAPTER 3.40 MARIJUANA TAX**

Section 3.40.010 - Definitions.

Section 3.40.020 - Tax.

Section 3.40.030 - Operation.

Section 3.40.040 - Returns and Remittances.

Section 3.40.050 - Failure to Pay Tax.

Section 3.40.060 - Refunds.

Section 3.40.070 - Enforcement.

Section 3.40.080 - Debts; Deficiencies; Assessments; Hearings.

Section 3.40.090 - Tax Applicable to All Marijuana.

**Section 3.40.010 - Definitions.**

- A. “Cultivation” has the same definition as provided for in Bus. & Prof. Code § 19300.5(l), and as may be amended, defined as “any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.”
- B. “Finance Director” shall mean the Finance Director of the City of Perris and his/her designee(s).
- C. “Marijuana” has the same definition as provided for in Bus. & Prof. Code § 19300.5(f) for the term “cannabis,” and as may be amended, defined as “all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the

plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from marijuana. 'Cannabis' also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, 'cannabis' does not mean 'industrial hemp' as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code."

- D. "Medical marijuana" means marijuana used for medical purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code sections 11362.7 et seq.), and the Medical Marijuana Regulation and Safety Act of 2015.
- E. "Medical marijuana dispensary" includes any facility or location where marijuana is made available, sold, transmitted, distributed, given or otherwise provided by or to one or more of the following: a primary caregiver, a qualified patient or a person with an identification card (and includes the term "dispensary" as provided for in Bus. & Prof. Code § 19300.5(n), and as may be amended, defined as "a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.").
- F. "Person" means any natural person, firm, corporation, partnership, club, or any association or combination of natural persons, whether acting by themselves or through any servant, agent or employee.
- G. "Proceeds" means total revenue and/or money received through the sale of goods and/or services before any deductions or allowances (e.g., rent, cost of goods sold, taxes).
- H. "Space utilized as cultivation area" shall mean any space or ground, floor or other surface area (whether horizontal or vertical) which is used during the marijuana germination, seedling, vegetative, pre-flowering, flowering and harvesting phases, including without limitation any space used for activities such as growing, planting, seeding, germinating, lighting, warming, cooling, aerating, fertilizing, watering, irrigating, topping, pinching, cropping, curing or drying marijuana or any such space used for storing any products, supplies or equipment related to any such activities, no matter where such storage may take place or such storage space may be located.
- I. "Term" means a calendar month in regards to the monthly taxation of proceeds from

medical marijuana dispensaries, and means the fiscal year in regards to the annual taxation of the space utilized as cultivation area for medical marijuana cultivation.

**Section 3.40.020 - Tax.**

- A. **Marijuana Dispensary Tax.** Every person engaged in operating, or otherwise conducting, a medical marijuana dispensary, either pursuant to this Code or otherwise, and regardless of whether such operation has a valid medical marijuana dispensary permit pursuant to this Code, shall pay a maximum marijuana tax of 10 cents for each \$1.00 of proceeds or fractional part thereof, the rate to be set by resolution of the City Council.
- B. **Marijuana Cultivation Tax.** If medical marijuana cultivation is authorized and/or permitted by the City of Perris, then every person cultivating medical marijuana in the City shall pay an annual maximum tax of twenty-five dollars (\$25) per square foot for space utilized as cultivation area. If a cultivation tax is imposed, then the taxes imposed on cultivation area shall be adjusted annually on July 1 after the date of imposition, and then July 1 of each succeeding year based on the Consumer Price Index (“CPI”) for all urban consumers in the Los Angeles-Riverside-Orange County areas as published by the United States Government Bureau of Labor Statistics; however, no adjustment shall decrease any tax imposed by this chapter, unless approved by the City Council.

**Section 3.40.030 - Operation.**

- A. Failure to pay the taxes set forth in this chapter shall be subject to penalties, interest charges, and assessments as the City Council may establish and the City may use any or all other enforcement remedies provided in this Code.
- B. The City Council may impose the tax authorized by this chapter at a lower rate and may establish exemptions, incentives, or other reductions, and penalties and interest charges or assessments for failure to pay the tax in a timely manner, as otherwise allowed by Code or California law. No action by the Council under this Section shall prevent it from later increasing the tax or removing any exemption, incentive, or reduction, and restoring the maximum tax specified in this chapter.
- C. The payment of the tax required pursuant to this chapter shall not be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner. Nothing in this chapter shall be applied or construed as authorizing the sale or cultivation of marijuana.
- D. Taxes provided for under the provisions of this chapter are not sales or use taxes and shall not be calculated or assessed as such. The taxes shall not be separately identified or otherwise specifically assessed or charged to any individual member, consumer or customer; rather, the taxes are imposed upon the medical marijuana dispensary and/or medical marijuana cultivation operation.

- E. The Finance Director shall promulgate rules, regulations, and procedures to implement and administer this chapter to ensure the efficient and timely collection of the tax imposed by this chapter, including without limitation, formulation and implementation of penalties and interest to be assessed for failure to pay the tax as provided.

#### **Section 3.40.040 - Returns and Remittances.**

The Tax shall be due and payable as follows:

- A. Each person owing Tax, on or before the last business day of each term as established by the Finance Director, shall prepare a tax return to the Finance Director of the total proceeds, and the amount of Tax owed for the preceding term. At the time the Tax return is filed, the full amount of the Tax owed for the preceding term shall be remitted to the City.
- B. All tax returns shall be completed on forms provided by the Finance Director.
- C. Tax returns and payments for all outstanding taxes owed the city are immediately due the Finance Director upon cessation of business for any reason.
- D. Whenever any payment, statement, report, request or other communication received by the Finance Director is received after the time prescribed by this section for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this section for the receipt thereof, or whenever the Finance Director is furnished substantial proof that the payment, statement, report, request, or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the Finance Director may regard such payment, statement, report, request, or other communication as having been timely received. If the due day falls on Friday, Saturday, Sunday, or a federal holiday, the due day shall be the last regular business day on which the City Hall is open to the public prior to the due date.
- E. Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not paid on or before the due date specified by this section.
- F. The Finance Director is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter.

#### **Section 3.40.050 - Failure to Pay Tax.**

Any person who fails or refuses to pay any tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

- A. A penalty equal to twenty-five percent of the amount of the Tax in addition to the amount of the Tax, plus interest on the unpaid Tax calculated from the due date of the Tax at a rate established by resolution of the City Council; and, an additional penalty equal to twenty-five percent of the amount of the Tax if the tax remains unpaid for a period exceeding one calendar month beyond the due date, plus interest on the unpaid Tax and interest on the unpaid penalties calculated at the rate established by resolution of the City Council.
- B. Whenever a check is submitted in payment of a Tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the Tax amount due plus penalties and interest as provided for in this section plus any amount allowed under state law.
- C. The Tax due shall be that amount due and payable from the operative date of this chapter.
- D. The Finance Director may waive the first and second penalties of twenty-five percent each imposed upon any person if:
  - 1. The person provides evidence satisfactory to the Finance Director that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the city prior to applying to the Finance Director for a waiver.
  - 2. The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during any twenty-four month period for taxation of proceeds, and only once during any five (5) year period for taxation of space utilized as cultivation area for cultivation of medical marijuana.

**Section 3.40.060 - Refunds.**

- A. No refund shall be made of any Tax collected pursuant to this chapter, except as provided in this Section.
- B. No refund of any Tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a medical marijuana dispensary or cultivation operations.
- C. Any person entitled to a refund of taxes paid pursuant to this chapter may elect in writing to have such refund applied as a credit against medical marijuana Taxes for the next term.
- D. Whenever the amount of any tax, penalty, or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, such amount may be refunded to the claimant who paid the Tax provided that a

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written claim for refund is filed with the Finance Director.

- E. The Finance Director shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant therefor refuses to allow such examination of claimant's books and business records after request by the Finance Director to do so.
- F. In the event that the Tax was erroneously paid and the error is attributable to the city, the entire amount of the Tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the city shall retain the amount set forth in this chapter from the amount to be refunded to cover expenses.
- G. The Finance Director shall initiate a refund of any Tax which has been overpaid or erroneously collected whenever the overpayment or erroneous collection is uncovered by a city audit of Tax receipts. In the event that the Tax was erroneously paid and the error is attributable to the city, the entire amount of the Tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the city shall retain the amount set forth in this chapter from the amount to be refunded to cover expenses.

#### **Section 3.40.070 - Enforcement.**

- A. It shall be the duty of the Finance Director to enforce each and all of the provisions of this chapter.
- B. For purposes of administration and enforcement of this chapter generally, the Finance Director, with the concurrence of the City Attorney, may from time to time promulgate administrative rules and regulations.
- C. The Finance Director shall have the power to audit and examine all books and records of medical marijuana dispensaries as well as persons engaged in the operation of a medical marijuana business, including both state and federal income tax returns, California sales tax returns, logs, receipts, bank records, or other evidence documenting the gross receipts of the medical marijuana business or persons engaged in the operation of a medical marijuana business, for the purpose of ascertaining the amount of Tax, if any, required to be paid by the provisions of this chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this chapter. If such medical marijuana business or person, after written demand by the Finance Director, refuses to make available for audit, examination or verification such books, records, or equipment as the Finance Director requests, the Finance Director may, after full consideration of all information within the Finance Director's knowledge concerning the medical marijuana business and activities of the person so refusing, make an assessment in the manner provided in Section 3.40.080 of this chapter.
- D. The conviction and punishment of any person for failure to pay the required tax shall not

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excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.

- E. Any person violating any of the provisions of this chapter or any regulation or rule passed in accordance herewith, or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring permits from the City as provided for in this chapter, shall be deemed guilty of a misdemeanor.

**Section 3.40.080 - Debts; Deficiencies; Assessments; Hearings.**

- A. The amount of any tax, penalties, and interest imposed by the provisions of this chapter shall be deemed a debt to the city and any person operating a medical marijuana dispensary or cultivation operation without also making payment to the city of the taxes imposed by this chapter shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed on such medical marijuana dispensary or cultivation operation.
- B. If the Finance Director is not satisfied that any statement filed as required under the provisions of this chapter is correct, or that the amount of tax is correctly computed, the Finance Director may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in the business of medical marijuana dispensary or cultivation operation, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due.
- C. Under any of the following circumstances, the Finance Director may make and give notice of an assessment of the amount of tax owed by a person under this chapter:
  - 1. If the person has not filed any statement or return required under the provisions of this chapter.
  - 2. If the person has not paid any tax due under the provisions of this chapter.
  - 3. If the person has not, after demand by the Finance Director, filed a corrected statement or return, or furnished to the Finance Director adequate substantiation of the information contained in a statement or return already filed, or paid any additional amount of tax due under the provisions of this chapter.
  - 4. If the Finance Director determines that the nonpayment of any tax due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall



be added thereto in addition to penalties and interest otherwise stated in this chapter.

5. The notice of assessment shall separately set forth the amount of any tax known by the Finance Director to be due or estimated by the Finance Director, after consideration of all information within the Finance Director's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.
  6. The notice of assessment shall be served upon the person either by handing it to him or her personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business appearing on the face of the business tax certificate issued under this Code or to such other address as he or she shall register with the Finance Director for the purpose of receiving notices provided under this chapter; or, should the person have no business tax certificate issued and should the person have no address registered with the Finance Director for such purpose, then to such person's last known address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.
- D. Within ten days after the date of service of an assessment of the amount of tax owed by a person under this chapter, the person may apply in writing to the Finance Director for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Finance Director shall become final and conclusive. The procedures for such a hearing shall be conducted as required by law and as follows:
1. The City Council delegates its authority to conduct such a hearing on the assessment to an independent hearing officer. The compensation of the hearing officer shall not depend on any particular outcome of the appeal. The hearing officer shall have full authority and duty to preside over the hearing on the assessment in the manner set forth herein and as required by law.
  2. Within thirty days of the receipt of any such application for hearing, the Finance Director shall cause the matter to be set for hearing before an independent hearing officer, unless a later date is agreed to by the Finance Director and the person requesting the hearing.
  3. Notice of such hearing shall be given by the Finance Director to the person requesting such hearing not later than five days prior to such hearing. The hearing officer may continue the administrative hearing from time to time. At such hearing said applicant may appear and offer evidence why the assessment as made by the Finance Director should not be confirmed and fixed as the tax due. In conducting the hearing, the hearing officer shall not be limited by the technical rules of evidence. Failure of the person who applied for a hearing on the assessment to appear shall not affect the

validity of the proceedings or order issued thereon.

4. Upon conclusion of the hearing, or no later than ten (10) days after the conclusion of the hearing, the hearing officer shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in this chapter for giving notice of assessment, and the hearing officer shall submit its decision and the record to the City Clerk. The decision of the hearing officer shall be final and conclusive.

### **Section 3.40.090 - Tax Applicable to All Marijuana**

In the event of state and/or federal laws and/or regulations which decriminalize, authorize or legalize marijuana for recreational and/or general use, the tax measures provided for in this chapter which apply to medical marijuana are intended to equally apply to all marijuana to the fullest extent possible consistent with such laws or regulations.”

### **SECTION 2. EFFECTIVE DATE.**

If a majority of the voters of the City of Perris voting at the General Municipal Election of November 8, 2016 vote in favor of this Ordinance, then this Ordinance shall become a valid and binding ordinance of the City of Perris, and shall be considered as adopted upon the date that the vote is declared by the City Council of the City of Perris, and this Ordinance shall go into effect ten (10) days after that date, pursuant to Election Code section 9217.

### **SECTION 3. CITY COUNCIL AUTHORITY TO AMEND AND/OR REPEAL**

This is a City Council sponsored initiative Ordinance which otherwise would only be subject to amendment by the voters of the City of Perris. However, pursuant to Section 9217 of the California Elections Code, the City Council expressly reserves the right and authority to amend or repeal the Ordinance in any manner that does not increase a tax rate, or otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

### **SECTION 4. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

### **SECTION 5. EXECUTION.**

The Mayor of the City of Perris is hereby authorized and ordered to attest to the adoption of the Ordinance by the voters of the City of Perris by signing where indicated below.

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I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Perris, California voting on the 8th day of November, 2016.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

## RESOLUTION NUMBER 16-XXXX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE

WHEREAS, a General Municipal Election is to be held in the City of Perris, California, on November 8, 2016, at which there will be submitted to the voters a ballot measure to consider adopting a proposed ordinance for the taxation of marijuana dispensaries and marijuana cultivation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**Section 1.** That pursuant to Election Code §§ 9282 and 9287, the City Council hereby authorizes, but does not require, any or all members of the City Council to file a written argument for or against the foregoing measure.

**Section 2.** That in the event that more than one argument for or against the foregoing measure is timely submitted, the City's elections official shall give preference and priority first, to arguments submitted by member(s) of the City Council, as authorized by this Resolution, and second, to individual voters, bona fide associations, or a combination thereof, in the order set forth at California Elections Code § 9287.

**Section 3.** That in accordance with the requirements of Division 9, Chapter 3, Article 4 of the California Elections Code, all written arguments for or against the foregoing measure: (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the City's elections official; (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal officers who is the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. All written arguments may be changed or withdrawn until and including the date fixed by the City's elections official, after which time no arguments for or against the foregoing measure may be submitted to the elections official.

**Section 4.** That the City Council hereby directs the City's elections official to transmit a copy of the foregoing measure to the City Attorney. In accordance with California Elections Code § 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite

number of voters or by the governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you." The impartial analysis shall be filed by the date set by the City's elections official for the filing of primary arguments.

**Section 5.** That the City's elections official shall cause the City Attorney's Impartial Analysis, and duly selected arguments, to be printed and distributed to voters in accordance with State law regarding same.

**Section 6.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION NUMBER 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MARIJUANA DISPENSARY AND CULTIVATION TAX MEASURE**

**WHEREAS**, a General Municipal Election is to be held in the City of Perris, California, on November 8, 2016, at which there will be submitted to the voters a ballot measure to consider adopting a proposed ordinance for the taxation of marijuana dispensaries and marijuana cultivation; and

**WHEREAS**, California Elections Code § 9285 authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments regarding city measures submitted at municipal election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That pursuant to Elections Code § 9285, when the City's elections official has selected the arguments for and against the foregoing measure which will be printed and distributed to the voters, the City's elections official shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The author or a majority of the authors of an argument relating to the foregoing city measure may prepare and submit a rebuttal argument not to exceed two hundred and fifty (250) words in length. A rebuttal argument may not be signed by more than five (5) authors. The rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

**Section 2.** That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

**Section 3.** That the provisions of Section 1 of this Resolution shall apply only to the General Municipal Election to be held on November 8, 2016, and shall then be repealed.

**Section 4.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION NUMBER 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE, ENTITLED THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 5005**

**WHEREAS**, the City Council of the City of Perris has called a General Municipal Election to be held on Tuesday, November 8, 2016, by Resolution No. 5005 adopted on May 31, 2016; and

**WHEREAS**, the City Council of the City of Perris also desires to submit to the voters at the General Municipal Election on November 8, 2016 a proposed ordinance for a medical marijuana dispensary regulatory program; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the City Council of the City of Perris, pursuant to its right and authority, hereby orders submitted to the voters at the General Municipal Election to be held on Tuesday, November 8, 2016 the following question:

<b>Shall the ordinance known as the MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM, which will regulate and authorize medical marijuana dispensaries through a permitting process; require security cameras, inspections, odor control, record keeping, employee background checks; limit locations to 600 feet from schools, residences, parks in only industrial or commercial zones; prohibit cultivation at dispensaries; be effective only if marijuana tax is approved; apply to recreational marijuana if allowed by state and local law, be adopted?</b>	<b>YES</b>
	<b>NO</b>

**Section 2.** That the text of Ordinance 16-XXXX to be submitted to the voters as a proposed measure is attached as Exhibit "A" to this resolution.

**Section 3.** That the vote requirement for the ballot measure to pass is a majority (50% +1) of the votes cast.

**Section 4.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.



**Section 5.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**Section 6.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**ORDINANCE NO. 16-XXXX**

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA TO PERMIT AND REGULATE MEDICAL MARIJUANA DISPENSARIES, BY ADDING CHAPTER 5.54 (MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM) TO TITLE 5 (BUSINESS REGULATIONS AND LICENSES); BY AMENDING SECTION 19.36.020 (PERMITTED USES) OF CHAPTER 19.36 (CN COMMERCIAL NEIGHBORHOOD), SECTION 19.38.020 (PERMITTED USES) OF CHAPTER 19.38 (CC COMMERCIAL COMMUNITY), AND SECTION 19.44.020 (LAND USES AND PERMIT REQUIREMENTS) OF CHAPTER 19.44 (INDUSTRIAL ZONES) OF TITLE 19 (ZONING); BY REPEALING SUBSECTION (A) ENTITLED 'PROHIBITION AGAINST THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES' AND AMENDING SUBSECTION (B) ENTITLED 'ZONING DISTRICT COMPLIANCE' OF SECTION 19.02.020 (LIMITATIONS ON LAND USE) OF CHAPTER 19.02 (GENERAL PROVISIONS) OF TITLE 19 (ZONING); AND, BY REPEALING THE DEFINITION OF 'MEDICAL MARIJUANA DISPENSARY' IN SECTION 19.08.010 (DEFINITIONS) OF CHAPTER 19.08 (DEFINITIONS) OF TITLE 19 (ZONING), OF THE PERRIS MUNICIPAL CODE**

WHEREAS, in 1996 the California voters approved Proposition 215, the Compassionate Use Act ("CUA"), codified as Health and Safety Code Section 11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act ("MMPA"), codified as Health and Safety Code Section 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting only of medical marijuana; and

WHEREAS, in 2008 the California Attorney General issued guidelines for the security and non-diversion of marijuana grown for medical use; and

WHEREAS, in 2013 the California Supreme Court in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4<sup>th</sup> 729 affirmed the authority of cities to prohibit the operation of medical marijuana dispensaries within their jurisdiction; and

WHEREAS, in 2013 the California Third District Court of Appeal in *Maral v. City of Live Oak*, 221 Cal. App. 4<sup>th</sup> 975, 978 affirmed that California law does “not preempt a city’s police power to prohibit the cultivation of all marijuana within that city.”; and

WHEREAS, in 2014 and in 2015 the U.S. House of Representatives voted to stop federal law enforcement from interfering with medical marijuana operations in the various states which have decriminalized and/or authorized such operations; and

WHEREAS, in 2015, the California legislature enacted the Medical Marijuana Regulation and Safety Act (“MMRSA”) (AB 243, AB 266, and SB 643) to establish a framework for regulating medical marijuana; and

WHEREAS, in 2015 the California Fifth District Court of Appeal in *Kirby v. County of Fresno*, 242 Cal. App. 4<sup>th</sup> 940 affirmed that the CUA and MMPA did not preempt a local ban on all medical marijuana cultivation activities; and

WHEREAS, in 2016 the California Second District Court of Appeal in *Safe Life Caregivers v. City of Los Angeles*, 243 Cal. App. 4<sup>th</sup> 1029, 1032 affirmed that “there is no constitutional or statutory right to possess, cultivate, distribute, or transport marijuana for medical purposes.”; and

WHEREAS, the California Constitution grants local governments in Article XI, Section 7 the authority under their police powers to regulate land use; and

WHEREAS, the Medical Marijuana Regulation and Safety Act of 2015 is not intended “to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.” (Business & Professions Code § 19315(a)); and

WHEREAS, the Medical Marijuana Regulation and Safety Act of 2015 provides that “[p]ursuant to Section 7 of Article XI of the California Constitution, a city... may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for all licensees statewide.” (Business & Professions Code § 19316(a)); and

WHEREAS, the Medical Marijuana Regulation and Safety Act of 2015 provides that “[n]othing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law,

including, but not limited to, Section 7 of Article XI of the California Constitution.” (Business & Professions Code § 19316(c)); and

WHEREAS, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical marijuana dispensaries and cultivation; and

WHEREAS, the operation of medical marijuana dispensaries and the cultivation of medical marijuana within the City of Perris presently remain prohibited; and

WHEREAS, the City Council of the City of Perris intends that nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or other applicable law; and

WHEREAS, the City Council of the City of Perris intends that nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal; and

WHEREAS, if the voters of the City of Perris support regulating and permitting medical marijuana dispensaries, the City Council of the City of Perris finds that medical marijuana operations, as well as the regulation of the location and manner in which dispensaries operate, require careful consideration so as to prevent negative impacts on nearby residents and businesses; and

WHEREAS, if the voters of the City of Perris support regulating and permitting medical marijuana dispensaries, then the City Council of the City of Perris finds that the City of Perris has a compelling interest in protecting the public health, safety and welfare of its residents and businesses by regulating the location and operation of medical marijuana dispensaries, and in preserving the peace and quiet of the neighborhoods in which medical marijuana dispensaries operate;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PERRIS, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. CHAPTER 5.54 (MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM) IS HEREBY ADDED TO TITLE 5 (BUSINESS REGULATIONS AND LICENSES) OF THE PERRIS MUNICIPAL CODE AS FOLLOWS:**

**“CHAPTER 5.54. MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM**

Sec. 5.54.010 - Purpose and Intent.

Sec. 5.54.020 - Operation Prohibited Without Permit.

- Sec. 5.54.030 - Definitions.
- Sec. 5.54.040 - Medical Marijuana Dispensary Permit.
- Sec. 5.54.050 - Applications for Medical Marijuana Dispensary Permit.
- Sec. 5.54.060 - Review of Medical Marijuana Dispensary Permit Applications.
- Sec. 5.54.070 - Suspension of Review of Medical Marijuana Dispensary Permit Applications.
- Sec. 5.54.080 - Action on Applications for Medical Marijuana Dispensary Permit.
- Sec. 5.54.090 - Obligations of Medical Marijuana Dispensary.
- Sec. 5.54.100 - Process for Renewing a Medical Marijuana Dispensary Permit.
- Sec. 5.54.110 - General Operating Standards and Restrictions.
- Sec. 5.54.120 - Administration.
- Sec. 5.54.130 - Fees.
- Sec. 5.54.140 - Location Restrictions.
- Sec. 5.54.150 - Suspension and Revocation.
- Sec. 5.54.160 - Violations and Penalties.
- Sec. 5.54.170 - Public Nuisance and Abatement.
- Sec. 5.54.180 - Appeals.
- Sec. 5.54.190 - Prohibitions.
- Sec. 5.54.200 - Nonconforming Use.
- Sec. 5.54.210 - Severability.
- Sec. 5.54.220 - Amendment or Repeal.
- Sec. 5.54.230 - Consistency with Statewide Regulation of Marijuana.
- Sec. 5.54.240 - Effective Only Upon Successful Passage, and Continuing Enforcement, of Marijuana Tax Ordinance.

**Sec. 5.54.010–Purpose and Intent.**

- A. The purpose of this chapter is to establish a comprehensive set of regulations with an attendant regulatory permit applicable to the operation of medical marijuana dispensaries. The regulations are intended to ensure such operations are consistent with the overall health, welfare and safety of the City and its populace, and that such operations are in compliance with California’s Compassionate Use Act of 1996, California’s Medical Marijuana Program Act of 2003 and California’s Medical Marijuana Regulation and Safety Act of 2015.
- B. The chapter is not intended to permit activities that are otherwise illegal under federal, state or local law. This chapter is not intended to conflict with federal or state law.
- C. This chapter and its regulations shall be known as the “Medical Marijuana Dispensary Regulatory Program.”

**Sec. 5.54.020 - Operation Prohibited Without Permit.**

It shall be unlawful to own, establish, operate, use, or permit the establishment or operation of a medical marijuana dispensary, or to participate with a medical marijuana dispensary as an employee, contractor, agent, volunteer, or in any manner or capacity, other than as provided in this chapter. The general prohibition contained in this section shall include renting, leasing, or otherwise permitting a medical marijuana dispensary to occupy or use a location, vehicle, or other mode of transportation.

**Sec. 5.54.030 - Definitions.**

The following definitions shall apply to this chapter unless the context clearly denotes otherwise.

- A. “Applicant” means a person who is required to file an application for a permit under this chapter.
- B. “Attending physician” has the same definition as set forth in Health and Safety Code section 11362.7, and as may be amended, defined as “an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.”
- C. “Attorney General Guidelines” shall refer to the California Attorney General Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use, issued by the Attorney General’s Office in August, 2008, as amended from time to time, which sets

regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients or primary caregivers.

- D. “Cannabis” has the same definition as “marijuana” provided herein.
- E. “Community Center” means any facility open to the public at which classes, social activities, recreational activities, educational activities, support and/or public information are offered for all residents of the community.
- F. “Cultivation” has the same definition as provided for in Bus. & Prof. Code § 19300.5(l), and as may be amended, defined as “any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.”
- G. “Delivery” means the act of taking something to a person or place (and includes the definition as provided for in Bus. & Prof. Code § 19300.5(m), and as may be amended, defined as “the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. ‘Delivery’ also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.”).
- H. “Director” means the City of Perris Director of Development Services, and includes her or his designee(s).
- I. “Dispense” means the selection, measuring, packaging, labeling, distribution or sale of medical marijuana to a qualified patient or a primary caregiver (and includes the term “dispensing” as provided for in Bus. & Prof. Code § 19300.5(o), and as may be amended, defined as “any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.”).
- J. “Edible” has the same definition as “edible cannabis product” as provided for in Bus. & Prof. Code § 19300.5(s), and as may be amended, defined as “manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.”
- K. “Employee” means any person (whether paid or unpaid) who provides regular labor or regular services for a medical marijuana dispensary, including, but not limited to, at the location of a medical marijuana dispensary.
- L. “Identification card” has the same definition as provided for in Health and Safety Code

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section 11362.7(g), and as may be amended, defined as “a document issued by the State Department of Health Services that document identifies a person authorized to engage in the medical use of marijuana and the person’s designated primary caregiver, if any.”

- M. “Labeling” means all labels and other written, printed, or graphic matter (a) upon any marijuana intended for medical use, or (b) accompanying such marijuana intended for medical use.
- N. “Location” means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.
- O. “Lighting” means the act of illuminating as well as the effect achieved by the arrangement of lights.
- P. “Live scan” means a system for inkless electronic fingerprinting and the automated background check developed by the California Department of Justice (DOJ) which involves digitizing fingerprints and electronically transmitting the fingerprint image data along with personal descriptor information to computers at the DOJ for completion of a criminal record check; or such other comparable inkless electronic fingerprinting and automated background check process as determined by the City Council.
- Q. “Manager” means an employee responsible for management and/or supervision of a medical marijuana dispensary.
- R. “Marijuana” has the same definition as provided for in Bus. & Prof. Code § 19300.5(f) for the term “cannabis,” and as may be amended, defined as “all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. ‘Cannabis’ also means the separated resin, whether crude or purified, obtained from marijuana. ‘Cannabis’ also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. ‘Cannabis’ does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, ‘cannabis’ does not mean ‘industrial hemp’ as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.”
- S. “Medical marijuana” means marijuana used for medical purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code sections 11362.7 et seq.), and the Medical Marijuana Regulation and Safety Act of 2015.



- T. "Medical marijuana dispensary" includes any facility or location where marijuana is made available, sold, transmitted, distributed, given or otherwise provided by or to one or more of the following: a primary caregiver, a qualified patient or a person with an identification card (and includes the term "dispensary" as provided for in Bus. & Prof. Code § 19300.5(n), and as may be amended, defined as "a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.").
- U. "Member" means either a qualified patient, a person with an identification card, or a primary caregiver.
- V. "Minor" means a person under eighteen (18) years of age.
- W. "Owner" means the owner of a medical marijuana dispensary.
- X. "Park" means a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the City of Perris, the County of Riverside or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.
- Y. "Permit" means the regulatory license issued pursuant to this chapter for a medical marijuana dispensary and which constitutes a "local permit, license, or other authorization" as used in Bus. & Prof. Code § 19320(a)
- Z. "Person" means any natural person, firm, corporation, partnership, club, or any association or combination of natural persons, whether acting by themselves or through any servant, agent or employee.
- AA. "Person with an identification card" has the same definition as provided for in Health and Safety Code section 11362.7(c), and as may be amended, defined as "an individual who is a qualified patient who has applied for and received a valid identification card pursuant to this article."
- BB. "Physician's referral" means a written recommendation for a patient from a licensed medical doctor indicating that marijuana would be a beneficial treatment for a serious medical condition of the patient.
- CC. "Place of worship" means an establishment which has the principal purpose of religious worship (e.g., church, synagogue, mosque, temple), including accessory uses in the principal structure or in separate buildings, including school rooms, assembly rooms,

kitchen, library room, one (1) family dwelling unit and day nurseries operated by and on the site of the place of worship.

DD. "Police Chief" means the Riverside County Sheriff's Department Captain in command of the Perris Station of the Riverside County Sheriff.

EE. "Police Department" means the Riverside County Sheriff which is under contract with the City of Perris for police services, as provided for through the Perris Station of the Riverside County Sheriff's Department.

FF. "Premises" means a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises."

GG. "Primary caregiver" has the same definition as provided for in Health and Safety Code section 11362.7(d), and as may be amended, defined as "the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following: (1) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card. (2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver. (3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card." A "primary caregiver" shall also meet the requirements of Health and Safety Code section 11362.7(e), and as may be amended, which provide that a "primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code."

HH. "Qualified Patient" has the same definition as provided for in Health and Safety Code section 11362.7(f), and as may be amended, defined as "a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this article."

- II. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a home school, vocational or professional institution of higher education, including a community or junior college, college, or university.
- JJ. "Serious Medical Condition" has the same definition as set forth in Health and Safety Code section 11362.7(h), and as may be amended, defined as meaning all of the following medical conditions: "(1) Acquired immune deficiency syndrome (AIDS). (2) Anorexia. (3) Arthritis. (4) Cachexia. (5) Cancer. (6) Chronic pain. (7) Glaucoma. (8) Migraine. (9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis. (10) Seizures, including, but not limited to, seizures associated with epilepsy. (11) Severe nausea. (12) Any other chronic or persistent medical symptom that either: (A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336). (B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health."
- KK. "Youth-oriented Facility" means any facility that caters to or provides services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

**Sec. 5.54.040 - Medical Marijuana Dispensary Permit.**

- A. Prior to initiating operations as a medical marijuana dispensary and as a continuing requisite to conducting operations, the owner of a medical marijuana dispensary shall obtain a regulatory permit from the Director under the terms and conditions set forth in this chapter.
- B. Medical marijuana dispensary permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.
- C. Conditions necessary for the continuing validity of any and all regulatory permits issued for the operation of a medical marijuana dispensary include:
1. Strict adherence to each and every requirement of this chapter, as well as any requirements adopted by the City pursuant to the authority of this chapter.
  2. Allowing the Director and the Police Department to conduct reasonable inspections of the location of the medical marijuana dispensary at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the medical marijuana dispensary, for the purposes of ensuring compliance with local and state law.
  3. Maintaining with the City current and valid contact information of the owner(s) and manager(s) of the medical marijuana dispensary.

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4. Maintaining with the City current and valid contact information of a legal representative of the medical marijuana dispensary.
5. Transferable only if transferee successfully completes all of the requirements that a new applicant for a medical marijuana dispensary permit would otherwise need to meet.

**Sec. 5.54.050 - Applications for Medical Marijuana Dispensary Permit.**

- A. The owner of a proposed medical marijuana dispensary shall file an application with the Director upon a form provided by the City and shall pay a filing fee as established by resolution adopted by the City Council as amended from time to time.
- B. An application for a regulatory permit for a medical marijuana dispensary permit shall include, but shall not be limited to, the following information:
  1. Address of the location where the medical marijuana dispensary will be located.
  2. A list of the names of all current and prospective employees of the medical marijuana dispensary, accompanied by:
    - a) the results of a live scan for all such employees which was performed within ninety (90) days prior to the date of the application; and
    - b) for each such employee, a color photocopy of either a valid California Driver's License or equivalent identification approved by the Director.
  3. Evidence satisfactory to the Director of compliance with all state law requirements governing medical marijuana dispensaries.
  4. Evidence satisfactory to the Director of compliance with all applicable insurance requirements.
  5. A site plan and floor plan of the premises denoting all the use of areas on the premises of the medical marijuana dispensary, including storage, exterior lighting, restrooms, and signage.
  6. A security plan including the following measures:
    - a) Security cameras shall be installed and maintained in good condition, with at least 30 days of digitally recorded documentation in a format approved by the Police Department. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, all doors and windows, and any other areas as determined by the

**Police Department.**

- b) The lease/business space site shall be alarmed with a centrally-monitored fire and burglar alarm system, and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with Business & Professions Code section 7590 *et seq.* and whose agents are properly licensed and registered under applicable law.
  - c) Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of employees.
  - d) Interior Lighting. The premises within which the medical marijuana dispensary is operated shall be equipped with and, at all times during which is open to the public, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.
  - e) Exterior Lighting. The exterior of the premises upon which the medical marijuana dispensary is operated shall be equipped with and, at all times between sunset and sunrise, shall remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas.
  - f) All windows on the building that houses the dispensary shall be secured against entry from the outside.
  - g) All marijuana present or kept at the premises shall be securely stored against both unauthorized access as well as theft.
7. The name, address and current phone number of any person who is managing or responsible for the medical marijuana dispensary's activities.
8. The name, address and current phone number of the owner and lessor of the real property upon which the medical marijuana dispensary is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical marijuana dispensary will be operated on his/her property.
9. Authorization for the Director to seek verification of the information contained within the application.

10. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

11. Any such additional and further information as is deemed necessary by the Director to administer this chapter.

**Sec. 5.54.060 - Review of Medical Marijuana Dispensary Permit Applications.**

A. The Director shall conduct a review of any application for a medical marijuana dispensary permit authorized under this chapter, and shall prepare a written report on the acceptability of the application.

B. Upon completing the review process, the permit shall be deemed a qualified application, unless the Director finds:

1. The applicant has made one or more false or misleading statements or omissions, either on the written application or during the application process; or
2. A proposed location for the medical marijuana dispensary is not allowed by state or local law, statute, ordinance, or regulation (including this Code); or
3. The applicant is not a primary caregiver, qualified patient, or otherwise qualified to operate a medical marijuana dispensary under the Medical Marijuana Regulation and Safety Act of 2015; or
4. The applicant has not satisfied each and every requirement of this chapter and Code; or
5. The applicant is not in compliance with applicable state law, including, but not limited to, applicable requirements and minimum standards of the Medical Marijuana Regulation and Safety Act of 2015.

C. Based on the information set forth in the application and the Director's review, the Director may impose reasonable terms and conditions on the use of the permit in addition to those specified in this chapter to ensure the safe operation of the dispensary, and to ensure the health, safety and welfare of the citizens and visitors of the City of Perris.

**Sec. 5.54.070 - Suspension of Review of Medical Marijuana Dispensary Permit Applications.**

Upon a resolution from the City Council that a more rigorous selection process (e.g., a lottery or a scoring system) is warranted for the acceptance of applications for medical marijuana dispensary permits for review, then review of all applications for medical marijuana dispensary permits will be suspended until such a selection process is adopted by the City Council through either a resolution or an ordinance.

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**Sec. 5.54.080 - Action on Applications for Medical Marijuana Dispensary Permit.**

- A. Upon receipt of a completed application and payment of the application and license fees, the Director shall investigate the information contained in the application to determine whether the applicant shall be issued the requested permit.
- B. If the Director determines that the applicant has completed the application improperly, the Director shall notify the applicant of such fact within thirty (30) days of receipt of the application. The incomplete application upon return as incomplete shall be deemed abandoned. The applicant may then resubmit a new application for a new review pursuant to the requirements of this section.
- C. Within sixty (60) days of receipt of the completed application, the Director shall complete the investigation, approve or deny the application in accordance with the provisions of this chapter, and so notify the applicant by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.
- D. The Director shall grant the application upon findings that the proposed permit meets all of the requirements of this chapter, unless the application is denied for one (1) or more of the reasons set forth in section 5.54.060.
- E. If an application is granted a permit will not be issued until and unless subsequent compliance by the successful applicant with the requirements of Section 5.54.090(B).
- F. If the Director neither grants nor denies a complete application within sixty (60) days after it is received (except as provided in section 5.54.080(B)), the application shall be forwarded to the City Council at its next regularly scheduled meeting for consideration in strict conformance with the requirements of this chapter.

**Sec. 5.54.90 - Obligations of Medical Marijuana Dispensary.**

- A. A medical marijuana dispensary permit issued by the City constitutes a revocable privilege. The burden of proving qualifications for a medical marijuana dispensary permit rests at all times with an applicant and/or permit holder.
- B. Before receiving possession of an approved medical marijuana dispensary permit, as provided for in this chapter, the medical marijuana dispensary permit holder shall to the satisfaction of the Director:
  - 1. Provide written authorization to the Director as well as the Police Department, to conduct reasonable inspections of the location of the medical marijuana dispensary at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the medical marijuana dispensary, for the purposes of ensuring compliance with local and state law.

2. Execute an agreement indemnifying the City, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the medical marijuana dispensary.
  3. Execute an agreement to:
    - a) defend, at the medical marijuana dispensary permit holder's sole expense, any action against the City, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, which arises from the operation of the medical marijuana dispensary.
    - b) to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action.
- C. Upon and after receiving possession of a medical marijuana dispensary permit as provided for in this chapter, the medical marijuana dispensary permit holder shall:
1. Maintain continuing compliance with all applicable insurance requirements, including, but not limited to, those imposed by the City and as an operation of this chapter.
  2. Maintain continuing compliance with background check requirements of Section 5.54.050(B)(2) of this chapter by ensuring that upon the hiring, association or retention of an employee by the medical marijuana dispensary, the requirements of Section 5.54.050(B)(2) are met by immediately providing the Director in writing with:
    - a) the results of a live scan for the employee which was performed within ninety (90) days prior to the date of the hiring, association or retention of the employee; and
    - b) a color photocopy of either a valid California Driver's License for the employee, or equivalent identification for the employee approved by the Director.
  3. Immediately update the Director in writing with correct and current contact information, when there is any change in the address or phone number, previously provided to the City in compliance with this chapter, for any owner(s), manager(s) or legal representative(s) of the medical marijuana dispensary.
- D. Failure to perform the aforementioned actions of this Section 5.54.090 shall render the operation of a medical marijuana dispensary unlawful.



**Sec 5.54.100 - Process for Renewing a Medical Marijuana Dispensary Permit.**

- A. A medical marijuana dispensary permit issued by the City constitutes a revocable privilege. Medical marijuana dispensary permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.
- B. The following procedures shall govern the process for the renewal of a medical marijuana dispensary permit:
  - 1. A holder of a medical marijuana dispensary permit may apply for the renewal of an existing permit no less than 60 days prior to the permit's expiration date.
  - 2. Renewal applications shall comply with all of the requirements in this chapter for applying for a new medical marijuana dispensary permit, including but not limited to the requirements in Section 5.54.050.
  - 3. If the holder of a medical marijuana dispensary permit files a renewal application less than 60 days prior to expiration, the holder must provide a written explanation detailing the circumstances surrounding the late filing. If the Director accepts the application, then the Director may elect to administratively extend the permit beyond the expiration date while the Director completes the renewal permitting process.
  - 4. An application for renewal will only be accepted if it is accompanied by the requisite fees as set by resolution of the City Council, and as amended from time to time.
- C. A medical marijuana dispensary permit is immediately invalid upon expiration if the permit holder has not filed a timely and/or accepted renewal application and remitted all of the required fees. In the event the permit is not renewed prior to expiration, the affected medical marijuana dispensary shall not operate and is considered to be unlawful.

**Sec. 5.54.110 - General Operating Standards and Restrictions.**

A medical marijuana dispensary shall operate in conformance with the following minimum standards, and such standards shall be deemed to be part of the conditions of approval on the permit for a medical marijuana dispensary to ensure that its operation is in compliance with California law, the Attorney General Guidelines, and the Perris Municipal Code, and to mitigate any potential adverse impacts of the medical marijuana dispensary on the public health, safety or welfare.

Additional minimum standards may be adopted from time to time either by resolution or ordinance from the City Council, or by the Director (upon authorization by resolution from the

City Council). Such additional standards may include (but are not limited to) insurance requirements, hours of operation, and labeling and packaging requirements.

**A. Security.**

1. **Security Cameras.** Security cameras shall be installed and maintained in good condition, with at least 30 days of digitally recorded documentation in a format approved by the Director. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the Director.
2. **Alarm System.** The location of the medical marijuana dispensary shall be alarmed with a centrally-monitored fire and burglar alarm system, and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with California Business & Professions Code section 7590 *et seq.* and whose agents are properly licensed and registered under applicable law.
3. **Locked Entrances.** All entrances into the building housing a medical marijuana dispensary shall be locked from the exterior at all times with entry controlled by employees.

**B. Authorizations.**

1. The Director shall have the right to enter all areas of the medical marijuana dispensary from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and all laws of the City and State of California.
2. Recordings made by security cameras required pursuant to this chapter shall be made available to the Director or the Police Department upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

**C. Records.**

1. Medical marijuana dispensaries shall maintain records reflecting:
  - a) The full name, address, and telephone numbers of the owner and lessee of the property, all employees, and all members (if any) who participate in cultivation of marijuana for the medical marijuana dispensary.
  - b) Results of annual live scans of all employees.
  - c) The state issued identification card number of all members to whom the

medical marijuana dispensary provides medical marijuana. If a member does not have a state issued identification card, then the medical marijuana dispensary shall assign the member a unique identifying number for the use of the medical marijuana dispensary, and maintain a written copy of the physician's referral for the member.

- d) The source (including name, location and contract information) of all medical marijuana dispensed, sold or stored by the medical marijuana dispensary.
- e) The dates upon which all members are dispensed medical marijuana, the amount dispensed, and the state issued identification card number (or unique identifying number referenced above in Section 5.54.110(C)(1)(c)) of the recipient.
- f) The delivery of medical marijuana, from the medical marijuana dispensary by an employee, to a member located outside of the medical marijuana dispensary location, including but not limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, the name of the employee making the delivery, and a written receipt from the member confirming the delivery.
- g) A written accounting of all expenditures, costs, revenues and profits of the medical marijuana dispensary.
- h) A written accounting of all cash and in-kind contributions, reimbursements, and compensation provided by the management members and members to the medical marijuana dispensary.
- i) A copy of all insurance policies related to the operation of the medical marijuana dispensary.
- j) An inventory record documenting the dates and amounts of medical marijuana received at the medical marijuana dispensary, the daily amounts of medical marijuana stored at the location of the medical marijuana dispensary, and the daily amounts distributed to members.
- k) Proof of a valid and current permit issued by the City in accordance with this chapter. Every medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the location of the medical marijuana dispensary.

2. Records shall be maintained on-site, either in paper or electronic form, and secured and verified by the Director as needed (consistent with requirements

pertaining to patient confidentiality pursuant to applicable State and Federal law).

3. All records required to be maintained by the medical marijuana dispensary must be maintained for no less than three (3) years and are subject to immediate inspection upon a lawful written request by the Director.

#### D. Employees.

1. A medical marijuana dispensary shall maintain results of live scans conducted annually by the medical marijuana dispensary on all employees, the written results of such live scans being maintained at the location of the medical marijuana dispensary.
2. No employee convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of an employee of a medical marijuana dispensary (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.) shall be employed by a medical marijuana dispensary, unless such employee has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted. At the request of the medical marijuana dispensary, the Director shall determine the applicability of this section to a potential employee within a reasonable period of time after a written request has been made to the Director for such determination.
3. All employees must possess a valid government issued (or equivalent) form of identification containing an identifying photograph of the employee, the name of the employee, the date of birth of the employee, and the residential address of the employee. Color copies of such identification shall be maintained at the location of the medical marijuana dispensary. A valid California Driver's license will satisfy this requirement.
4. All owners and managers must have a current and valid identification card.

#### E. Only Medical Marijuana Products.

Medical marijuana dispensaries shall dispense, offer for sale or provide only products which are closely associated with medical marijuana, such as pipes, rolling papers, etc.

#### F. No Recommendations On-site.

A medical marijuana dispensary shall not have a physician or an attending physician at the location of the medical marijuana dispensary to evaluate patients or provide a recommendation or physician's referral for medical marijuana.

**G. No Cultivation.**

No marijuana cultivation shall occur at a medical marijuana dispensary site.

**H. No Alcohol.**

Medical marijuana dispensaries shall not hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.

**I. No Lounge or Cafe.**

Medical marijuana dispensaries shall not operate as a lounge, cafe or restaurant serving food or drinks for consumption on-site. There shall be no seating area, tables, couches, or chairs for the gathering or congregating of members.

**J. Medical Marijuana Dispensary Signage.**

1. Signs on the premises shall not obstruct the entrance or the video surveillance system. The size, location, and design of any signage must conform to the sign provisions in the Perris Municipal Code.
2. Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with the appropriate sign requirements within the applicable zoning district.

**K. Use Restrictions.**

Smoking, ingesting or consuming marijuana at the location of the medical marijuana dispensary or within twenty (20) feet of the medical marijuana dispensary is prohibited.

**L. No Minors.**

1. Minors are prohibited from entering the location of the medical marijuana dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.
2. No minor shall operate a medical marijuana dispensary in any capacity, including but not limited to, as a management member, employee, contractor or volunteer.

**M. Odors.**

1. A medical marijuana dispensary shall have an air treatment system that ensures off-site odors shall not result from its operations.

2. This requirement at a minimum means that the medical marijuana dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the medical marijuana dispensary is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the medical marijuana dispensary, if the use only occupies a portion of a building.

**N. Site management.**

1. The medical marijuana dispensary permit holder shall take all reasonable steps to discourage and correct conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if related to the members of the subject medical marijuana dispensary.
  - a) “Reasonable steps” shall include immediately calling the police upon observation of the activity, and requesting that those engaging in activities that constitute a nuisance or are otherwise illegal to cease those activities, unless personal safety would be threatened in making the request.
  - b) “Nuisance” includes but is not limited to disturbances of peace, open public consumption of marijuana, alcohol or controlled substances, excessive pedestrian or vehicular traffic, including the formation of any pedestrian lines outside the building, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.
2. The medical marijuana dispensary permit holder shall make available to members who are dispensed medical marijuana a list of the rules and regulations governing medical marijuana use and consumption within the City and recommendations on sensible medical marijuana etiquette.

**O. Delivery of Medical Marijuana to Members.**

1. All employees who provide delivery of medical marijuana from a medical marijuana dispensary to a member located outside the medical marijuana dispensary location must have a valid identification card at all times with the employee while the delivery is being made.
2. All deliveries must be recorded by the medical marijuana dispensary and maintained in the regular records of the medical marijuana dispensary. These records shall include but not be limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, and the name of the employee making the delivery.

3. Upon receipt of a delivery outside of the location of the medical marijuana dispensary, a member must sign for the delivery on a written identifiable receipt to be kept in the regular records of the medical marijuana dispensary.
4. All deliveries must leave the medical marijuana dispensary in sealed containers whose seals will not be broken until receipt of the delivery by the member.

**P. Exemptions.**

The regulations contained in this chapter shall not apply to a medical marijuana dispensary engaged in the following uses, as long as such use complies strictly with applicable law regulating such use and the location of such use, including, but not limited to, Health and Safety Code sections 11362.5 and 11362.7 et seq.; a clinic permitted pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility permitted pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness permitted pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or or a home health agency permitted pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

**Sec. 5.54.120 - Administration.**

Further rules, regulations, procedures and standards for the administration and implementation of this chapter may be adopted from time to time either by resolution or ordinance from the City Council, or by the Director (upon authorization by resolution from the City Council).

**Sec. 5.54.130 - Fees.**

**A. Fees.**

1. An application fee set by resolution of the City Council shall be required for formal processing of every application made under this chapter.
2. The City Council is authorized to pass resolutions to recover any and all fees and costs incurred by the administration and implementation of this chapter through an appropriate fee recovery mechanism to be imposed upon medical marijuana dispensaries and their operations.

**B. State Board of Equalization Seller's Permit Required.**

1. The State Board of Equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana

must obtain a Seller's Permit from the State Board of Equalization.

2. Such permit shall be conspicuously displayed at the medical marijuana dispensary.

**Sec. 5.54.140 - Location Restrictions.**

- A. Medical marijuana dispensaries shall not be located within six hundred feet of a school, park, place of worship, youth-oriented facility or community center.
- B. Medical marijuana dispensaries shall not be located within six hundred feet of a residential zone.
- C. No medical marijuana dispensary shall locate and/or operate in any zone of the City of Perris, other than either in the Commercial Neighborhood (CN) Zone (Section 19.36), the Commercial Community (CC) Zone (Section 19.38), or the Industrial Zone (Section 19.44), as defined more fully in Title 19 (Zoning) of the Perris Municipal Code.

**Sec. 5.54.150 - Suspension and Revocation.**

- A. The Director is authorized to suspend and/or revoke a medical marijuana dispensary permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any condition of approval, or any agreement or covenant as required pursuant to this chapter.
- B. The Director may suspend or revoke a medical marijuana dispensary permit if any of the following occur:
  1. The Director determines that the medical marijuana dispensary has failed to comply with any aspect of this chapter, any condition or approval, or any agreement or covenant as required pursuant to this chapter; or
  2. Operations cease for more than 180 calendar days (including during any change of ownership, if applicable); or
  3. Ownership is changed without securing a new medical marijuana dispensary permit; or
  4. The medical marijuana dispensary fails to maintain required security camera recordings; or
  5. The medical marijuana dispensary fails to allow inspection of the security recordings, the activity logs, the records, or of the premise by authorized City officials.
- C. Conditions (if any) of suspension or revocation are at the discretion of the Director and

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may include, but are not limited to, a prohibition on all owners, operators and employees of the suspended or revoked medical marijuana dispensary from operating within the City for a period of time set forth in writing and/or a requirement (when operations may resume, if at all, pursuant to the Director's determination) for the holder of the suspended or revoked permit to resubmit an application for a medical marijuana dispensary permit pursuant to the requirements of this chapter.

- D. Suspension or revocation of a medical marijuana dispensary permit pursuant to this chapter shall constitute a "revocation" for purposes of Business & Professions Code section 19320(b).

**Sec. 5.54.160 - Violations and Penalties.**

- A. Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued, and shall be subject to all remedies and enforcement measures authorized by the Perris Municipal Code for violation of the law.
- B. To the fullest extent allowed under state law, any person, whether as principal, employee, agent, partner, director, officer, stockholder, or trustee or otherwise, violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

**Sec. 5.54.170 - Public Nuisance and Abatement.**

- A. In addition to the penalties set forth in this chapter, any medical marijuana dispensary that is operating in violation of any provisions of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 7.06 (Property Maintenance) of Title 7 (Health and Welfare) of the Perris Municipal Code.
- B. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the permit holder of the medical marijuana dispensary. Any appeals to a determination that a medical marijuana dispensary is operating as a public nuisance shall be pursuant to the provisions provided for appeal in Chapter 7.06 (Property Maintenance) of Title 7 (Health and Welfare) of the Perris Municipal Code.
- C. In addition to the penalties set forth in this section, failure of a medical marijuana dispensary permit holder to abate a declared public nuisance, after proper notice, shall subject the medical marijuana dispensary permit holder to the enforcement provisions of Chapter 1.16 (Criminal Enforcement of Perris Municipal Code and Ordinance Violations) of Title 1 (General Provisions) of the Perris Municipal Code to the fullest extent allowed under state law.

### **Sec. 5.54.180 - Appeals.**

Any decision regarding approval, conditional approval, denial, suspension or revocation of a medical marijuana dispensary permit may be appealed to the Planning Commission (unless subject to the provisions of Section 5.54.160 or Section 5.54.170 of this chapter) by an applicant, a permit holder or interested party as follows:

- a) If the appellant wishes to appeal a decision to the Planning Commission, the appellant must file a written appeal with the Perris City Clerk within ten calendar days of the decision. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the applicant seeks to be considered by the Planning Commission.
- b) Notice of the time and place of an appeal hearing shall be providing to the appellant within thirty days of receipt by the Perris City Clerk of the written appeal.
- c) The appeal hearing shall be held within sixty days of the filing of the written appeal with the Perris City Clerk, unless the sixty day time limit is waived by the appellant, or unless the Planning Commission continues the appeal hearing date for good cause and upon written notification to the appellant.
- d) The Planning Commission shall review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, and then determine whether the appealed decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final unless appealed as provided for below.
- e) If the appellant wishes to appeal the determination of the Planning Commission, then the procedures provided in this section shall be followed for an appeal to the City Council, with the exception of the City Council may determine to simply affirm by minute order or resolution the determination of the Planning Commission, without review, within sixty days of receipt by the Perris City Clerk of the written appeal. Any determination of the City Council shall be final.
- f) The provisions of section 1094.6 of the Code of Civil Procedure sets forth the procedure for judicial review of any final determination. Parties seeking such judicial review shall file such action within ninety (90) days of a determination being made final.

### **Sec. 5.54.190 - Prohibitions.**

- A. All medical marijuana dispensaries in violation of Health and Safety Code Section 11362.7 *et seq.* and 11362.5, this chapter, or any other applicable State law are expressly prohibited.

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- B. It is unlawful for any medical marijuana dispensary in the City, or any agent, employee or representative of such medical marijuana dispensary, to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct on the premises of the medical marijuana dispensary, or to violate any State law, or this chapter.

**Sec. 5.54.200 - Nonconforming Use.**

No use which purports to have distributed marijuana prior to the enactment of this chapter shall be deemed to have been a legally established use under the provisions of the Perris Zoning Code, the Perris Municipal Code, or any other local ordinance, rule or regulation, and such use shall not be entitled to claim legal nonconforming status.

**Sec. 5.54.210 - Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Perris hereby declare that they would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

**Sec. 5.54.220 - Amendment or Repeal.**

This chapter may be amended and/or repealed, in part or in whole, by ordinance passed by a majority vote of the City Council, pursuant to Section 9217 of the Elections Code.

**Sec. 5.54.230 - Consistency with Statewide Regulation of Marijuana.**

- A. This chapter shall be read consistent with any statewide regulation of medical marijuana that is promulgated by the California legislature or by voter approval in the future.
- B. In the event of state and/or federal laws or regulations which decriminalize, authorize or legalize marijuana for recreational and/or general use, and if the City of Perris authorizes and/or permits recreational/general use marijuana dispensaries pursuant to such laws or regulations, then this chapter shall also govern the conduct of such dispensaries to distribute marijuana for recreational and/or general use, to the fullest extent possible consistent with such laws or regulations.

**Sec. 5.54.240 - Effective Only Upon Successful Passage, and Continuing Enforcement, of Marijuana Tax Ordinance.**

This chapter is not effective, and the entire operation of this chapter is suspended indefinitely, until a majority of the voters of the City of Perris, voting at a municipal election, and pursuant to subdivision (b) of Section 2 of Article XIII C of the California Constitution and Section 53720 *et. seq.* of the Government Code, vote in favor of a separate ballot measure imposing both a general municipal tax of (at least) up to 10 cents per \$1.00 on proceeds of marijuana dispensaries operating in the City of Perris, as well as a general municipal tax of (at least) up to \$25 per square foot of space utilized as cultivation area for marijuana cultivation in the City of Perris (“Marijuana Tax Ordinance”). Until such a Marijuana Tax Ordinance is approved by the voters as provided herein, this chapter shall have no effect or force of law in the City of Perris.

The entirety of this chapter shall be immediately repealed and deleted, if county, state and/or federal law operates to preempt in whole or in part the general municipal taxes on marijuana dispensaries and marijuana cultivation provided for by the Marijuana Tax Ordinance referenced above.”

**SECTION 2. AMENDMENT OF SECTIONS 19.36.020 (PERMITTED USES), 19.38.020 (PERMITTED USES), AND 19.44.020 (LAND USE AND PERMIT REQUIREMENTS) OF TITLE 19 (ZONING) OF THE PERRIS MUNICIPAL CODE**

- A. The following new subsection (F) is added to Section 19.36.020 (Permitted Uses) of Chapter 19.36 (CN Commercial Neighborhood) of Title 19 (Zoning) of the Perris Municipal Code:

**“F. *Medical Marijuana Dispensaries***

See Chapter 5.54 (Medical Marijuana Dispensaries) of Title 5 (Business Regulations and Licenses) for requirements.”

- B. The following new subsection (G) is added to Section 19.38.020 (Permitted Uses) of Chapter 19.38 (CC Commercial Community) of Title 19 (Zoning) of the Perris Municipal Code:

**“G. *Medical Marijuana Dispensaries***

See Chapter 5.54 (Medical Marijuana Dispensaries) of Title 5 (Business Regulations and Licenses) for requirements.”

- C. The following second row below is added to the table entitled “Allowed Land Uses In Industrial Zone Districts” contained within Section 19.44.020 (Land Use and Permit Requirements) of Chapter 19.44 (Industrial Zones) of Title 19 (Zoning) of the Perris Municipal Code:

“

Land Use	BP	LI	GI	See Section
Medical Marijuana Dispensary	P	P	P	Chapter 5.54

”

**SECTION 3. REPEAL AND AMENDMENT OF CERTAIN PORTIONS OF TITLE 19 (ZONING) OF THE PERRIS MUNICIPAL CODE.**

- A. Subsection (A) entitled “Prohibition against the location and operation of medical marijuana dispensaries” of Section 19.02.020 (Limitations on Land Use) of Chapter 19.02 (General Provisions) of Title 19 (Zoning) of the Perris Municipal Code is hereby repealed.
- B. Subsection (B) entitled “Zoning District Compliance” of Section 19.02.020 (Limitations on Land Use) of Chapter 19.02 (General Provisions) of Title 19 (Zoning) of the Perris Municipal Code is hereby amended to be henceforth codified as Subsection (A) for expressly and solely organizational purposes.
- C. The definition of “Medical Marijuana Dispensary” in Section 19.08.010 (Definitions) of Chapter 19.08 (Definitions) of Title 19 (Zoning) of the Perris Municipal Code is hereby repealed.

**SECTION 4. EFFECTIVE DATE.**

If a majority of the voters of the City of Perris voting at the General Municipal Election of November 8, 2016 vote in favor of this Ordinance, and if a majority of the voters of the City of Perris voting at a City of Perris Municipal Election vote in favor of an Ordinance to impose both a general municipal tax of (at least) up to 10 cents per \$1.00 on proceeds of marijuana dispensaries operating in the City of Perris, as well as a general municipal tax of (at least) up to \$25 per square foot of space utilized as cultivation area for marijuana cultivation in the City of Perris, then this Ordinance shall become a valid and binding ordinance of the City of Perris, and shall be considered as adopted upon the date that the last vote necessary for this ordinance to be effective is declared by the City Council of the City of Perris, and this Ordinance shall go into effect ten (10) days after that last date, pursuant to Election Code section 9217.

**SECTION 5. AUTOMATIC REPEAL**

The entirety of this Ordinance shall be rendered null and void, and all additions, changes, repeals and amendments made to the Perris Municipal Code by this Ordinance shall be immediately repealed, deleted and/or reversed, if county, state and/or federal law operates to preempt in whole or in part the Ordinance referenced in Section 4 (“Effective Date”) herein which imposes general municipal taxes on marijuana dispensaries and marijuana cultivation.

**SECTION 6. CITY COUNCIL AUTHORITY TO AMEND AND/OR REPEAL**

This is a City Council sponsored initiative Ordinance which otherwise would only be subject to amendment by the voters of the City of Perris. However, pursuant to Section 9217 of the California Elections Code, the City Council expressly reserves the right and authority to amend or repeal the Ordinance without any restrictions.

**SECTION 7. SEVERABILITY.**

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If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

**SECTION 8. EXECUTION.**

The Mayor of the City of Perris is hereby authorized and ordered to attest to the adoption of the Ordinance (consistent with Section 4 above) by the voters of the City of Perris by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Perris, California voting on the 8th day of November, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION NUMBER 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE**

**WHEREAS**, a General Municipal Election is to be held in the City of Perris, California, on November 8, 2016, at which there will be submitted to the voters a ballot measure to consider adopting a proposed ordinance for a medical marijuana dispensary regulatory program;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That pursuant to Election Code §§ 9282 and 9287, the City Council hereby authorizes, but does not require, any or all members of the City Council to file a written argument for or against the foregoing measure.

**Section 2.** That in the event that more than one argument for or against the foregoing measure is timely submitted, the City's elections official shall give preference and priority first, to arguments submitted by member(s) of the City Council, as authorized by this Resolution, and second, to individual voters, bona fide associations, or a combination thereof, in the order set forth at California Elections Code § 9287.

**Section 3.** That in accordance with the requirements of Division 9, Chapter 3, Article 4 of the California Elections Code, all written arguments for or against the foregoing measure: (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the City's elections official; (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal officers who is the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. All written arguments may be changed or withdrawn until and including the date fixed by the City's elections official, after which time no arguments for or against the foregoing measure may be submitted to the elections official.

**Section 4.** That the City Council hereby directs the City's elections official to transmit a copy of the foregoing measure to the City Attorney. In accordance with California Elections Code § 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. In the event the entire text of the measure

is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you." The impartial analysis shall be filed by the date set by the City's elections official for the filing of primary arguments.

**Section 5.** That the City's elections official shall cause the City Attorney's Impartial Analysis, and duly selected arguments, to be printed and distributed to voters in accordance with State law regarding same.

**Section 6.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**RESOLUTION NUMBER 16-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM MEASURE**

**WHEREAS**, a General Municipal Election is to be held in the City of Perris, California, on June 7, 2016, at which there will be submitted to the voters a ballot measure to consider adopting a proposed ordinance for a medical marijuana dispensary regulatory program; and

**WHEREAS**, California Elections Code § 9285 authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments regarding city measures submitted at municipal election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That pursuant to Elections Code § 9285, when the City's elections official has selected the arguments for and against the foregoing measure which will be printed and distributed to the voters, the City's elections official shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The author or a majority of the authors of an argument relating to the foregoing city measure may prepare and submit a rebuttal argument not to exceed two hundred and fifty (250) words in length. A rebuttal argument may not be signed by more than five (5) authors. The rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

**Section 2.** That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

**Section 3.** That the provisions of Section 1 of this Resolution shall apply only to the General Municipal Election to be held on November 8, 2016, and shall then be repealed.

**Section 4.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Perris, California, at a regular meeting held on the 14<sup>th</sup> day of June, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT 9

## SUMMARY OF CA MEDICAL MARIJUANA REGULATION AND SAFETY ACT

(AB 243, AB 266, SB 643)

The recently passed Medical Marijuana Regulation and Safety Act (MMRSA) establishes a statewide regulatory system for the licensing and operation of cultivation, processing, transportation, testing, distribution, and use of medical marijuana. The MMRSA consists of AB 266 (Dispensaries and Overall Licensing), AB 243 (Cultivation and the Environment) and SB 643 (Physicians and Taxes).

State medical marijuana licenses will be issued on or about January 1, 2018. When that happens, all cultivation and distribution of medical marijuana will require one of seventeen different state licenses. The licenses are valid for one year and are renewed annually. A state license is not required for individual medical use and cultivation, or provision of medical marijuana by a “caregiver” to five or less “patients.”

The new laws are intended to maintain the authority of local ordinances or zoning requirements, as well as the authority of local permit or licensing agreements. Before one of the new medical marijuana state licenses will be issued, an applicant must have obtained a local license/permit for medical marijuana cultivation or distribution. Local jurisdictions effectively will have a “veto” over whether a state license can be issued. (With exceptions of failure to have cultivation regulations or prohibitions in effect by March 1, 2016 will allow state cultivation licenses to be issued in 2018 for a city even without a local permit; and, unless expressly prohibited by 2018, delivery into a city is allowed from neighboring cities).

The new regulatory regime is akin to the need to secure an alcohol license before serving alcohol - yet generally with local control over issuance of medical marijuana licenses from Sacramento. Below, please find some of the more important provisions in the three bills which comprise the MMRSA.

### **AB 266 (Dispensaries and Overall Licensing)**

- Establishes a statewide regulatory scheme, headed by the Bureau of Medical Marijuana Regulation (BMMR) within the Department of Consumer Affairs (DCA).
- Provides for dual licensing: state will issue licenses, and local governments will issue permits or licenses to operate marijuana businesses, according to local ordinances. State licenses will be issued beginning in January 2018.
- Revocation of a local license or permit will unilaterally terminate the ability of the business to operate in that jurisdiction.
- Protects local licensing practices, zoning ordinances, and local constitutional police power.
- Provides for civil penalties for unlicensed activity, and specifies that applicable criminal penalties under existing law will continue to apply.
- Specifies that patients and primary caregivers are exempt from the state licensing requirement, and provides that their information is not to be disclosed and is confidential under the California Public Records Act.
- Phases out the existing model of marijuana cooperatives and collectives one year after DCA announces that state licensing has begun.
- Caps total cultivation for a single licensee at four acres statewide, subject to local ordinances.
- DCA will issue the following categories of licenses (with 17 types of licenses): Dispensary, Distributor, Transport, and Special Dispensary Status for licensees who have maximum of 3 dispensaries. Specifies sub-categories of licensees (indoor/outdoor cultivation, etc.).

- Limits cross-licensing to holding a single state license in up to two separate license categories, as specified. Prohibits medical marijuana licensees from also holding licenses to sell alcohol.
- Unless a city explicitly prohibits deliveries by 2018, then valid delivery licenses from neighboring cities authorize medical marijuana delivery into a city without express prohibitions.
- Requires establishment of uniform health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product.
- Specifies a standard for certification of testing labs, and specified minimum testing requirements.
- Prohibits testing lab operators from being licensees in any other category, and from holding a financial or ownership interest in any other category of licensed business.

#### **AB 243 (Cultivation and the Environment)**

- Places the Department of Food and Agriculture (DFA) in charge of licensing and regulation of indoor and outdoor cultivation sites. Creates a Medical Cannabis Cultivation Program within the department.
- Mandates the Department of Pesticide Regulation (DPR) to develop standards for pesticides in marijuana cultivation, and maximum tolerances for pesticides and other foreign object residue.
- Mandates the Department of Public Health (DPH) to develop standards for production and labelling of all edible medical cannabis products.
- Assigns joint responsibility to DFA, Department of Fish and Wildlife (DFW), and the State Water Resources Control Board (SWRCB) to prevent illegal water diversion associated with marijuana cultivation from adversely affecting California fish population.
- Specifies that DPR, in consultation with SWRCB, is to develop regulations for application of pesticides in all cultivation.
- Specifies various types of cultivation licenses.
- Failure of city to have cultivation regulations/prohibitions in effect by March 1, 2016 will allow state cultivation licenses to be issued in 2018 for that city even without a local cultivation permit.
- Directs the multi-agency task force headed by DFW and SWRCB to expand its existing enforcement efforts to a statewide level to reduce adverse impacts of marijuana cultivation, including environmental impacts such as illegal discharge into waterways and poisoning of marine life and habitats.

#### **SB 643 (Physicians and Taxes)**

- Directs the California Medical Board to prioritize investigation of excessive recommendations by physicians.
- Imposes fines (\$5000.00) against physicians for violating prohibition against having a financial interest in a marijuana business.
- Recommendation for cannabis without a prior examination constitutes unprofessional conduct.
- Imposes restrictions on advertising for physician recommendations.
- Places DFA in charge of cultivation regulations and licensing; requires a track and trace program.
- Codifies dual licensing (state license and local license or permit), and itemizes disqualifying felonies for state licensure.
- Places DPR in charge of pesticide regulation; DPH in charge of production and labelling of edibles.
- Upholds local power to levy fees and taxes.

# EXHIBIT 10

## SURVEY OF MUNICIPAL MEDICAL MARIJUANA TAX REVENUE

(FY = Fiscal Year / CY = Calendar Year)

- A. **Palm Springs** - tax rate of 10% of gross receipts (up to 15% tax approved) for 6 permitted dispensaries (tax rate of 15% for unpermitted dispensaries)

2013-14 FY Actual Revenue: \$492,974

2014-15 FY Estimated Revenue: \$1,143,144

- B. **Cathedral City** - tax rate of 10% of gross receipts (up to 15% tax approved) with 3 allowed dispensaries

*Data not available – First Dispensary Just Opened October 15, 2015*

- C. **Desert Hot Springs** – tax rate of 10% of gross receipts with 3 dispensaries approved in September, 2015; actual number of operating dispensaries unknown

2015-2016 FY Estimated Revenue: \$200,000

- D. **Santa Ana** - tax rate of up to 10% of gross receipts, starts at 5%, with minimum \$2000 annually for each MMD, and with 20 allowed dispensaries

2015-2016 FY Estimated Revenue: \$1,500,000 (tax recently adopted in November 2014)

- E. **San Jose** – tax rate of 10% of gross receipts with 16 permitted dispensaries

2015-2016 FY Estimated Revenue: \$4,500,000

- F. **Oakland** – tax rate of 5% of gross receipts (and regulatory fees) with 8 permitted dispensaries

**Gross Receipts Tax Revenue**

2012 CY Actual Revenue: \$1,480,424.10

2013 CY Actual Revenue: \$2,421,721.07

2014 CY Actual Revenue: \$2,648,370.82

2015 CY Actual Revenue: data not available

**Regulatory Fees**

2012 CY Fees Collected: \$240,000

2013 CY Fees Collected: \$360,000

2014 CY Fees Collected: \$480,000

2015 CY Fees Collected: \$480,000

## EXHIBIT 11

### SURVEY OF MUNICIPAL MEDICAL MARIJUANA DISPENSARY REGULATIONS

<b>REGULATION</b>	<b>Palm Springs</b>	<b>Cathedral City</b>	<b>Desert Hot Springs</b>	<b>Santa Ana</b>
<b>When Laws Enacted</b>	2008	2014	2014	2014
<b>Number of Legal Dispensaries</b>	6	3	3	20
<b>Issuance of Dispensary Permits</b>	City Council Ranking	Lottery	Priority Point System	Lottery
<b>Permitted Zones for Dispensaries</b>	Industrial / Limited Commercial	Limited Industrial / Limited Commercial	Commercial	Industrial
<b>Permit(s)</b>	Regulatory Permit	CUP	Regulatory Permit and CUP	Regulatory Permit
<b>Minimum Distance From Other Dispensary</b>	1,000 feet	1,000 feet	none	500 feet
<b>Current Tax Rate on Dispensaries</b>	10% gross receipts	10% gross receipts	10% gross receipts	5% gross receipts
<b>Annual Tax Revenue</b>	approx. \$1,000,000	unavailable	approx. \$200,000	approx. \$1,500,000
<b>Hours</b>	9 am – 7 pm	8 am – 10 pm	8 am - 10 pm	10am-8pm Mon-Sat; 11am-7pm Sun
<b>Cultivation Allowed by Dispensaries</b>	Yes	Yes	Yes	No
<b>Age Limit</b>	18	18	N/A	21
<b>Record Keeping</b>	Mandatory	Mandatory	Mandatory	Mandatory
<b>Security Guard Required</b>	No	No	Yes	Yes
<b>24/7 Security Cameras</b>	Yes	Yes	Yes	Yes
<b>Odor Control</b>	No	Yes	Yes	Yes
<b>City Inspections Allowed</b>	Yes	Yes	Yes	Yes

**SUGGESTED ADDITIONAL REGULATIONS  
FOR MEDICAL MARIJUANA DISPENSARIES  
PURSUANT TO SECTIONS 5.54.110 AND SECTION 5.54.120**

**A. Operating Hours for Medical Marijuana Dispensary.**

The maximum hours of operation for a medical marijuana dispensary shall be daily from 7:00 a.m. to 10:00 p.m.

**B. Security Guard**

One security guard who is properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services shall be present at the location of the medical marijuana dispensary during all business hours. The security guard shall only be engaged in activities related to providing security for the medical marijuana dispensary, except on an incidental basis. Each security guard shall possess a current "Security Guard Card" (as provided by the Bureau of Security and Investigative Services) at all times, and shall not possess firearms. The duties of the security guard shall include but are not limited to:

1. Ensuring no person smokes any substance within twenty feet (20') of any building entrance, exit, window and air intake vent.
2. Monitoring of the outside of the premises for loitering and unlawful sale of medical marijuana by members. Security guards shall be directed to report to the medical marijuana dispensary all unlawful sales of medical marijuana by members, and the medical marijuana dispensary shall make a report immediately to the Perris Chief of Police.

**C. Signage for Members.**

The following signs in measurements of not less than eight by ten inches shall be clearly and legibly posted in a conspicuous location inside the medical marijuana dispensary where they will be visible to members in the normal course of a transaction, stating:

1. "Smoking, ingesting or consuming marijuana on this property or within 20 feet of the medical marijuana dispensary is prohibited."
2. "Minors are prohibited from entering this property unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian."
3. "The sale of medical marijuana and the diversion of medical marijuana for non-medical purposes are violations of state law."

4. "Forgery of medical documents is a felony crime."
5. "Use of marijuana may impair a person's ability to drive a motor vehicle or operate machinery."

**D. Labeling and Packaging requirements:**

1. Any medical marijuana provided to members shall be properly labeled and packaged in strict compliance with state and local laws, regulations and policies. These include, but are not limited to, the requirements of Business and Professions Code section 19347, and as may be amended.
2. A distinct and clearly legible label must be affixed onto all medical marijuana items provided by a medical marijuana dispensary which includes the information listed in Business and Professions Code section 19347(a)(2), and as may be amended.
3. Labels and packaging that makes the product attractive to children or imitates candy is not allowed.
4. Any edible cannabis product that is made to resemble a typical food product (i.e. brownie, cake) must be in a properly labeled opaque (non see-through) package before it leaves the medical marijuana dispensary.
5. The Director may establish additional minimum requirements as deemed necessary for the labeling and packaging of medical marijuana products, which shall be strictly adhered to by all medical marijuana dispensaries.

**E. Insurance.**

1. A medical marijuana dispensary shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to the Director, the following policies of insurance in the amounts and of the types that are acceptable to the Director, with minimal coverage provided of:
  - a) **General Liability Insurance.** A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than two million five hundred thousand dollars (\$2,500,000) per occurrence or if a general aggregate limit is used, then the general aggregate limit shall be twice the per occurrence limit.
  - b) **Worker's Compensation Insurance.** A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California.



- c) **Automotive Insurance.** A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than one million dollars (\$1,000,000) or if a general aggregate limit is used, then the general aggregate limit shall be twice the per occurrence limit. Said policy shall include coverage for owned, non-owned, leased, hired cars and any automobile.
2. All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents may apply in excess of, and not contribute with the above policies of insurance.
3. No permit may be issued pursuant to this chapter until the applicant for a medical marijuana dispensary permit has provided the City with Certificates of Insurance, additional insured endorsement forms or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of and endorsements to all required insurance policies at any time.

**F. Employee Training.**

1. All employees of a medical marijuana dispensary shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding maintaining compliance by the operation with State and local law.
2. The medical marijuana dispensary shall take those steps necessary to assure that the persons assigned to provide security are properly trained or employed by a private security service in good standing with all supervisory or regulatory bodies exercising jurisdiction over such services.