

City Council Chambers
29844 Haun Road
Menifee, CA 92586



**Menifee City Council
Regular Meeting Minutes**

**Wednesday, May 01, 2024
5:00 PM Closed Session
6:00 PM Regular Meeting**

**Bill Zimmerman, Mayor
Bob Karwin, District 1
Ricky Estrada, District 2
Lesa Sobek, District 3
Dean Deines, District 4**

**Armando G. Villa, City Manager
Jeffrey T. Melching, City Attorney
Stephanie Roseen, Acting Clerk**

MINUTES

CLOSED SESSION (5:00 PM)

Mayor Zimmerman called closed session to order at 5:00 PM. Present were Councilmembers Estrada, Karwin, Sobek, Mayor Pro Tem Deines, and Mayor Zimmerman. The City Council recessed to closed session at 5:01 PM for the purposes listed below.

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION
Gov. Code Section 54956.9(d)(2) or (3): Three Cases
2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Government Code Paragraph (1) of subdivision (d) of Section 54956.9 Riverside County Superior Court Case No. CVRI230303456
City of Perris v. City of Menifee
3. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Government Code Paragraph (1) of subdivision (d) of Section 54956.9 Riverside County Superior Court Case No. CVRI2203040
City of Menifee v. City of Perris

REGULAR MEETING (6:00 PM)

1. CALL TO ORDER

Mayor Zimmerman called the meeting to order at 6:11 PM. City Attorney Jeffrey Melching stated there was no reportable action from closed session.

2. ROLL CALL

Present: Bill Zimmerman, Bob Karwin, Ricky Estrada, Lesa Sobek, Dean Deines
Absent: None

3. WORDS OF INSPIRATION

Bob Harris - Good Co. Rodeo Ministries

4. PLEDGE OF ALLEGIANCE

Angelica Austin led the flag salute.

5. PRESENTATIONS

5.1 Paloma Valley Girls Volleyball Team Recognition

The City Council recognized the players and coaches of the Paloma Valley High School girls' volleyball team.

5.2 Older Americans Month Proclamation

The City Council presented the Menifee Senior Advisory Committee and resident Ken Wright with a proclamation. Representatives from the offices of Assemblyman Bill Essayli, Senator Kelly Seyarto, and Congressman Ken Calvert presented the Committee with certificates.

5.3 National Sapphire Segulah Day Proclamation

The City Council presented LaDana Lucious with a Proclamation.

5.4 Police Department Quarterly Update

Menifee Police Chief Karrer provided a presentation.

6. AGENDA APPROVAL OR MODIFICATIONS

The agenda was approved unanimously (5-0) with no modifications.

7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

The following speaker addressed the City Council on non-agenda items.

- Amanda Fine

8. COUNCILMEMBER UPDATES AND COMMENTS

Councilmember Karwin reported on the meetings and events he attended.

- Menifee Citizens Academy Graduation
- Community Center Town Hall
- Graduation for Menifee Master's Program
- Rotary Club Meeting
- Menifee Better Together
- Menifee Chamber of Commerce Gala
- State of the College
- Pacifica Chili Cook Off Judge

Councilmember Estrada reported on the meetings and events he attended.

- Menifee Citizens Academy Graduation
- Community Center Town Hall

- Graduation for Menifee Master's Program
- State of the College
- Menifee Better Together
- Menifee Chamber of Commerce Gala

Councilmember Sobek reported on the meetings and events she attended.

- Southwest Coalition of Higher Education Meeting
- Menifee Citizens Academy Graduation
- Southwest Elected Collaborative Group Meeting
- Menifee Chamber of Commerce Mid-Day Mixer
- Community Center Town Hall
- Menifee Chamber of Commerce Gala
- Arts Council Menifee Showcase
- Menifee Better Together

Mayor Pro Tem Deines reported on the meetings and events he attended.

- Sphere of Influence Ad Hoc Subcommittee Meeting
- Southwest Riverside Transit Agency (RTA) T-Now Meeting
- RTA Board of Directors Meeting
- RTA Administrative Meeting

Mayor Zimmerman reported on the meetings and events he attended.

- Morning with the Mayors Event
- Pacifica Chili Cook Off Judge
- NJROTC Award Ceremony
- Arts Council Menifee Got Talent Auditions
- Women's Club Open House
- Vagabond Theater Censored at First Approach
- Sphere of Influence Ad Hoc Subcommittee Meeting
- Leadership Day at Boulder Ridge Elementary School
- Southwest Coalition of Higher Education Meeting
- Prime Minister of Birlan, Eden Soriano Trinidad Visit
- Menifee Citizens Academy Graduation
- Menifee Chamber of Commerce Mixer
- Menifee Chamber of Commerce Board Meeting
- Rotary Club Meeting
- Community Center Town Hall
- State of the College
- Menifee Union School District's Evening of Excellence
- Menifee Better Together
- Arts Council Menifee Showcase
- Menifee Chamber of Commerce Gala
- History Museum Docent

9. APPROVAL OF MINUTES

The following sets of minutes were approved unanimously (5-0) with no modifications.

- 9.1 April 3, 2024 Special Minutes (Workshop)
- 9.2 April 3, 2024 Special Minutes (Closed Session)
- 9.3 April 3, 2024 Regular Minutes

10. CONSENT CALENDAR

The consent calendar was approved by the following vote.

MOVER: Dean Deines

SECONDER: Lesa Sobek

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

10.1 Waiver of Reading

ACTION

1. Waived the reading in full of any and all Ordinances listed on this agenda and provided that they be read by title only.

10.2 Warrant Register

ACTION

1. Ratified and approved the Voucher Lists dated 03/29/2024 and 04/05/2024 and the Payroll Register/Other EFTs dated 03/29/2024, 04/02/2024, and 04/03/2024, and the Void Check Listing PE 03/31/2024 which have a total budgetary impact of \$2,885,450.17.

10.3 Proclamations

ACTION

1. Proclaimed the week of May 6 – 10, 2024 as “Economic Development Week” ; and
2. Proclaimed the week of May 5 – 11, 2024 as “Professional Municipal Clerks Week” ; and
3. Proclaimed the Month of May 2024 as “Building Safety Month”.

10.4 Developer Funded California Environmental Quality Act Consultant Update for the Third Quarter of Fiscal Year 2023/2024

ACTION

1. Received and filed the third quarterly update on executed California Environmental Quality Act consultant contracts for Fiscal Year 2023/2024.

10.5 Second Reading and Adoption of an Ordinance Approving Menifee North Specific Plan Amendment No. 5

ACTION

1. Adopted Ordinance No. 2024-392, approving Menifee North Specific Plan Amendment No. 5 (PLN21-0276).

- 10.6 Second Reading and Adoption of an Ordinance Repealing and Replacing Menifee Municipal Code Section 3.12.090 as it Relates to Change Orders

ACTION

1. Adopted Ordinance No. 2024-393, repealing and replacing Menifee Municipal Code Section 3.12.090 as it relates to change orders.

- 10.7 Delegation of Authority for CalPERS Industrial Disability Retirement Determinations

ACTION

1. Adopted Resolution No. 24-1411, delegating authority to the City Manager, or their designee, to apply for and certify CalPERS determinations regarding local safety members' eligibility for disability retirement.

- 10.8 Annual Solid Waste Rate Adjustment

ACTION

1. Approved the USA Waste of California, Inc., dba Waste Management of the Inland Empire ("Waste Management") proposed solid waste rate adjustments for Fiscal Year (FY) 2024/2025.

- 10.9 Organic Waste Services Senior Bill Assistance Program for Remaining Homeowner Association Roll-Out

ACTION

1. Authorized a transfer within the Solid Waste and Recycling Division budget in the amount of \$63,250 from the Business Assistance Program into the Senior Bill Assistance Program; and
2. Approved and authorized an increase to Purchase Order No. 05168 with Waste Management in the total amount of \$63,250 for a revised total of \$104,500 for payment of the Senior Bill Assistance Program.

- 10.10 Agreement with NV5, Inc. for Architectural and Engineering Services for the Bailey Park Boulevard Widening Project

ACTION

1. Approved and authorized the City Manager to execute a Professional Services Agreement with NV5, Inc. for Architectural and Engineering Services for a total not-to-exceed amount of \$66,983.27 through June 30, 2025, for the Bailey Park Boulevard Widening Project; and
2. Authorized the Finance Department to issue purchase orders as necessary.

- 10.11 Agreement with Dokken Engineering for the Environmental and Civil Design Services the Watson Road at Harvest Valley Elementary School – Active Transportation Program Project

ACTION

1. Approved and authorized the City Manager to execute a Professional Services Agreement with Dokken Engineering for environmental and civil design services for the Watson Road at Harvest Valley Elementary School – Active Transportation Program project for a total not-to-exceed amount of \$149,905 through June 30, 2025.
- 10.12 Agreement with Dokken Engineering for Environmental and Civil Design Services for the Romoland Elementary School – Active Transportation Program Project

ACTION

1. Approved and authorized the City Manager to execute a Professional Services Agreement with Dokken Engineering for environmental and civil design services for the Romoland Elementary School – Active Transportation Program project for a total not-to-exceed amount of \$149,825 through June 30, 2025; and
 2. Adopted Resolution No. 24-1414, amending the Fiscal Year 2023/2024 Budget, appropriating \$18,825 in expenditures in Gas Tax (Fund 200) from available fund balance.
- 10.13 Agreement Amendment with Dokken Engineering for the Valley Boulevard Widening and Missing Links Project

ACTION

1. Approved and authorized the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Dokken Engineering for environmental and civil design services, increasing the amount by \$22,783 for a total not-to-exceed amount of \$1,421,974.81, and extending the agreement term through June 30, 2025, for the Valley Boulevard Widening and Missing Links Project.
- 10.14 Agreement Amendment with the City of Murrieta for Dispatch Services

ACTION

1. Approved and authorized the City Manager to execute the First Amendment and Restatement of the Dispatch Service Agreement with the City of Murrieta, memorializing existing practices as they relate to the allocation of operational program costs and data access.
- 10.15 Public Improvement Acceptance and 90% Release of Security for Goetz Marketplace, by Goetz Marketplace, LP

ACTION

1. Accepted the public improvements for streets and drainage for Goetz Marketplace, located at the northeast corner of Goetz Road and Vista Way; and
 2. Authorized the City Engineer to release 90% of the posted securities per the City's standard policies.
- 10.16 Contract Change Order Ratification

ACTION

1. Ratified Contract Change Order No. 1 with JCOS Development, Inc. for Fire Station No. 68 Improvements Project, Capital Improvement Program (CIP) Project No. CIP 21-03 in the amount of \$38,032 pursuant to Menifee Municipal Code (MMC) §3.12.090; and
2. Ratified Contract Change Order No. 3 with Roadway Engineering and Contracting, Inc. for Menifee and Garbani Road Traffic Signal Improvement Project No. CIP 21-11 in the amount of \$29,800.96 pursuant to MMC §3.12.090; and
3. Ratified Contract Change Order No. 1 with Pavement Coating, Co. for the Potomac and Meadows Resurfacing Project, Pavement Management Program (PMP) Project No. PMP 22-02 in the amount of \$35,150.46 pursuant to MMC §3.12.090.

11. PUBLIC HEARING ITEMS

11.1 Mister Car Wash Appeals

Associate Planner Brandon Cleary provided a presentation.

The City Council asked questions of staff.

Mayor Zimmerman opened the public hearing at 7:32 PM. Acting City Clerk Stephanie Roseen stated the public hearing was legally noticed.

Correspondence was received from the following.

- Menifee Neighbors Care
- Lindsay Orellana
- Jaymi Zagone
- Stacea Nelson
- Diane Simones
- Douglas Carstens
- Phil Derner

Appellant Jesse Marquez with Menifee Neighbors Care, reported on the appeal points.

Appellant John Minock was not in attendance.

Applicant Attorney Jonathan Shardlow reported on the proposed project and appeal points.

The following speaker addressed the City Council.

- Douglas Carstens

The City Council asked questions of the applicant and appellant.

Mr. Marquez provided a rebuttal.

Mr. Shardlow provided a rebuttal.

Mayor Zimmerman closed the public hearing at 8:09 PM.

Councilmember Sobek reported that she had previously received monetary contributions from the project applicant for her Committee and upon notification of the public hearing returned the applicable contributions.

Mayor Zimmerman called for a recess. The City Council returned at 8:17 PM.

ACTION

1. Adopted Resolution No. 24-1412, upholding the Planning Commission approval of Major Plot Plan No. PLN22-0289 and Major Conditional Use Permit No. PLN22-0288 for the Mister Car Wash and Day Care development located in the existing Shoppes at the Lakes Commercial Center and deny Appeal No. PLN24-0068 and Appeal No. PLN24-0069.

MOVER: Bob Karwin

SECONDER: Dean Deines

AYES: Zimmerman, Karwin, Sobek, Deines

NAYS: Estrada

RECUSE: None

11.2 Community Development Block Grant for Program Year 2024/2025 Annual Action Plan

Community Development Director Cheryl Kitzerow provided a presentation.

The City Council asked questions of staff.

Mayor Zimmerman opened the public hearing at 8:25 PM. Acting City Clerk Stephanie Roseen stated the public hearing was legally noticed and no correspondence had been received.

The following speakers addressed the City Council.

- Dawn Smith
- Lynn Kelly-Lehner

Mayor Zimmerman closed the public hearing at 8:31 PM.

ACTION

1. Adopted Resolution No. 24-1413, approving the City's Community Development Block Grant (CDBG) Program Year (PY) 2024/2025 Annual Action Plan.

MOVER: Lesa Sobek

SECONDER: Dean Deines

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

12. DISCUSSION ITEMS

12.1 Adaptive Sports Summer Programs

Community Services Manager Mariana Mitchell provided a presentation.

The City Council asked questions of staff and provided direction to partake in partnership opportunities within the City's existing budget and investigate potential expansion of programs dependent on available funding.

13. CITY ATTORNEY REPORTS

None.

Correspondence was received from the following.

- Don Slater

14. CITY MANAGER REPORTS

None.

15. FUTURE AGENDA REQUESTS FROM COUNCIL MEMBERS

None.

16. ADJOURN

Mayor Zimmerman adjourned the meeting at 8:46 PM.

Stephanie Roseen, CMC
Acting City Clerk