

City Council Chambers
29844 Haun Road
Menifee, CA 92586



**Menifee City Council
Regular Meeting Minutes**

**Wednesday, April 05, 2023
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
Kay Vinson, Acting Clerk**

MINUTES

Mayor Zimmerman called the meeting to order at 5:10 PM and recessed the meeting to Closed Session. Present were: Councilmember Estrada, Sobek, Mayor Pro Tem Karwin and Mayor Zimmerman. Councilmember Deines joined the closed session meeting in progress.

CLOSED SESSION (5:00 PM)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(d)(1)): One Case
City of Menifee vs. City of Perris, et al, Riverside County Superior Court Case
No. CVR12200340
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(d)(1)):
In re. National Prescription Opiate Litigation, No. 1-17-md-02804 (S.D. Ohio)
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
(Pursuant to Government Code Section 54956.9(d)(2) or (3))
Significant Exposure to Litigation: One Case

REGULAR MEETING (6:00 PM)

1. CALL TO ORDER

Mayor Zimmerman called the meeting to order 6:04 PM.

There were no reportable actions from Closed Session.

2. ROLL CALL

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

3. WORDS OF INSPIRATION

3.1 Pastor Lennertz – Eagle Ridge Church

4. PLEDGE OF ALLEGIANCE

Dylan Caddy, NJROTC, Paloma Valley High School, led the flag salute.

5. PRESENTATIONS

5.1 Proclamation – DMV/Donate Life Month

The City Council presented the Proclamation to Erika Heranic, OneLegacy Ambassador.

5.2 Proclamation – National Community Development Week, April 10-14, 2023

Community Development Director Cheryl Kitzerow and Sr. Management Analyst Edna LeBron accepted the Proclamation.

6. AGENDA APPROVAL OR MODIFICATIONS

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

7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

The following speakers addressed the City Council on non-agenda items:

- Natalie Gagliano
- Owen Braun and Nicholas Henderson, So Cal Aces Baseball Club

8. COUNCILMEMBER UPDATES AND COMMENTS

Councilmember Deines reported on the meetings and events he attended:

- Wildlife Appreciation Day at Central Park
- Southwest T-NOW Subcommittee for Riverside Transit Agency
- Riverside Transit Agency Board meeting
- Spring Fest and Remington Park Ribbon Cutting
- The Wall That Heals and escort to Miller Jones Mortuary
- Announced Welcome Home Vietnam Veterans event on April 6th
- Student of the Month at Perris Union High School District

Councilmember Estrada reported on the meetings and events he attended:

- Wildlife Appreciation Day at Central Park
- Eastern Municipal Water District offices
- Chamber Mixer to announce Nominees of the Year
- Multicultural Festival at Central Park
- Spring Fest and Remington Park Ribbon Cutting
- The Wall That Heals and escort to Miller Jones Mortuary

Councilmember Sobek reported on the meetings and events she attended:

- Health & Safety Forum
- Spring Fest and Remington Park Ribbon Cutting
- Western Riverside Conservation Authority
- Menifee Interfaith and Community Service Council
- The Wall That Heals and escort to Miller Jones Mortuary
- Community Action Partnership meeting (Supervisor Washington's representative)

Mayor Pro Tem Karwin reported on the meetings and events he attended:

- Health & Safety Forum
- Western Riverside Council of Governments Executive Committee
- Multicultural Festival at Central Park
- Spring Fest at Remington Park
- Rotary
- Announcer at Paloma Valley High School Boys Volleyball game
- Announced Welcome Home Vietnam Veterans event on April 6th
- City is aware and working to resolve disrepair at Krikorian theater site.

Mayor Zimmerman reported on the meetings and events he attended:

- Neighbors' Monthly Business Mixer in Wildomar
- History program on Bouris family
- Wildlife Appreciation Day at Central Park
- Fundraiser at Save The Animals Today Sanctuary
- Rotary
- Chamber Mixer to announce Nominees of the Year
- Assisted at BBQ for Boys & Girls Club Awards
- Assisted at Menifee's Got Talent Auditions
- Multicultural Festival at Central Park
- Economic Development Subcommittee
- Western Riverside County Programs and Projects Committee, subsidiary of Riverside County Transportation Commission
- Romoland Elementary School Leadership Day
- Harvest Hills Steam Academy
- Health & Safety Forum
- Menifee Valley Little League Opening Day
- Spring Fest and Remington Park Ribbon Cutting
- Chamber Wake Up Event at Wellquest
- The Wall That Heals and escort to Miller Jones Mortuary
- Announced Foodie Friday at Mt. San Jacinto College

9. APPROVAL OF MINUTES

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

- 9.1 March 1, 2023 Special Minutes
- 9.2 March 1, 2023 Minutes

10. CONSENT CALENDAR

The Consent Calendar was approved by the following vote:

MOVER: Bob Karwin

SECONDER: Dean Deines

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman

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 provide that they be read by title only.

10.2 Warrant Register

ACTION

1. Ratified and approved the Voucher Lists dated 02/23/2023, 3/01/2023, and 03/09/2023, and the Payroll Register/Other EFTs dated 02/24/2023, 02/28/2023, 03/02/2023, 03/03/2023, and 03/08/2023, and the Void Check Listing PE 2/28/2023 which have a total budgetary impact of \$4,313,986.79.

10.3 Treasurer's Report – February 2023

ACTION

1. Received and filed the Treasurer's Report as of February 28, 2023.

10.4 Second Reading and Adoption of the Battery Energy Storage System Development Code Amendment

ACTION

1. Adopted Ordinance No. 2023-369 Development Code Amendment No. LR 22-0130 amending the City of Menifee Municipal Code and Menifee North Specific Plan zoning pertaining to utility-scale battery energy storage systems.

10.5 2023 Board of State and Community Corrections (BSCC) Officer Wellness Grant Award for the Menifee Police Department

ACTION

1. Accepted the 2023 Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant in the amount of \$53,358.28; and
2. Adopted Budget Adjustment Resolution No. 23-1298 appropriating \$53,358.28 in revenue and expenditures, for Police Department.

10.6 Joint Use Agreement with Southern California Edison for the Relocation of Utilities for the Holland Road/I-215 Overcrossing Project

ACTION

1. Approved and authorized the City Manager to execute a Joint Use Agreement with Southern California Edison for the relocation of existing utilities for the Holland Road/I-215 Overcrossing, Capital Improvement Project No. CIP 13-03.

10.7 Amendment No. 1 to American Forensic Nurses, Inc. Professional Services Agreement

ACTION

1. Approved and authorized the City Manager to execute Amendment No. 1 to Professional Services Agreement with American Forensic Nurses, Inc. for professional blood draw and forensic services for the Police Department, increasing the contract in the amount of \$10,000, for a revised total not-to- exceed \$25,000 through June 30, 2023.

10.8 Amendment to On-Call Land Surveying and Mapping Services Agreement

ACTION

1. Approved and authorized the City Manager to execute Amendment No. 1 to Professional Services Agreement with Dennis Janda, Inc. for on-call land survey and mapping services in an amount not-to-exceed \$45,000, for a total agreement amount of \$110,000.

10.9 Agreement with All American Asphalt, Inc. for Construction Services for the Murrieta Road Resurfacing and Improvements Project

ACTION

1. Approved and authorized the City Manager to execute an Owner-Contractor Agreement with All American Asphalt, Inc. to perform construction services for the Murrieta Road Resurfacing and Improvements Project, Capital Improvement Project No. 23-07, in an amount not-to-exceed \$1,962,222; and
2. Authorized the City Manager to execute a Utility Relocation Agreement between the City of Menifee and Eastern Municipal Water District, and any future amendments thereof, for reimbursement of costs related to the adjustment and relocation of existing water utilities; and
3. Adopted Budget Amendment Resolution No. 23-1299 appropriating \$373,000 from Measure A (Fund 220) fund balance into the project fund.

10.10 Acceptance of Public Improvements and Release of Security for Tract Map 37576, Meadow Run, by Meritage Homes of California, Inc.

ACTION

1. Accepted the public improvements for streets, drainage, water, recycled water and sewer systems, as well as subdivision monuments for Tract Map 37576, Meadow Run, located south of Holland Road and east of Bradley Road; and
2. Authorized the City Engineer to release the posted securities per the City's Standard Policies.

11. PUBLIC HEARING ITEMS

11.1 Business License Denial Appeal Hearing for Happy Seven

Mayor Zimmerman asked translator Lingling Martin to begin.

Deputy Finance Director Margarita Cornejo shared Staff will provide a presentation following the Appellant's testimony. Assistant City Attorney Thai Viet Phan offered a disclaimer that the discussion may not be appropriate for children or sensitive viewers due to the topic of the item.

Appellant Fangkai Jiang gave testimony, objecting to the denial of the business license, and sharing a Statement by Li Wang dated April 3, 2023. City Attorney Jeff Melching confirmed the April 3rd Statement was received and distributed to all Councilmembers.

Assistant City Attorney Thai Viet Phan reviewed the business license appeal process. Deputy Finance Director Margarita Cornejo presented the business license program background, overview, and business license application history of Happy Seven.

Police Department Captain Dave Gutierrez summarized the business license review conducted by the Department. Assistant City Attorney Thai Viet Phan said Council decision is whether the Police Department and Finance Department reasonably concluded that the business license should be denied based on the evidence and facts. Mayor Zimmerman confirmed there is a valid Conditional Use Permit for a massage business at the stated location.

Mayor Zimmerman opened the public hearing at 7:19 PM.

Appellant Fangkai Jiang discussed timing of lease and renovations, other massage business locations, and renewals as Certified Massage Therapists. Li Wang commented on investment in Menifee, incorrect information on the internet, difficult field, and requested fair treatment.

Joseph Chu, legal counsel for applicant, explained isolated conviction for disturbance of peace was dismissed, applicants maintain innocence, business easily defamed, and applicant seeks ability to make a livelihood and run a decent establishment.

Mayor Zimmerman closed the public hearing at 7:30 PM.

ACTION:

1. Conducted appeal hearing in accordance with Chapters 2.04.050 and 5.01.250 of the Menifee Municipal Code; and
2. Adopted Resolution No. 23-1300 denying the appeal filed by the applicant/appellant Yihai Ace, Inc. dba Happy Seven, filed by representative Fangkai Jiang, which appeals the Deputy Finance Director's (December 2, 2022) denial of a business license application for a massage business at 27701 Scott Road, #204, Menifee, CA 92584.

MOVER: Dean Deines

SECONDER: Bob Karwin

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman

NAYS: None

RECUSE: None

11.2 Ordinance Introduction and Annexation No. 18, Rockport Ranch, into CFD 2017-1 (Maintenance Services)

Mayor Zimmerman opened the public hearing at 7:32 PM. Acting City Clerk Kay Vinson confirmed the public hearing was legally noticed, there were no requests to speak, no written protests were received, there are no registered voters in the territory of the District, all the taxable property owners in the District have consented to holding the special election on April 5, 2023, and she concurred that the special election may be held on April 5th, immediately following the public hearing. Mayor Zimmerman closed the public hearing at 7:33 PM.

ACTION:

1. Adopted Resolution No. 23-1301 calling an election to annex territory, including TR 37131, located south of Old Newport Road and west of Briggs Road, into City of Menifee Community Facilities District (CFD) No. 2017-1 (Maintenance Services) and to levy a special tax on that land.

MOVER: Lesa Sobek
SECONDER: Bob Karwin

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman NAYS: None RECUSE: None
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The City Council held a special landowner election. Acting City Clerk Kay Vinson canvassed the election of the returned ballots. She confirmed receipt of the official ballots and other election materials from the landowners who can cast their votes on behalf of the owners of all the property included in the territory proposed to be annexed into Community Facilities District No. 2017-1 (Maintenance Services), Annexation 18, consisting of one ballot reflecting 80 "Yes" votes. Mayor Zimmerman declared the election results as "Passed" based on the canvass of the returned ballots.

ACTION:

1. Adopted Resolution No. 23-1302 declaring results of special landowner election.

MOVER: Dean Deines
SECONDER: Lesa Sobek

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman NAYS: None RECUSE: None
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Acting City Clerk Kay Vinson introduced the ordinance by reading the title.

ACTION:

1. Introduced an ordinance, amending the Ordinance No. 2017-231 and levying and apportioning the special tax in CFD 2017-1.

MOVER: Ricky Estrada
SECONDER: Bob Karwin

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman NAYS: None RECUSE: None
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11.3 Development Code Amendment to Implement Housing Element Program Action 5

Community Development Director Cheryl Kitzerow provided the presentation.

Mayor Zimmerman opened the public hearing at 7:43 PM. Acting City Clerk Kay Vinson responded the public hearing was legally noticed. Mayor Zimmerman closed the public hearing at 7:45 PM. For the record, Councilmember Sobek agreed the State is tying the hands of local government with unreasonable mandates, noting one size does not fit all.

ACTION

1. Made a finding that Code Amendment No. LR23-0017 is exempt from further environmental review pursuant to Section 15061 (b)(3) "Common Sense Exemption" of the California Environmental Quality Act (CEQA) and 14 CCR 15168 (c)(2) based on the City's previously certified 6th cycle, 2021-2029 Housing Element Project Final Program Environmental Impact Report, and directed staff to file a Notice of Exemption.

MOVER: Dean Deines

SECONDER: Bob Karwin

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman

NAYS: None

RECUSE: None

City Attorney Jeff Melching introduced the ordinance by reading the title.

ACTION:

1. Introduced an Ordinance approving Code Amendment No. LR23-0017, to amend Chapter 9.130.030 of the Development Code (Title 9 of the Menifee Municipal Code) to add provisions to for by-right review of residential projects with a minimum of 20% of the units affordable to lower income households and located on candidate sites identified in the current Housing Element and used in a prior housing element as required to implement Housing Element Program Action 5 and comply with State law.

MOVER: Dean Deines

SECONDER: Bob Karwin

AYES: Deines, Estrada, Karwin, Sobek, Zimmerman

NAYS: None

RECUSE: None

12. DISCUSSION ITEMS

- 12.1 Agreement with Dokken Engineering for a Feasibility Study of the Salt Creek Trail Construction and Maintenance

Community Services Manager Mariana Mitchell provided a presentation.

ACTION

1. Approved and authorized the City Manager to execute a Professional Services Agreement with Dokken Engineering for a Feasibility Study of the Salt Creek Trail construction and maintenance in the amount not to exceed of \$141,735; and
2. Adopted Budget Amendment Resolution No. 23-1303 authorizing the appropriation of expenditures in the amount of \$41,735 from available Community Services Department operating funds to account no. 512-4555-58147.

MOVER: Lesa Sobek
SECONDER: Bob Karwin

<p>AYES: Deines, Estrada, Karwin, Sobek, Zimmerman NAYS: None RECUSE: None</p>

12.2 Creation of Historic Districts and Preservation of Rural Areas Discussion

Community Development Director Cheryl Kitzerow provided a presentation.

ACTION

1. Discussed the creation of historic districts and the preservation of rural areas; and
2. By consensus, the City Council directed City Staff to provide more information.

12.3 2022 Education Summit

Mandy Stephens, Management Analyst with City Executive Office, provided a presentation.

ACTION

1. Received and filed an update on the 2022 Education Summit.

12.4 Discussion on the Creation of a Business Incentive District

Economic Development Director Gina Gonzalez provided a presentation.

ACTION

1. Discussed the creation of a Business Incentive District within the City of Menifee, and by consensus the City Council directed Staff proceed with developing a Business Incentive District.

13. CITY ATTORNEY REPORT

None.

14. CITY MANAGER REPORTS

City Manager Armando Villa reported the City now has a Certified Housing Element based on a letter from California Department of Housing and Community Development.

15. FUTURE AGENDA REQUESTS FROM COUNCIL MEMBERS

None.

16. ADJOURN

Mayor Zimmerman adjourned the meeting at 9:09 PM.

Kay Vinson, MMC, Acting City Clerk