

City Council Chambers
29844 Haun Road
Menifee, CA 92586



**Menifee City Council
Regular Meeting Minutes**

**Wednesday, September 06, 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
Sarah Manwaring, City Clerk**

MINUTES

CLOSED SESSION (5:00 PM)

1. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Government Code Paragraph (1) of subdivision (d) of Section 54956.9
City of Perris v. City of Menifee
Riverside County Superior Court Case No. CVRI230303456
2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Government Code Paragraph (1) of subdivision (d) of Section 54956.9
City of Menifee v. City of Perris
Riverside County Superior Court Case No. CVRI220304
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Significant Exposure to Litigation (Gov. Code Section 54956.9(d)(2) or (3)):
One Case (Personnel Investigation)

Mayor Zimmerman called the Closed Session to order at 5:00pm. Present were Councilmembers Deines, Estrada, and Sobek, Mayor Pro Tem Karwin, and Mayor Zimmerman. The City Council recessed into Closed Session at 5:01p.m for the purposes above.

REGULAR MEETING (6:00 PM)

1. CALL TO ORDER

Mayor Zimmerman called the Regular meeting to order at 6:01pm.

City Attorney Jeff Melching stated there was nothing to report out of closed session.

Mayor Zimmerman moved Item No. 6 up in the agenda and asked the City Clerk if there were any modifications to the agenda. City Clerk Sarah Manwaring reported that staff would like to add Item No. 5.6 to recognize the September Outstanding Citizen. The Council approved the agenda unanimously (5-0) with modifications.

2. ROLL CALL

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

3. WORDS OF INSPIRATION

3.1 Pastor Rocky Stone - Sandals Church

4. PLEDGE OF ALLEGIANCE

Jeff Armstrong EMWD Director led the pledge of allegiance.

5. PRESENTATIONS

- 5.1 Quality of Life (Measure DD) Committee Appointment – Michael Ramlogan
Councilmember Estrada introduced his appointment to the Quality of Life Committee, Michael Ramlogan. City Clerk Sarah Manwaring administered the oath of office. The City Council thanked him for volunteering and welcomed him to the Menifee team.
- 5.2 Business Spotlight – Ron'devu Cigar Lounge
Mayor Zimmerman introduced Economic Development Director Gina Gonzalez. Ms. Gonzalez introduced the Business Spotlight Program and the September recipient Ron'Devu Cigar Lounge. The City Council thanked owners Ronnie and Courtney Simpson for investing in the community.
- 5.3 Constitution Week Proclamation
Mayor Zimmerman presented a proclamation to the Luseño Chapter of the Daughters of the American Revolution for Constitution Week.
- 5.4 Eastern Municipal Water District Presentation
EMWD Director Jeff Armstrong and EMWD General Manager Joe Mouawad provided an update on water.
Council asked questions and thanked Mr. Mouawad for the presentation.
- 5.5 City/County Development to the East of the City Update
Cheryl Kitzerow introduced Riverside County Supervisor Washington. Supervisor Washington introduced County CEO Juan Perez to present a county update. Mr. Perez reported on historical regional cooperative transportation projects. the City Council asked questions.and thanked them both for coming and providing the information.
- 5.6 Citizen of the Month – Laura Lester
Councilmember Estrada introduced Laura Lester and thanked her for making Menifee a fun place to play.

6. AGENDA APPROVAL OR MODIFICATIONS

The City Council unanimously approved the agenda (5-0) modified to add Item No. 5.6- Outstanding Citizen of the Month.

7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

The following people addressed the Council about items not on the agenda:

Bo Bowditch
Daniel Bringham
Robin Swank, email correspondence

8. COUNCILMEMBER UPDATES AND COMMENTS

Councilmember Deines

- Southwest T-nov meeting
- RTA Administration Operations Committee

Councilmember Estrada

- Delicious Artesanal Ice Cream Ribbon Cutting
- Menifee Valley Middle School. Community Pedestrian Workshop with Mayor
- Kumon Math Riibbon Cutting

Councilmember Sobek

- Delicious Artesanal Ice Cream Ribbon Cutting
- Kumon Math Ribbon Cutting
- Celebration of Life For Cal-Fire Assistant Chief Josh Bischoff
- Interfaith and Community Services Council
- Fall Festival Meeting
- MSJC Athletics and Kinesiology Complex Ribbon Cutting
- Welcome Home Chief Petty Officer Nicolas Taylor Surprise

Mayor Pro Tem Karwin

- Mayor Zimmerman
- RCTC
- Delicious Artesanal Ice Cream Ribbon Cutting
- Foodie Friday
- Menifee Valley Middle School. Community Pedestrian Workshop with Councilmember Estrada
- Kumon Math Ribbon Cutting
- MSJC Athletics and Kinesiology Complex Ribbon Cutting
- Welcome Home Chief Petty Officer Nicolas Taylor Surprise

9. APPROVAL OF MINUTES

9.1 August 16, 2023 City Council Meeting

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

10. CONSENT CALENDAR

10.1 Waiver of Reading

RECOMMENDED ACTION

1. Waive 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

RECOMMENDED ACTION

1. Ratify and approve the Voucher Lists dated 07/28/2023, 8/04/2023, and 08/11/2023, the Payroll Register/Other EFTs dated 07/25/2023, 08/02/2023, 08/03/2023, and 08/04/2023 and the Void Check Listing PE 7/31/2023 which have a total budgetary impact of \$7,279,364.10.

10.3 Treasurer's Report

RECOMMENDED ACTION

1. Receive and file the Treasurer's Report as of July 31, 2023.

10.4 Monthly Public Safety Reports

RECOMMENDED ACTION

1. Receive and file.

Councilmember Sobek pulled this item and asked Police Chief Karrer about the False Alarm Ordinance. Chief Karrer said they are working on it and will be brought back to Council soon.

ACTION:

Adopted

1. Receive and file.

MOVER: Lesa Sobek

SECONDER: Dean Deines

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

- 10.5 Agreements with Riverside County Flood Control and Water Conservation District and BLC Fleming LLC, for the Legado Development Storm Drain Facilities

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute a Cooperative Agreement with Riverside County Flood Control and Water Conservation District, and BLC Fleming LLC, for the construction, ownership, operation, and maintenance of the Encanto Storm Drain, Stages 1 and 3; Chambers Avenue Storm Drain, Stage 1; Chambers Avenue Debris Basin; Rouse Road Storm Drain, Stages 2 through 4; Sherman Road Debris Basin, Sun City Channels, Stage 3; Sherman Road Storm Drain, Stage 1, Rouse Road Debris Basin; Pennywhistle Way Storm Drain, Stage 1; and Percussion Road Storm Drain, Stage 1; and
2. Approve and authorize the City Manager to execute a Cooperative Agreement with Riverside County Flood Control and Water Conservation District and BLC Fleming LLC for the construction, ownership, operation and maintenance of the Chambers Avenue Lateral Storm Drain, Stage 1; Chambers Avenue Storm Drain, Stage 2; and Chambers Avenue Storm Drain, Stage 3; and
3. Approve and authorize the City Manager to execute a Cooperative Agreement with Riverside County Flood Control and Water Conservation District and BLC Fleming LLC for the construction, ownership, operation and maintenance of the Encanto Storm Drain, Stage 2; and Pennywhistle Way Storm Drain, Stage 2.

- 10.6 Agreement with Eastern Municipal Water District for Reimbursement Costs for Fiscal Year 2023/2024 Local Roads AC Resurfacing Program

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute an Interagency Reimbursement Agreement with Eastern Municipal Water District, and any future amendments thereof, for reimbursement of costs in an estimated amount of \$202,000 related to the Fiscal Year 2023/2024 Local Roads AC Resurfacing Program, Capital Improvement Project No. 24-19.

- 10.7 Bid Award and Agreement with American Asphalt South, Inc. for Crack Sealing Services for Fiscal Year 2023/2024 Slurry Seal Program Project, Pavement Management Program No. 24-01

RECOMMENDED ACTION

1. Award bid and authorize the City Manager to execute a Contractor Services Agreement with American Asphalt South, Inc. to perform Crack Seal services in various areas of the City for the Fiscal Year 2023/2024 Slurry Seal Program Project, Pavement Management Program No. PMP 24-01, in an amount not-to-exceed \$61,594.85.

- 10.8 Central Park Amphitheater Construction Project, Capital Improvement Project Bid Rejection

RECOMMENDED ACTION

1. Reject all responsive bids submitted for the Central Park Amphitheater Construction Project, Capital Improvement Project No. CIP 19-15.

- 10.9 Community Services Department, Landscape Architect Services On-Call Short List for Fiscal Years 2023-2028

RECOMMENDED ACTION

1. Approve the Community Services Department On-Call Short List for Landscape Architect Services for Fiscal Years 2023-2028; and
2. Authorize the City Manager to approve future Master Agreements based on the approved On-Call Short List for Landscape Architects at the City's discretion and contingent on availability of the corresponding budget.

Councilmember Estrada asked questions about the Request For Qualifications process. Community Services Manager Mariana Mitchell responded and answered questions. Councilmember Estrada made a substitute motion to add Kimley Horn & Associates to the On-Call Short List. There was no second to the motion and the motion died.

ACTION:

Adopted

1. Approve the Community Services Department On-Call Short List for Landscape Architect Services for Fiscal Years 2023-2028; and
2. Authorize the City Manager to approve future Master Agreements based on the approved On-Call Short List for Landscape Architects at the City's discretion and contingent on availability of the corresponding budget.

MOVER: SECONDER:

AYES: None

NAYS: None

RECUSE: None

- 10.10 Riverside County Abandoned Vehicle Abatement Program Extension

RECOMMENDED ACTION

1. Adopt a resolution to extend the Abandoned Vehicle Abatement Program and service fees collected on behalf of the Riverside County Abandoned Vehicle Abatement Service Authority until May 31, 2034.

Resolution No. 23-1355

- 10.11 Memorandum of Understanding Between City of Menifee and County of Riverside to Enhance Communication and Development Project Coordination

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute a Memorandum of Understanding between the City of Menifee and the County of Riverside.

Councilmember Sobek asked for a description of “in the vicinity” written in the MOU. kitzerow, kept it vague on purpose so that no projects were being excluded. City Attorney Jeff Melching agreed and said that the MOU fits the intent of both parties. k

ACTION:

Adopted

1. Approve and authorize the City Manager to execute a Memorandum of Understanding between the City of Menifee and the County of Riverside.

MOVER: Lesa Sobek

SECONDER: Bill Zimmerman

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

- 10.12 Agreement with Airforce 1 Plumbing, Heating & Air, Inc. for Facility HVAC Maintenance and Repair Services

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute a Contract Services Agreement with Airforce 1 Plumbing, Heating & Air, Inc. for Fiscal Year 2023/2024 facility HVAC maintenance and repair services in an amount not-to-exceed \$41,016; and
2. Authorize the City Manager to execute four, one-year extensions at the City’s discretion and contingent on availability of the corresponding budget; and
3. Authorize the City Manager to execute additional amendments as needed to include maintenance services for future city facilities currently under construction, at the City’s discretion and contingent on availability of the corresponding budget.

- 10.13 Notice of Completion and Acceptance for the Meniffee Road Resurfacing Project, Capital Improvement Project No. 22-06

RECOMMENDED ACTION

1. Accept the improvements for the Meniffee Road Resurfacing Project, Capital Improvement Project No. CIP 22-06; and
2. Authorize the City Clerk to file a Notice of Completion with the Riverside County Recorder's Office.

- 10.14 Agreements with Mind and Mill LLC, Dynamic Video Communications, LLC, and Sebaz Video Productions, Inc. for On-Call Videography Services

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute Professional Services Agreements with Mind and Mill, LLC, Dynamic Video Communications, LLC, and Sebaz Video Productions Inc. for On-Call Videography Services in an amount not-to-exceed \$25,000 for Fiscal Year (FY) 2023/2024 and \$25,000 for FY 2024/2025; and
2. Authorize the City Manager to approve three, one-year renewals in an amount not-to-exceed \$25,000 annually.

- 10.15 Agreement Amendment with LEFTA Systems for Police Training Scheduling User Licenses and Scheduling Software

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Software License Agreement with LEFTA Systems for police training scheduling software and user licenses in the amount of \$7,381.51, for a revised total contract amount not-to-exceed \$45,972.01.

- 10.16 Environmental Mitigation Credit Purchases from Riverpark Mitigation Bank for Capital Improvement Projects, Holland Road / I-215 Overcrossing and Bradley Road Bridge Over Salt Creek

RECOMMENDED ACTION

1. Authorize the City Manager to execute necessary documents and issue payment to Riverpark Mitigation Bank for the purchase of Environmental Mitigation Credits for the Holland Road / I-215 Overcrossing Project in an amount not to exceed \$327,250 and the Bradley Road Bridge Over Salt Creek Project in an amount not to exceed \$267,750

- 10.17 Agreement Amendments with CivilPros and Anser Advisory Management, LLC for the Newport Road Raised Median and the Antelope/MSJC Entrance Traffic Signal Projects

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with CivilPros for the Newport Road Raised Median Project, Capital Improvement Project No. 22-14, to extend the agreement term through June 30, 2024; and
2. Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Anser Advisory Management, LLC. for the Antelope/MSJC Entrance Traffic Signal Project, Capital Improvement Project No. 22-15 to extend the agreement term through December 31, 2023.

- 10.18 Agreement with Rick Engineering Company for Development of the Citywide Bridge/Culvert Inventory Study

RECOMMENDED ACTION

1. Approve and authorize the City Manager to execute a Professional Services Agreement with Rick Engineering Company for the development of the Citywide Bridge/Culvert Inventory Study, Capital Improvement Program No. 24-14, in an amount not-to-exceed \$228,638.

- 10.19 Senate Bill 1205 Annual Compliance Report

RECOMMENDED ACTION

1. Adopt a resolution acknowledging receipt of a report regarding the inspection of certain occupancies requiring annual inspections pursuant to sections 13145, 13146, and 17921 of the California Health and Safety Code.

Mayor Zimmerman asked if there were any requests to speak on consent Calendar items. City Clerk Sarah Manwaring stated there were none, although there was written correspondence received on item 10.8, and copies were in their folders in front of them.

Councilmember Sobek asked to pull Items 10.4, and 10.11 for separate consideration. Councilmember Estrada pulled Item 10.9 for separate consideration.

ACTION:

Adopted as Part of Consent

MOVER: SECONDER:

AYES: None

NAYS: None

RECUSE: None

11. PUBLIC HEARING ITEMS

- 11.1 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program, Fiscal Year 2022/2023

RECOMMENDED ACTION

1. Adopt a resolution approving the 2022/2023 Consolidated Annual Performance and Evaluation Report (CAPER) and authorizing staff to submit the CAPER to the Department of Housing and Urban Development (HUD).

Senior Management Analyst Edna Lebron presented the 22-23 CAPER. The City Council asked questions.

Mayor Zimmerman opened the Public Hearing at 7:56pm. City Clerk Manwaring stated that the public hearing was legally noticed and that there was no correspondence received. There were no requests to speak. Mayor Zimmerman closed the Public Hearing at 7:56pm.

ACTION:

Adopted

1. Adopt a resolution approving the 2022/2023 Consolidated Annual Performance and Evaluation Report (CAPER) and authorizing staff to submit the CAPER to the Department of Housing and Urban Development (HUD).

MOVER: Lesa Sobek

SECONDER: Bob Karwin

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

ACTION:

Adopted

1. Adopt a resolution approving the 2022/2023 Consolidated Annual Performance and Evaluation Report (CAPER) and authorizing staff to submit the CAPER to the Department of Housing and Urban Development (HUD).

MOVER: SECONDER:

AYES: None
NAYS: None
RECUSE: None

- 11.2 Street Vacation No. 22-002, Vacating of a Portion of Public Right-of-way on Craig Avenue at the Entrance to Tract 32628, Adler Ranch

RECOMMENDED ACTION

1. Conduct a public hearing to consider Street Vacation 22-022 (VAC22-002) for the vacation of a portion of public right-of-way on Craig Avenue, located east of Antelope Road, associated with the entrance to Tract 32628, Adler Ranch; and
2. Approve a resolution ordering the filing of the Notice of Vacation No. 22-002.

Engineering and Public Works Director Nicolas Fidler presented the item and reported on the location and the purpose.

Mayor Zimmerman opened the Public Hearing at 7:59pm. City Clerk Manwaring stated that the public hearing was legally noticed and that there was no correspondence received. There were no requests to speak. Mayor Zimmerman closed the Public Hearing at 7:59pm.

ACTION:

Adopted

1. Conduct a public hearing to consider Street Vacation 22-022 (VAC22-002) for the vacation of a portion of public right-of-way on Craig Avenue, located east of Antelope Road, associated with the entrance to Tract 32628, Adler Ranch; and
2. Approve a resolution ordering the filing of the Notice of Vacation No. 22-002.

MOVER: Bob Karwin

SECONDER: Bill Zimmerman

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines
NAYS: None
RECUSE: None

- 11.3 Ordinance Introduction and Annexation No. 22, Cimarron Ridge, into Community Facilities District 2017-1 (Maintenance Services)

RECOMMENDED ACTION

1. Adopt a resolution calling an election to annex territory, including Tract Nos. 36658-1 thru 36658-7, located south of McLaughlin Road and west Byers Road, into City of Menifee Community Facilities District No. 2017-1

- (Maintenance Services) and to levy a special tax on that land; and
2. Hold a special landowner election and canvass the election; and
3. Adopt a resolution declaring results of special landowner election; and
4. Introduce an ordinance, amending the Ordinance No. 2017-231 and levying and apportioning the special tax in CFD 2017-1.

The City Council declined to hear a presentation.

Mayor Zimmerman opened the Public Hearing at 8:00 pm., City Clerk Manwaring stated that the public hearing was legally noticed and that there were no requests to speak. Ms. Manwaring stated that no written protests have been received. Ms. Manwaring reported that there were no persons registered to vote in the territory of the districts. Ms. Manwaring confirmed that the owners of all the taxable property in the district have consented to hold the special election on September 6, 2023, immediately following the Public Hearing and she concurs that the special election may be held on September 6, 2023, immediately following the public hearing. Mayor Zimmerman closed the Public Hearing at 8:01pm.

ACTION:

Adopted

1. Adopt a resolution calling an election to annex territory, including Tract Nos. 36658-1 thru 36658-7, located south of McLaughlin Road and west Byers Road, into City of Menifee Community Facilities District No. 2017-1 (Maintenance Services) and to levy a special tax on that land; and
2. Hold a special landowner election and canvass the election; and
3. Adopt a resolution declaring results of special landowner election; and
4. Introduce an ordinance, amending the Ordinance No. 2017-231 and levying and apportioning the special tax in CFD 2017-1.

MOVER: Bob Karwin

SECONDER: Dean Deines

AYES: Zimmerman, Karwin, Estrada, Sobek, Deines

NAYS: None

RECUSE: None

12. DISCUSSION ITEMS

12.1 Community Development Department Fiscal Year 2022/2023 Annual Report

RECOMMENDED ACTION

1. Receive and file the Community Development Department Fiscal Year 2022/2023 Annual Report.

Community Development Director Cheryl Kitzerow introduced Management Analyst Molly Binnall. Ms. Binnall reported on the Department Responsibilities, the

Department Organizational Chart, Department Overview of Divisions, Planning Division Accomplishments, Community Development Block Grant Program (CDBG) and CDBG Services, Management Analyst Laura Sportelli reported on Building Division. permits issued for both commercial and residential, and Building Division Accomplishments. Ms. Binnall finished the presentation by reporting on Award Winning Programs and the Department Mission Statement.

13. CITY ATTORNEY REPORTS

City Attorney Jeff Melching did not have anything to report.

14. CITY MANAGER REPORTS

City Manager Armando Villa announced that the next City Council meeting will be canceled because staff and some Councilmembers will be attending the Cal Cities Conference in Sacramento, therefore the next Regular Council meeting will be held on October 4, 2023.

15. FUTURE AGENDA REQUESTS FROM COUNCIL MEMBERS

16. ADJOURN

Mayor Zimmerman adjourned the meeting at 8:21pm.

Sarah A. Manwaring, MMC
City Clerk