

City of Menifee City Council
Meeting Minutes
December 15, 2009

CLOSED SESSION

Mayor Edgerton called the meeting to order at 5:30 p.m. Present were: Mayor Wallace Edgerton, Mayor Pro Tem Fred Twyman (referred to as Vice Mayor Twyman for these minutes), Councilmember John Denver, Councilmember Darcy Kuenzi, Councilmember Scott Mann, City Manager George Wentz, City Attorney Elizabeth Martyn, City Clerk Kathy Bennett.

Mayor Edgerton recessed to Closed Session, the meeting reconvened at 7:04 p.m. with no reportable action.

Closed Session Pursuant to Government Code Section 54956.9(a) – Existing Litigation – City of Menifee v. City of Perris

Closed Session Pursuant to Government Code Section 54957 – Employee Evaluation – City Manager

Closed Session Pursuant to Government Code Section 54956.9(c) – Potential or Threatened Litigation – 1 Case

REGULAR SESSION (7:00 P.M.)

1. CALL TO ORDER

Mayor Edgerton called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present were: Mayor Wallace Edgerton, Mayor Pro Tem Fred Twyman, Councilmember John Denver, Councilmember Darcy Kuenzi, Councilmember Scott Mann, City Manager George Wentz, City Attorney Elizabeth Martyn, City Clerk Kathy Bennett, Director of Administrative Services Gary Thompson, Director of Community Services Carmen Cave, Director of Public Works/Engineering Don Allison, Captain James McElvain, Lt. Dan Feltenberger, and approximately 40 members of the public.

3. WORDS OF INSPIRATION

Pastor Ganas of Good Shepherd Lutheran Church offered the invocation.

4. FLAG SALUTE

Councilmember Mann led the salute to the flag.

5. INTRODUCTIONS

None.

6. PRESENTATIONS AND CERTIFICATES OF RECOGNITION

6.1. Presentation to Bill Zeidlik

Mayor Edgerton presented a proclamation to Mr. Zeidlik on his leaving the town for a move to Colorado. Tom Fuhrman introduced Mr. Fuhrman where he offered final thoughts to the City and presented a printed version of his comments the Clerk for inclusion in the record.

7. SCHEDULE OF FUTURE EVENTS

7.1. Spark of Love Toy Drive November 21, 2009 – December 24, 2009

7.2. Breakfast With Santa and Santa's Toy Workshop December 19, 2009 7 a.m. to 1 p.m.

7.3. Grand Opening Sun City Library – Thursday, January 21, 2009 – 4 p.m.

8. PUBLIC COMMENTS

Beth Green said she recently met with the City Manager following her public comment sessions with a list of issues. She thanked the City Manager for his follow through and resolution of her issues.

Anne Pica stated that she is speaking on behalf of herself and the senior residents in the Sun City area. She stated she discovered a letter to the Post Master to change the last digit of the address and delete the name of Sun City. She felt this was an attempt to make changes without public notification. She further stated that the letter only called out Sun City and none of the other communities in the new City of Menifee. She feels the action is discriminatory and she called the Post Master to ask that no action be taken on this issue. She further noted that the City has received a letter from the Post Master asking for clarity to the City's request.

Mayor Edgerton noted this was not requested by the City Council and asked the City Manager for clarification.

City Manager Wentz explained the letter did not call out one community, but asked the Post office to consider recognizing the City of Menifee as attached to each zip code, as that is currently not being done. He agreed to meet with Ms. Pica and to contact the post office to correct any misunderstandings.

John Smelser stated that the voters approved formation of districts at the inaugural election. He now understands from a newspaper article in the Press Enterprise that the Council intends to put the issue of at-large elections back on the ballot and he objects to that.

Louis Mazei stated he lives in Sun City and has no objection to having the post mark of Menifee associated with his zip code and he further stated he hopes at large voting will be implemented.

9. APPROVAL OF MEETING MINUTES

9.1. Minutes of December 1, 2009

Councilmember Kuenzi moved approval of the Minutes of December 1, 2009. The motion was seconded by Councilmember Mann and approved on a unanimous vote.

10. CONSENT CALENDAR

- 10.1. Waiver of reading in full of all ordinances listed on this agenda and provide that they be read by title only**
- 10.2. Warrant Register**
- 10.3. Treasurer's Report**
- 10.4. Ordinance No. 2009-22 Requiring Temporary Use Permits – Second Reading and Adoption**
- 10.5. Ordinance No. 2009-60 Requiring a Conditional Use Permit for Bars and Venues serving alcohol with live entertainment – second reading and adoption**
- 10.6. Ordinance No. 2009-68 Change of Zone and tentative tract map for Quail Hill – Second Reading and Adoption**
- 10.7. Final Parcel Map 34275 - Countryside Marketplace – Donahue-Schriber**
- 10.8. Approve Amended Agreement with City Manager**

Councilmember Kuenzi moved to table item 10.8 Approve Amended Agreement with City Manager. The motion was seconded by Vice Mayor Twyman and passed on a unanimous roll call vote.

Councilmember Kuenzi moved approval of the Consent Agenda items 10.1 through 10.7. The motion was seconded by Councilmember Twyman and passed on a unanimous roll call vote.

11. PUBLIC HEARING ITEMS

None.

12. CONTINUED ITEMS

12.1. Discussion of and Consideration of Appointments to Newly Formed Menifee Citizens Advisory Committee

Councilmember Denver noted the list of names suggested by the committee on committees has one name added, that of Marty Rosen, and he moved to accept these individuals for this committee as listed. The motion was seconded by Councilmember Denver.

Councilmember Mann stated he would be voting no on this item to be consistent with his previous comments, and more now as he feels staff has not fully addressed the concerns on this item, including the fact that the General Plan Consultant has stated this committee should come after the GPAC has completed its work.

Councilmember Kuenzi noted she was aware of the original concern of the General Plan Consultant, but in her interview with them she explained the difference in the responsibilities of the two committees and that seems to be acceptable to them. She hoped the committee appointments would be made at this time.

The City Clerk read the list of recommended names as follows: Leann Coletta, Mark Cooper, Thomas Giedroyce, Phoeba Ireys, Leah McGee, Eric Miller, Ernesto Ordonez, Pete Peterson, Jason Roth, Gloria Sanchez, Christine Schwartz, Jessica Shaw, Marty Rosen; Alternates: Bill Beeman, David Johnson, and Nan Miller.

The vote on the motion (including the names read into the record) was as follows:

Ayes:	Denver, Edgerton, Kuenzi, Twyman
Noes:	Mann
Absent:	None

12.2. Establish General Plan Advisory Committee and Consider Appointments

Vice Mayor Twyman moved to establish the General Plan Advisory Committee. The motion was seconded by Councilmember Mann and passed on a unanimous roll call vote.

Councilmember Kuenzi asked for confirmation that the Planning Center had reviewed this item. City Attorney Martyn confirmed they had reviewed and approved and were specific in their recommendations.

Councilmember Mann moved to follow the timeline as presented in the staff report and have applications presented to the Councilmembers at the January 5, 2010 meeting; further move that each Councilmember return with recommendations for appointment of three members each to the committee to the meeting of January 19, 2010, for total appointments of 15 committee members (three each councilmember) and a total committee of 17 members to include the members already identified (Ken Gaunt and Louis Mazei). The motion was seconded by Councilmember Mann and approved on a unanimous roll call vote.

13. NEW BUSINESS

13.1. Annual Reorganization of Standing and Regional Committee Appointments

Mayor Edgerton distributed a list of the recommendations for committee appointments. The distributed list is attached.

Councilmember Kuenzi stated she would like to remain alternate to SCAG and retain her commissioner status on the RCTC to maintain consistency and she feels she has done a good job on RCTC as the Commissioner. Mayor Edgerton stated he would like to have her considered for alternate and he would take the commissioner appointment.

Councilmember Denver stated he sees no need for change as Councilmember Kuenzi has done a good job on the RCTC.

Councilmember Mann moved approval of the appointments as presented by the Mayor. The motion was seconded by Vice Mayor Twyman and passed as follows:

Ayes:	Edgerton, Mann, Twyman
Noes:	Denver, Kuenzi
Absent:	None

The Mayor confirmed the appointments to the Ad Hoc Committees as in place for 2009 and agreed to bring the item of Census 2010 appointments to the agenda of January 5, 2010. Councilmember Denver indicated his willingness to serve on this committee. Councilmember Mann noted that this item could be considered at the January 5, 2010 meeting giving the councilmembers time to consider this item and possibly time to gather more information about the duties and responsibilities of those appointed. He also suggested that possibly one of the first duties of the MCAC could be to consider ways to get the word out to the community about the importance of the census and a thorough count. It was

agreed to return this to the meeting of January 5, 2010 for appointments to this committee

13.2. Approval of Expenditure Plan SLESF COPPS Funds

City Manager Wentz reported that the Finance Committee considered the possible expenditures and the recommended items for this grant expenditure are in front of City Council at this time. It includes some equipment, supplies and training to support front line operations and the balance of the funds available for the purchase of a motorcycle unit for use in the next fiscal year. This is a requirement to file for use of the funds. Councilmember Mann noted that the committee and staff agree that this money should be used for one-time expenditures and not ongoing staffing.

Councilmember Mann moved approval of the item as presented. The motion was seconded by Vice Mayor Twyman and passed on a unanimous roll call vote.

13.3. Approval of Traffic Engineer Services Contract

City Manager Wentz noted that the Finance Committee also reviewed this item and approved selection and entering agreement with RBF as presented by staff. He noted this contractor has an office in Temecula and noted that Hartzog and Crabill has been identified as a back-up firm if needed.

Vice Mayor Twyman moved approval of an agreement with RBF. The motion was seconded by Councilmember Mann and approved on a unanimous roll call vote.

13.4. Approval of Quail Valley Emergency Pumping Program

City Manager Wentz reported that this was also discussed at the Finance Committee and the staff is seeking authority to spend CSA funds, in the event of an emergency, for pumping of septic tanks in Quail Valley in areas 4 and 9. He noted that General Funds nor Road Funds would be used for this purpose. If needed, should not exceed an expenditure of more than \$135,000, but it was unlikely there would be 100% participation in this program.

Councilmember Denver stated that he is in favor of this proposal but noted that these funds were originally considered for a number of important projects for the area. The City Manager noted that this expenditure will not affect any planned project.

Councilmember Mann moved approval of the expenditure plan if needed and the emergency pumping program. The motion was seconded by Vice Mayor Twyman and approved on a unanimous roll call vote.

- 13.5. Ordinance No. 2009-69 adopting by reference certain portions of Riverside County Ordinance No. 787 (as amended through 787.4), which adopts and amends the 2007 edition of the California Fire Code and certain appendices therein, amending title 8.20 of the Menifee Municipal Code and setting forth findings based on local climatic, geological, and/or topographical conditions that necessitate modifications, amendments, additions, deletions, and exceptions to the 2007 California Fire Code as adopted by the City.**

The City Manager explained that this is the first reading and the item will come back to Council as a public hearing and second reading and adoption of the ordinance by reference.

Councilmember Kuenzi moved approval of introduction of Ordinance No. 2009-69 and set for public hearing and second reading and adoption on January 5, 2010. Councilmember Mann seconded the motion and it was approved on a roll call vote.

- 13.6. Ordinance No. 2009-70 Amending Menifee Municipal Code Chapter 2.08**
Councilmember Kuenzi moved to table the motion. The motion was seconded by Vice Mayor Twyman and it was passed as follows:
Ayes: Denver, Edgerton, Kuenzi, Twyman
Noes: Mann
Absent: None.

14. CITY MANAGER REPORT

- 14.1.** City Manager Wentz noted that there is a quarterly budget update in the Council folders and asked the Council to review this for next meeting where it will be reported on.

15. MATTERS PRESENTED BY MAYOR AND COUNCILMEMBERS

- 15.1. Councilmember Denver**
None.
- 15.2. Councilmember Kuenzi**
None.
- 15.3. Councilmember Mann**

Reminded the Council of the policy to not use personal digital devices at the Council dais.

Councilmember Mann reported that the next meeting of the Veterans Committee is 5 p.m. on December 17, 2009.

He reported on the Finance Committee noting that Chandler Asset Management gave a report to them and reported on the investment plan; and that the community support item was continued to the next Finance Committee meeting and should come back to Council on the agenda of January 19, 2010.

He asked for two policy setting goals for consideration in the coming year including an ordinance that allows, to the extent possible, to hire local contractors. Secondly he would like consideration of an ordinance that is an Ethics ordinance noting that the law is the floor of what is right, not the ceiling. He shared a situation in Menifee where the maintenance contractor hired in March 2009 gave a campaign donation to a Rancho Santa Margarita Councilmember Blais who is an individual the City of Menifee also hired as a grant writer. He would ask for the Council to consider an ordinance that did not allow the hiring of a contract employee who was an elected official elsewhere. He also listed several other areas of ethics he would like included in the ordinance. (Written remarks included in record of the City). He noted he feels these types of rules will help the public trust in the City.

Councilmember Kuenzi stated she is in support of this sort of ordinance and policy and she distributed copies of some of the policies she has discovered. She wanted to be sure the City is doing things in an open and transparent manner and she hopes this can be considered after the League of Cities meeting in January 2010.

15.4. Mayor Pro Tem Twyman

None.

15.5. Mayor Edgerton

Mayor Edgerton noted that Mayor Pro Tem Twyman has considered having the Mayor Pro Tem title changed to Vice Mayor and asked the City Attorney what would be needed to make that change. Following discussion of the procedure necessary to accommodate the change, it was agreed to wait until all printed material in use was ready to re-order and to use the name change informally until that time.

16. CLOSED SESSION

- 16.1. Closed Session Pursuant to Government Code Section 54956.9(a) – Existing Litigation – City of Menifee v. City of Perris**
- 16.2. Closed Session Pursuant to Government Code Section 54957 – Employee Evaluation – City Manager**
- 16.3. Closed Session Pursuant to Government Code Section 54956.9(c) – Potential or Threatened Litigation – 1 Case**
None further needed.

17. ADJOURNMENT

Mayor Edgerton adjourned the meeting at 8:47 p.m.

Kathy Bennett, City Clerk