

**City of Menifee City Council
Meeting Minutes
June 15, 2010**

1. CALL TO ORDER

Mayor Edgerton called the meeting to order at 7:01 p.m.

2. ROLL CALL

Present were: Mayor Wallace Edgerton, Vice Mayor Fred Twyman, Councilmember John Denver, Councilmember Scott Mann, (Councilmember Darcy Kuenzi absent on vacation), City Manager Steve Harding, City Attorney Karen Feld, City Clerk Kathy Bennett, City Engineer Don Allison, Director of Community Services Carmen Cave, Senior Analyst Rob Johnson, Interim Finance Director Wendy Welch, Lt. Dan Feltenberger, Battalion Chief Jorge Rodriguez and approximately 80 members of the public.

3. WORDS OF INSPIRATION

Walter Maynard of Sun City Crime Watch offered an invocation.

4. FLAG SALUTE

Lt. Feltenberger led the salute to the flag.

5. INTRODUCTIONS AND ANNOUNCEMENTS

5.1. Scott Mann named as Outstanding Leader for the 2010 California Civic Leadership Institute

Mayor Edgerton congratulated Councilmember Mann on his appointment to the California Civic Leadership Institute.

Mayor Edgerton introduced Calvin Lowery, a law clerk with LBBS who works with Karen.

6. PRESENTATIONS AND CERTIFICATES OF RECOGNITION

6.1. Sun City Library – Summer Reading Program

Librarian Trish Jenkins and library personnel detailed the Summer Reading Program.

7. SCHEDULE OF FUTURE EVENTS

- 7.1. **M.A.R.S Summer Programs June, July August Various Locations**
- 7.2. **Movies in the Park, June, July and August Various Locations**
- 7.3. **Grand Opening of Evans Road June 18, 2010**
- 7.4. **Father's Day Campout La Ladera Park, June 19-20, 2010**
- 7.5. **General Plan Advisory Committee June 24, 2010 – 6 p.m.**
- 7.6. **Independence Day Celebration June 26, 2010**
- 7.7. **Menifee Citizens Advisory Committee July 12, 2010 - 6:30 p.m.**
- 7.8. **Riverside Sheriff Department National Night Out Program– July 31, 2010**

8. a. PUBLIC COMMENTS

Louis Mazei stated his father was an immigrant and always stood up for the country even though they were constantly singled out for inappropriate handling. He noted this community is for everyone not just one group and he hoped the Council remembered that when deciding issues.

Michael Stout stated he has a problem with Menifee Road as it changes from one to two lanes of travel and there is no longer a shoulder area where cars can pull off to stop or park temporarily. He hopes the City will consider signage for no parking along that part of the roadway where this is an issue.

b. COUNCILMEMBER UPDATES AND COMMENTS

Councilmember Mann announced that the City's Consultant, Maria Kennedy, has been named to the National Drinking Water Advisory Council and that appointment may allow her to represent the City successfully and hopefully allow better chance of grants to the City.

Councilmember Denver stated he attended the grand opening of the Rancho Ramona Park and it was a well done, well represented event. He also thanked the Friends of the Sun City Library for all they do for that facility and the residents who use that facility.

9. APPROVAL OF MEETING MINUTES

9.1. Minutes of June 1, 2010

Councilmember Mann moved approval of the Minutes of June 1, 2010. The motion was seconded by Vice Mayor Twyman and approved on a unanimous vote of those Councilmembers present.

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. **Resolution No. 10-147 Calling Election, naming candidates and districts for election and Setting Gann Limit and placing on ballot**
- 10.5. **Resolution No. 10-148 setting Candidate Statement costs and making Candidate responsible for payment and Format for Candidate Statements for November 2, 2010 Municipal Election**
- 10.6. **Municipal Information Form for Election November 2, 2010**
- 10.7. **Second Reading and Adoption of Ordinance No. 2010-78 Detached Accessory Structures**
- 10.8. **Second Reading and Adoption of Ordinance No. 2010-79 Change of Zone Heritage Square**
- 10.9. **Amendment to RBF Agreement for Plan Review Services through June 30, 2010**

Councilmember Mann asked to pull item 10.2 for separate consideration.

Councilmember Mann moved approval of the balance of the consent agenda including item 10.1 and items 10.3 through 10.9. The motion was seconded by Councilmember Denver. Vice Mayor Twyman asked if wording could be added to the voter pamphlet that states that the candidate statement is paid by the candidate and only those who pay for them are allowed to print a statement. He hoped that would add clarity to the minds of the general public who may not know why only some candidates place statements in the pamphlet. The Clerk agreed to ask the Registrar of Voters if this was possible. The balance of the consent agenda was approved on a unanimous roll call vote of those Councilmembers present.

Councilmember Mann stated he asked for the Warrant Register to be pulled from the consent agenda to consider separately as he objected to the payment of the invoices to GST Consulting. Vice Mayor Twyman moved approval of the Item 10.2, the Warrant Register. The motion was seconded by Councilmember Denver and approved as follows:

Ayes:	Denver, Edgerton, Twyman
Noes:	Mann
Absent:	Kuenzi

11. PUBLIC HEARING ITEMS

- 11.1. **Extension of Ordinance No. 2009-47U Extending the Prohibiting Medical Marijuana Dispensaries in the City**

Mayor Edgerton opened the public hearing at 7:35 p.m. He verified the timely notice of the hearing and asked if correspondence had been received. The Clerk noted that no correspondence was received. Mayor Edgerton noted staff was available to make any report needed by Council

Mayor Edgerton called for questions from the Council. None were heard and there were no comments or testimony on the item.

Mayor Edgerton closed the hearing at 7:36 p.m.

Councilmember Mann moved adoption of Extension of Ordinance No. 2009-47U prohibiting medical marijuana dispensaries in the City. The motion was seconded by Councilmember Denver and passed on a unanimous roll call vote of those Councilmembers present as follows:

Ayes: Denver, Edgerton, Mann, Twyman

Noes: None.

Absent: Kuenzi

11.2. Extension of Ordinance No. 2009-48U Extending Temporary Moratorium on the approval of recreational vehicle storage facilities within the City.

Mayor Edgerton opened the public hearing at 7:37 p.m. He verified the notice of the hearing and asked the Clerk if any correspondence had been received. The Clerk noted that no correspondence had been received.

Mayor Edgerton called for questions from the Council. Vice Mayor Twyman asked if any applications had been received. Director Cave reported there were questions about the requirement and she noted that any permits issued would be premature as the planning is not complete for the types of areas that are best suited for storage units of this nature.

Mayor Edgerton called for public testimony. There was no testimony.

Mayor Edgerton closed the public hearing at 7:40 p.m.

Vice Mayor Twyman moved adoption of Extension of Ordinance No. 2009-48U Temporary Moratorium on the approval of recreational vehicle storage facilities within the City. The motion was seconded by Councilmember Denver and passed on a unanimous roll call vote of those Councilmembers present as follows:

Ayes: Denver, Edgerton, Mann, Twyman

Noes: None

Absent: Kuenzi

12. CONTINUED ITEMS

None.

13. NEW BUSINESS

13.1. **Agreement with Wallace Engineering for Engineer Construction Inspection Services**

City Engineer Allison explained this is a Riverside firm specializing in construction inspections and provides inspectors for developments. He noted this is a fully reimbursable and recoverable cost. Councilmember Mann stated that this contract is under \$10,000 and the City has a business rule that sends all contracts under \$10,000 to the Finance Committee and then the City Manager can sign such agreements under his signing authority. He asked the City Engineer to follow that rule for all upcoming agreements.

Councilmember Mann moved to approve the agreement with Wallace Engineering. The motion was seconded by Vice Mayor Twyman and passed on a unanimous roll call vote.

13.2. **Resolution No. 10-149 Modifying its consent to the inclusion of properties within the City's incorporated area in the Western Riverside Council of Governments Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to be Financed through such programs**

City Manager Harding noted this is an addition to a current agreement with WRCOG to add water efficient improvements to the list of energy efficient items that can be supported by this program.

Councilmember Mann moved approval of Resolution No. 10-149 modifying the consent to include the properties inside the City's incorporated area in the WRCOG Contractual Assessment Program to consent to the addition of water efficient improvement to the improvements previously authorized. The motion was seconded by Councilmember Denver and approved on a unanimous roll call vote of those Councilmembers present.

13.3. **Approve CSA Agreement with County of Riverside**

Senior Analyst Johnson provided background information on this agreement with the County of Riverside. He noted the payment for these services is covered in the CSA assessments received.

Councilmember Denver asked if it would be possible to see a study done on the legal implications of the City taking over all the park districts and including how this would work with such entities as the Kay Cenicerros Center and those properties in the City of Menifee owned and operated by the Valley Wide Recreation District. Councilmember Mann noted that he would also like to know how the future parks that are coming from a home owners association or donated land such as the future Evans Park site would be handled for recreation services.

Councilmember Denver moved approval of the agreement with the County of Riverside Economic Development Agency for services and further moved to authorize the City Manager to sign the agreement. The motion was seconded by Vice Mayor Twyman and passed on a unanimous roll call vote of those Councilmembers present.

13.4. Update on E-Verify Program

City Manager Harding gave clarification on the staff report noting that the City's licensing program is currently handled by the County and the fee they charge is \$45. He further noted that the City's fees need to be in place along with a study that should be done on all City fees. He also noted that because of the necessary fee study and decision on how detailed the program is will determine the staff level and help set the fee levels. He noted that the software program for licensing is about to be installed as per earlier Council approval and will be ready when the City is ready to license businesses.

He also noted that research through the City of Lancaster and learned the staffing level is five individuals including an investigator for enforcement issues. The City of Lancaster has approximately the same amount of business licenses as the City of Menifee appears to have per the County of Riverside. However those staffing levels are not yet set by the City of Menifee. He noted that following contact with the County of Riverside, he was informed that the County will place a check box on the application form to ask if a business owner if they use the E-Verify program for new hires and at the time the City is prepared to begin licensing businesses, the program could be incorporated into the City's business license program as well.

Public Comments:

Ramey Robles stated that he understands there will be a cost of possibly \$73,000 and at allows for enforcement of the program. He heard through an email that Lancaster did not have to cover extra costs, but a call from him to Lancaster showed that there is no enforcement but still is an increase in cost to process a license with E-verify. He listed examples of that problem. He stated that the City of Menifee is not properly staffed to do this sort of enforcement without staffing. He stated he is aware of the Tea Party agenda as he is on their email list and they stated they wish to shrink the size of government and cut taxes. Putting this program in his place will, in his opinion, cost additional funds and cause government to be larger, not smaller.

Anne Pica spoke to Council and stated that the City Manager had answered a lot of her questions, but she hopes the Council moves forward with this no matter the cost as she feels the expenditure would be for a good cause. She stated she is tired of hearing the excuses and wants this issue monitored.

Pete DeLaTorre stated that he is not involved with the Tea Party group but is inspired by the elderly people who came to the meeting to hear about this issue. He stated those same people might have fought in World War II for this country and now there has been an onslaught to people who do not care about this country.

Susan Terry said she is a Tea Party member and she is unemployed and cannot get a job, but illegal aliens are getting all the jobs and she was born and raised in Southern California and raised her kids here and she wants them to not be taking the jobs that citizens can take. She also noted she feels they do want to speak their own language and they should not be allowed to in this country.

Ted Wegener stated that he knows the original staff direction was to implement E-verify and incorporate it with the business license system and he has been waiting patiently for this to happen. He said there is no cost in Lancaster since there are no complaints, so no need to investigate.

Robin Hvidston introduced herself as with a group fighting illegal immigration and 16 million Americans need jobs and she supports this program and thanked the Council for implementing it.

Dee Barrow said she is from Upland and calls herself a Minute Woman of America – guarding the country she loves. She said she gives support on what the Council wishes to do.

Pete Maroosis said he is a naturalized American since 1959. He served in Vietnam and is an eleven year resident of Menifee. He is here in support of the E-Verify program and what Council wants to do. He noted that citizens are required show proof of citizenship for everyday reasons.

Ken Laymon stated this is a “no brainer” – just do it.

Wayne Bainbridge said he is from Murrieta and he supports the E-verify proposal. He also stated that the Tea Party group is not in favor making government smaller but just not larger than it needs to be. He stated he wants government to do their job, and make this a great county.

Councilmember Mann said he is unsure why this is before the Council tonight as direction has been given and should be put in the business license ordinance.

Vice Mayor Twyman said he is in favor of using the county’s offer of putting on their application but wondered how this would be handled by the County, and wondered if it is just a confirmation and promise to use E-Verify. City Manager Harding noted that the County will modify the application form itself as an interim way of handling the issue until such time as the City is ready for administering its own business license program.

Councilmember Mann moved to reaffirm the Council intent to imbed the E-verify program into the City’s business license and registration ordinance.

Councilmember Denver asked for an amendment to also allow the County to place wording on their current application for Menifee Business Licenses to include the use of the E-Verify program. The motion maker agreed to the amendment. Vice Mayor Twyman seconded the motion. The motion passed unanimously on a roll call vote of those Councilmembers present as follows:

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

13.5. Update regarding Arizona Law

City Attorney Feld explained the Arizona law as per her memo to the Council. She asked Lt. Dan Feltenberger to explain the way the Sheriff handles this issue. Lt. Feltenberger noted the Sheriff’s department does conform with regulations of AB 834b and through the corrections department does investigate and report those suspected of being illegal aliens. He noted that the staff members that deal with this enforcement do receive specialized training from Immigration officials.

Mayor Edgerton noted he is sympathetic to the law in Arizona but is reluctant to place something on the agenda that the City has no jurisdiction over and can do nothing about. He thanked Lt. Feltenberger for the work the department does.

Public comments:

Bill Lussenheide thanked the City for the hard work they have done to set up a new city. He also stated he is a candidate on ballot for United States Congress for District 45 across the freeway. He noted he was speaking last summer at a place along the border where he found that some places there are large holes in the fence every hundred feet. and where a border patrol officer was shot by an illegal alien in one of those area. He noted he is in support of the Arizona law.

Ken Wilhoite stated he encouraged support.

Ted Wegener said he read the memo and does not find it completely unbiased. He knows the police association supports the Arizona law and it is not premature to act at this time. He stated that there are three branches of government and the fact that the Federal Government has implied the law may be unconstitutional and that wing of the government would be the left wing, socialist, communist Obama administration. He asked the Council to support the Arizona law as it would not cause any cost and was an easy thing to do.

Susan Terry stated that even people in the highest offices don't love our country and she loves our country and those people are trying to destroy our country.

Ken Layman stated that Ted Wegener said it all.

Wayne Bainbridge stated he hoped the City of Menifee would support the Arizona law and it is not new and just supporting existing law and making it easier for the police officers to do their jobs.

Robin Hvidston said she is sick of Los Angeles, San Diego and San Francisco and their boycott and she wants everyone to Buycott Arizona and buy from them on line, etc.

Dee Barrow said she is from Upland and she is trying to get Upland to endorse this law but are running into some problems. She will be at every meeting to get the work done however and hopes the City of Menifee will support the Arizona law.

Peter Maroosis said that Arizona is doing the right thing and he hopes the City will support the Arizona law and the Buycott.

Shellie Milne stated that she is hoping everyone shops at Cold Stone Creamery and Petco to help Arizona as they are Arizona firms. She stated she would address the costs and noted that when the illegal aliens leave Menifee because Menifee stands up and tells them that they are not welcome here, the City may not need the \$73,000 to enforce.

John Smelser praised the work the police regarding a recent call at his home where a dangerous criminal has come into his home. He stated that in the enthusiasm of the crowd sometimes things happen that should not happen. He pointed out a case at a school where his wife is employed. A child recently was sent from school as a disciplinary measure and was arrested and taken to Mexico where his parents had to go to get him. He is a legal American citizen, but mistakes were made. He hoped the group mentality would not cause this sort of problem to be exacerbated.

Ramey Robles stated he wanted to address some common myths surrounding the issue of migrant workers through a study done in 2007 by Purdue University. He noted that migrant workers do send money home to Mexico, but the vast majority of the \$122 billion earned in the United States, stays in the United States. He noted the report shows the reduced rate migrant workers use in services and pay more in taxes than the budgets of many states. They also pay into the social security taxes and usually do not draw benefits. He stated he does not know why the activists feel this ordinance shall pass. He noted that the loss of immigrant students and the resulting loss of subsidies they bring by being in school.

Vice Mayor Twyman stated he is in favor of the Arizona law but agrees with the staff recommendation that it is not something the City should take a position on. He stated he does however feel that he could support a resolution admonishing those cities that took action against the Arizona law as he feels they were out of line.

Councilmember Mann noted he agrees with the position taken by Vice Mayor Twyman and support that. He pointed out that his oath of office included defending the Constitution of the United States and of the State of California, not the State of Arizona.

Councilmember Denver stated there are parts of every statement he could agree with but feels it would be easier to simply state the City's support for the Arizona law.

Mayor Edgerton stated he agreed with Vice Mayor Twyman and hopes that the Council will not get into situations where there is no local issue involved.

Councilmember Mann moved to have the staff prepare a resolution formally admonishing cities who spoke out in opposition to the Arizona law and return to Council for approval on the July 6, 2010 agenda. The motion was seconded by Vice Mayor Twyman and passed on a unanimous vote of those Councilmembers present as follows:

Ayes: Denver, Edgerton, Mann, Twyman

Noes: None

Absent: Kuenzi

13.6. Update on Agenda format for Councilmember Comments

Councilmember discussed the comments on the agenda after Public Comments and directed staff to return the item as a corrected agenda format for formal adoption.

14. CITY MANAGER REPORT

14.1. Update on Newport Road

City Engineer Allison explained the current detours and plans and future plans for the road way. He agreed to provide periodic updates to the Council.

15. MATTERS PRESENTED BY MAYOR AND COUNCILMEMBERS

15.1. Councilmember Denver

Councilmember Denver reported that the park opening was a well done event.

15.2. Councilmember Kuenzi

15.3. Councilmember Mann

Councilmember Mann reported that the Regional Director for the League of California Cities has asked each city to send a letter of opposition to SB 974 regarding enterprise zones and asked the City Manager to agendize this matter for consideration by Council as quickly as possible.

15.4. Vice Mayor Twyman

None further.

15.5. Mayor Edgerton

None further.

16. CLOSED SESSION

None.

17. ADJOURNMENT

Mayor Edgerton adjourned the meeting at 9:26 p.m.

Kathy Bennett, City Clerk