

RESOLUTION NO. 2026-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN AGREEMENT ENTITLED "PURCHASE AND INSTALLATION AGREEMENT BETWEEN CITY OF TEMECULA AND RAIN DROP PRODUCTS, LLC, FOR THE RESERVOIR AND RELATED EQUIPMENT AT THE EAGLE SOAR PLAYGROUND SPLASH PAD AT MIKE NAGGAR COMMUNITY PARK"

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The City Council does hereby find, determine, and declare that:

A. The Eagle Soar Playground and Splash Pad at Michael "Mike" Naggar Community Park is intended to provide a safe, integrative, and welcoming playground where children of all abilities can come and play together, where they can feel a sense of belonging and acceptance.

B. The splash pad portion of the playground provides various water features for children's water play. The splash pad operates through a sophisticated system of pumps and nozzles, with water release and sprays coordinated through a complex computer program. The water is recycled utilizing a 4,500-gallon reservoir.

C. The following components of the reservoir system have failed and need to be replaced: 1) 4,500-gallon concrete reservoir; 2) basin diverter with sediment trap with 10-inch drain line and 4-inch storm line; 3) basin diverter extension; and 4) handle ("Equipment").

D. The City has received an estimate for the required replacement of the Equipment from Rain Drop Products, LLC, ("Rain Drop") the manufacturer of the Equipment, through a Sourcewell bid in the amount of \$288,513.68. Of this amount, \$53,815 is for the purchase of the Equipment and \$251,940 for its installation, less a 10% discount.

E. Rain Drop, is the only manufacturer of this specialized Equipment that is compatible with the City's splash pad. Given the complexity of the Equipment and the need to integrate it into the City's existing splash pad system, Rain Drop, Inc., Rain Drop will not sell the Equipment to the City unless it installs the equipment and constructs the improvements surrounding the equipment through its own employees and specialty contractors. Rain Drop will not provide a warranty for the equipment unless it installs the equipment and constructs the improvements surrounding the equipment through its own employees and specialty contractors.

F. The City of Temecula further finds and determines that, based upon the findings set forth above, full compliance with the otherwise applicable requirements of the Public Contracts Code would be unavailing, would not produce an advantage for the City, and would thus be undesirable, impractical, and impossible. The City's authority to proceed with the work in this

manner was well established in *Graydon v. Pasadena Redevelopment Agency et al.* (1980) 104 Cal. App. 2nd 631 and the cases cited therein.

G. The work to be installed pursuant to the Agreement is exempt from California Environmental Quality Act (“CEQA”) pursuant to Sections 15061 and 15302 of the State CEQA Guidelines (14 CCR 15061 and 14 CCR 15301). It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The work consists of the replacement or reconstruction of existing structures, equipment, and facilities, the reservoir system, where the new structure will be located on the same site as the structure, equipment, and facilities replaced, and will have substantially the same purpose and capacity as the structure replaced.

2. Approval of Agreement with Rain Drop. The City Council hereby approves that certain “Purchase and Installation Agreement between City of Temecula and Rain Drop Products, LLC, for Replacement of the Reservoir and Related Equipment at the Eagle Soar Playground Splash Pad at Mike Naggar Community Park” in the amount of \$288,513.68 and authorizes the Mayor to execute the Agreement on behalf of the City in substantially the form presented to the City Council. Further, the City Manager is authorized to increase the total compensation by up to ten percent (10%) of the amount of the Agreement as a contingency.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 27th day of January, 2026.

Jessica Alexander, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2026- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 27th day of January, 2026, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk