

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: March 12, 2019

SUBJECT: Authorize the City Manager to Approve Agreements for Excavation Monitoring for Butterfield Stage Road – Phase III, PW15-11

PREPARED BY: Amer Attar, Principal Civil Engineer
Kendra Hannah-Meistrell, Senior Civil Engineer

RECOMMENDATION: That the City Council authorize the City Manager to approve agreements for excavation monitoring in excess of \$30,000, but totaling no more than \$100,000, for Butterfield Stage Road – Phase III, PW15-11.

BACKGROUND: The Butterfield Stage Road – Phase III project will provide for the ultimate width widening of Butterfield Stage Road to four lanes with a raised median from La Serena Way to Rancho California Road. The project also includes modifications to the existing traffic signal at Butterfield Stage Road and Rancho California Road, as well as widening Rancho California Road from Butterfield Stage Road to Armada Place to the east.

In accordance with the approved Environmental Document for Butterfield Stage Road – Phase III, the City must ensure that ground-disturbing activities such as clearing and grubbing, excavating, grading, and trenching are monitored for potential unearthing of paleontological, archeological, cultural, anthropological, fossil, or historical resources.

The type, intensity, and location of the construction activities dictate the intensity and frequency of monitoring, as well as the parties to be involved in the monitoring. Authorizing the City Manager to approve these activities in excess of \$30,000 will facilitate the flexibility needed to deploy monitors expeditiously to match on-going construction activities.

On June 12, 2018, City Council adopted Resolution No. 18-40. Section 6 of the Resolution lists several controls placed on the use of budget appropriations, including Item B. The City Manager may authorize expenditures of funds in amounts up to \$30,000. Any expenditure of funds in excess of \$30,000 requires City Council action.

MAYOR NAGGAR WILL NOT PARTICIPATE IN COUNCIL CONSIDERATION OF THIS ACTION.

Europa Vineyard Estates is located on approximately 290.7 acres southeasterly of Butterfield Stage Road and La Serena Way in unincorporated Riverside County. It is owned by Temecula Vineyard

Estates, LLC, and is adjacent to Butterfield Stage Road. Mayor Mike Naggar does not have any direct investments or ownership interests in the Temecula Vineyard Estates, LLC. Europa Vineyard Estates had been owned by Temecula Vineyard Estates, LLC. Europa Vineyard Estates is now owned by an entity related to Temecula Vineyard Estates, LLC, Sirah Vineyard Development Corporation. Mayor Naggar does not have any direct investments or ownership interests in the Europa Vineyard Estates Project, Temecula Vineyard Estates, LLC or Sirah Vineyard Development Corporation. The managing member of Temecula Vineyard Estates, LLC, has been Mr. Daniel Stephenson. Mayor Naggar, however, has ownership interests and is a member of other limited liability companies that are developing property outside of the City of Temecula and in which Mr. Stephenson is also the managing member. The Europa Vineyard Estates Project, Temecula Vineyard Estates, LLC, and Sirah Development Corporation are, therefore, “otherwise related business entities” for Mayor Naggar within the meaning of § 18700.2 of the FPPC Regulations. Tract Map 32594 for the Europa Vineyard Estates Project was approved by the County of Riverside in September 2006 after the City Council’s approval of the Roripaugh Ranch Specific Plan and the Development Agreement in December 2002. One of the County’s conditions of approval requires the owners of Europa Vineyard Estates to improve a portion of Butterfield Stage Road along its westerly property line south of La Serena prior to the County’s issuance of a certificates of occupancy for homes on 80% of the lots in the Project.

The City Attorney has determined that this action will have no material financial effect, indeed no effect at all, on Europa Vineyard Estates, or the owners of the Europa Vineyard Estates project. The Roripaugh Ranch Developers’ have been obligated to construct the Phase III Improvements to Butterfield Stage Road since approval of the original Development Agreement and Specific Plan in December 2002 which was prior to the County approval of Europa Vineyard Estates. This obligation has not changed despite the many issues that delayed development of the Roripaugh Ranch Project. This is consistent with the Fair Political Practices Commission Legal Staff’s March 2008 opinion (A-08-015) allowing Mayor Naggar’s participation in a decision to acquire property located 372 feet south of Europa Villages Estates necessary for the construction of the Phase III Improvements. However, Mayor Naggar has elected not to participate in this action due to the appearance of a conflict, as the road improvements are adjacent to the Europa Vineyards Estates project.

Alabbasi is a client of Mayor Naggar.

Authorization for approval of the Monitoring Agreements is on the City Council’s Consent Calendar. Unless the item is pulled by a Council Member for further discussion, Mayor Naggar will simply need to register an abstention on this item when the vote on the Consent Calendar is called and does not need to leave the dais.

FISCAL IMPACT: The Butterfield Stage Road – Phase III is part of the Butterfield Stage Road Extension project included in the City’s Capital Improvement Program for Fiscal Years 2019-23, and funded by Reimbursement (County of Riverside) and the original Community Facility District (CFD) No. 03-02 (Roripaugh Ranch) bond proceeds although this bond issue was refunded in 2017. There are sufficient funds in the project account to cover the cost of excavation monitoring up to \$100,000.

ATTACHMENTS:

1. Project Location
2. Project Description