

ACTION MINUTES

TEMECULA CITY COUNCIL REGULAR MEETING COUNCIL CHAMBERS 41000 MAIN STREET TEMECULA, CALIFORNIA JUNE 11, 2019 - 7:00 PM

CLOSED SESSION - 6:00 P.M.

Conference with Real Property Negotiators. The City Council convened in closed session pursuant to Government Code Section 54956.8 regarding four parcels of real property owned by the City of Temecula, as successor to the assets of the Redevelopment Agency of the City of Temecula, consisting of approximately 1 acre (APN 922-360-004, 005, 006 & 007) located on Main Street at Mercedes Street in the City of Temecula. The parties to the negotiations for the potential sale of the property are: Marketplace Old Town, LLC (Truax Development) and the City of Temecula. Negotiators for the City of Temecula are: Aaron Adams, Greg Butler, Luke Watson, and Peter Thorson. Under negotiation are price and terms for the sale of the property.

CALL TO ORDER at 7:04 PM: Mayor Mike Naggar

Prelude Music: Josh Bondoc

Invocation: Pastor Anthony Albizu of Calvary Chapel Bible Fellowship

Flag Salute: Mayor Pro Tempore James "Stew" Stewart

ROLL CALL: Edwards, Rahn, Schwank, Stewart, Naggar

PRESENTATIONS/PROCLAMATIONS

Presentation of Certificate of Recognition to Dr. Karen Haynes

Presentation of Certificates of Recognition to Erik Lundquist and Dan Turner

PUBLIC COMMENTS

The following individuals addressed the City Council on a non-agendized items:

- Dana Kizlaitis
- Kristi Necochen
- Mike Decello
- Kathie Sonner
- Bob Kowell
- Christine O'Neill
- Brian O'Neill

CITY COUNCIL REPORTS

CONSENT CALENDAR

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Approved the Staff Recommendation (5-0): Motion by Edwards, Second by Stewart. The electronic vote reflected unanimous approval.

1. Waive Reading of Standard Ordinances and Resolutions

Recommendation: That the City Council waive the reading of the text of all standard ordinances and resolutions included in the agenda except as specifically required by the Government Code.

2. Approve the Action Minutes of May 28, 2019

Recommendation: That the City Council approve the action minutes of May 28, 2019.

3. Approve the List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 19-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

4. Adopt Ordinance 19-08 Approve an Outdoor Vendor Ordinance Pertaining to Public and Private Property (Long Range Planning Project No. LR18-1663) (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 19-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA RENUMBERING CHAPTER 5.20 (OUTDOOR VENDORS) AS CHAPTER 8.61 (OUTDOOR VENDING ON PRIVATE PROPERTY) AND MAKING RELATED AMENDMENTS, ADDING A NEW CHAPTER 8.60 PERTAINING TO OUTDOOR VENDING ON PUBLIC PROPERTY, AMENDING SECTION 12.04.060 PERTAINING TO VENDING IN CITY PARKS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LONG RANGE PLANNING PROJECT NO. LR18-1663)

5. Approve Annual Renewal of Various Insurance Policies

Recommendation: That the City Council:

1. Approve the insurance policy renewal for Excess Liability insurance with AIX Specialty Insurance Company, in the amount of \$164,294.57, for the period of July 1, 2019 to July 1, 2020;
2. Approve the insurance policy renewal for Excess Workers' Compensation insurance with New York Marine and General Insurance Company, in the amount of \$50,054.00, for the period of July 1, 2019 to July 1, 2020;
3. Approve the insurance policy renewal for Property & Equipment Breakdown insurance with American Home Assurance Company, in the amount of \$101,000.00 for the period of July 1, 2019 to July 1, 2020;
4. Approve the insurance policy renewal for Difference In Conditions (Earth Movement and Flood) insurance with Arrowhead in the amount of \$181,558.73, for the period of July 1, 2019 to July 1, 2020;
5. Approve the insurance policy renewal for Auto Physical Damage insurance with Hanover Insurance Company, in the amount of \$5,868.00, for the period of July 1, 2019 to July 1, 2020;
6. Approve the insurance policy for Cyber Risk insurance with ACE American Insurance Company (Chubb), in the amount of \$9,105.00, for the period of July 1, 2019 to July 1, 2020;
7. Approve the insurance policy for Crime insurance with Hanover Insurance Company, in the amount of \$2,548.00, for the period of July 1, 2019 to July 1, 2020;
8. Approve the insurance policy for Pollution/Environmental Legal Liability insurance with Indian Harbor Insurance (XL Catlin), in the amount of \$13,390.20, for the period of July 1, 2019 to July 1, 2020;
9. Approve the insurance policy for Volunteer Accident insurance with Berkley Accident & Health, in the amount of \$557.00, for the period of July 1, 2019 to July 1, 2020;
10. Approve the insurance policy for Standalone Terrorism Liability, Business Interruption, and Property Damage insurance with Lloyd's / Beazley, in the amount of \$8,276.64, for the period of July 1, 2019 to July 1, 2020.

6. Approve the First Amendment to the Service Agreement with Vesta Solutions, Inc. for Access to the Vesta Communicator and Vesta Alert Emergency Notification Services

Recommendation: That the City Council:

1. Approve the First Amendment to the Service Agreement with Vesta Solutions, Inc. for access to the Vesta Communicator and Vesta Alert Emergency Notification Services in an amount not to exceed \$27,450 per year, or \$82,350 for the duration of the agreement;

2. Authorize the City Manager to approve change orders up to 10% of the service charge per year.

7. Approve Agreements with Lucity, Inc. and ESRI for the Purchase and Implementation of Lucity Asset Management and Related Software

Recommendation: That the City Council:

1. Approve an agreement with Lucity, Inc. for the purchase, implementation, and five-year maintenance and support of Lucity Asset Management Software, in an amount not to exceed \$362,598;

2. Authorize the City Manager to approve contract change orders of up to 10% of the \$190,460 cost for Lucity implementation services, or \$19,046;

3. Approve an Enterprise License Agreement with ESRI for GIS Software for \$58,000 per year for three years, for a total not to exceed \$174,000.

8. Approve Fiscal Year 2019-20 Schedule of Solid Waste and Recycling Rates Pursuant to Franchise Agreement with CR&R, Inc.

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 19-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING SOLID WASTE AND RECYCLING RATES FOR FISCAL YEAR 2019-20

9. Approve the Third Amendment to the Disposition and Development Agreement for the Town Square Marketplace Development Between the Successor Agency to the Temecula Redevelopment Agency, the City of Temecula, and Town Square Marketplace Old Town, LLC. Located at APNs 922-360-004, 005, 006, 007

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 19-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE THIRD AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND

AMONG THE CITY OF TEMECULA, SUCCESSOR AGENCY TO
THE TEMECULA REDEVELOPMENT AGENCY, AND TOWN
SQUARE MARKETPLACE OLD TOWN, LLC CONVEYING
APPROXIMATELY ONE ACRE OF PROPERTY LOCATED ON
MAIN STREET WEST OF MERCEDES STREET

Approved the Staff Recommendation (4-0, Naggar abstain): Motion by Edwards, Second by Stewart. The electronic vote reflected unanimous approval with Naggar abstaining. Mayor Naggar abstained from this item. There was a potential conflict of interest for him with respect to the principal of the buyer, Mr. Truax, although it turned out not to be a conflict. In the abundance of caution, Mayor Naggar elected not to participate in order to avoid the appearance of impropriety. Since both the City Council and Successor Agency items are on the Consent Calendar, he did not need to leave the dais unless the item was removed from the Consent Calendar which it was not and his abstention is reflected in the vote.

10. Approve Tract Map 37368 (Located on the East Side of Butterfield Stage Road Between Calle Chapos and Murrieta Hot Springs Road)

Recommendation: That the City Council:

1. Approve Tract Map 37368 in conformance with the Conditions of Approval;
2. Approve the Subdivision Improvement and Monumentation Agreements with the Developer;
3. Authorize the City Manager to execute the agreements on behalf of the City.

11. Approve the Specifications and Authorize Solicitation to the Prequalified Bidders List for the Construction of the Ronald Reagan Sports Park Pump Track, PW18-04

Recommendation: That the City Council:

1. Approve the contract documents for the Ronald Reagan Sports Park Pump Track PW18-04; and
2. Approve the list of prequalified bidders; and
3. Authorize the Department of Public Works to solicit construction bids from the list of prequalified bidders.

12. Approve the Minor Construction Services Agreement with TWM Roofing, Inc., for the Park Restrooms Renovation, Expansion and ADA Improvements Project, PW17-06

Recommendation: That the City Council:

1. Approve the Minor Construction Services Agreement with TWM

Roofing, Inc., in the amount of \$39,948.55, for the Park Restrooms Renovation, Expansion and Americans with Disability Act (ADA) Improvements Project, PW17-06;

2. Authorize the City Manager to approve change orders up to 10% of the agreement amount, \$3,994.86.

RECESS:

At 8:25 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and Successor Agency of the Temecula Redevelopment Agency Meeting. At 8:28 PM, the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

BUSINESS

16. Introduce Public Safety Alarm Systems Ordinance and Adopt Related Fee Resolution (At the Request of Council Member Rahn)

Recommendation: That the City Council:

1. Introduce and read by title only an ordinance entitled:

ORDINANCE NO. 19-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADDING CHAPTER 9.60 TO THE TEMECULA MUNICIPAL CODE ESTABLISHING REGULATIONS FOR THE OPERATIONS OF PUBLIC SAFETY ALARM SYSTEMS

2. Adopt a resolution entitled:

RESOLUTION NO. 19-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING PUBLIC SAFETY FALSE ALARM RESPONSE FEES

Approved the Staff Recommendation (5-0): Motion by Edwards, Second by Rahn. The electronic vote reflected unanimous approval.

JOINT MEETING OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

17. Approve Fiscal Years 2020-24 Capital Improvement Program (CIP) and Adopt Fiscal Year 2019-20 CIP and Annual Operating Budgets for the City of Temecula, the Temecula Community Services District (TCSD) and the Successor Agency to the Redevelopment Agency (SARDA)

Recommendation: That the City Council/Board of Directors:

1. Adopt a resolution entitled:

RESOLUTION NO. 19-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2020-24 AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2019-20

2. Adopt a resolution entitled:

RESOLUTION NO. CSD 19-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMECULA COMMUNITY SERVICES DISTRICT OF THE CITY OF TEMECULA ADOPTING THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET, ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS, ESTABLISHING CONTRACT AUTHORITY OF THE GENERAL MANAGER, ESTABLISHING LAWSUIT SETTLEMENT AUTHORITY OF THE GENERAL MANAGER

3. Adopt a resolution entitled:

RESOLUTION NO. SARDA 19-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING THE CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 2020-24, ADOPTING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2019-20, ADOPTING THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET AND ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS

4. Adopt a resolution entitled:

RESOLUTION NO. 19-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET, ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS, ESTABLISHING CONTRACT AUTHORITY OF CITY MANAGER, ESTABLISHING LAWSUIT SETTLEMENT AUTHORITY OF CITY MANAGER

5. Adopt a resolution entitled:

RESOLUTION NO. 19-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMECULA REVISING THE SCHEDULE OF AUTHORIZED
POSITIONS AND SALARY SCHEDULE

6. Adopt a resolution entitled:

RESOLUTION NO. 19-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMECULA ESTABLISHING THE APPROPRIATIONS LIMIT FOR
FISCAL YEAR 2019-20

Approved the Staff Recommendation (5-0): Motion by Edwards, Second by Stewart. The electronic vote reflected unanimous approval. There were a few items in the proposed City budget that provide some funding for joint projects with the Temecula Valley Unified School District, including: (1) partial funding of school crossing guards; (2) funding for maintenance for school fields and pools subject to joint use agreements with the City; and (3) and partial funding of City programs that complement the school district's Career Technical Education or CTE programs. Council Member Edwards is an employee of the school district and Council Member Schwank was an employee of the school district through the end of this school year. Neither Council Member Edwards or Council Member Schwank participated in the development or administration of these programs on behalf of the school district and both do not have conflicts of interest with respect to the approval of the budget. In an abundance of caution, both registered an abstention on these particular items included in the budget approvals. Said abstention is reflected in this motion. Both did not need to leave the dais.

18. Approve Employment Agreements with Executive Staff Members, Authorize City Manager to Establish and Amend Employment Agreements with Executive Staff Members, and Approve Amended and Restated Management Compensation Plan for Unrepresented Employees

Recommendation: That the City Council:

1. Approve employment agreements with executive staff members;
2. Authorize City Manager to establish and amend employment agreements with executive staff members; and
3. Approve Amended and Restated Management Compensation Plan for Unrepresented Employees.

Approved the Staff Recommendation (5-0): Motion by Edwards, Second by Schwank. The electronic vote reflected unanimous approval.

19. Approve the Third Amendment to City Manager Aaron Adams' Employment Agreement

Recommendation: That the City Council approve the Third Amendment to City Manager Aaron Adams' Employment Agreement.

Approved the Staff Recommendation (5-0): Motion by Edwards, Second by Rahn. The electronic vote reflected unanimous approval.

DEPARTMENTAL REPORTS

COMMISSION REPORTS

PUBLIC SAFETY REPORT

CITY MANAGER REPORT

CITY ATTORNEY REPORT

The City Attorney stated there was no reportable actions for closed session. Mayor Naggar did not participate in Closed Session. There was a potential conflict of interest for him with respect to the principal of the buyer, Mr. Truax, although it turned out not to be a conflict. In the abundance of caution, Mayor Naggar elected not to participate in order to avoid the appearance of impropriety.

ADJOURNMENT

At 9:58 PM, the City Council meeting was formally adjourned to Tuesday, June 25, 2019, at 5:30 PM for Closed Session, with regular session commencing at 7:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Michael S. Naggar, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]