

## **ACTION MINUTES**

### **TEMECULA CITY COUNCIL REGULAR MEETING COUNCIL CHAMBERS 41000 MAIN STREET TEMECULA, CALIFORNIA JANUARY 14, 2020 - 7:00 PM**

#### **CLOSED SESSION - 6:00 P.M.**

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City. Based on existing facts and circumstances, the City Council will decide whether to defend or initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council will meet in closed session pursuant to Government Code Section 54956.8 regarding the potential lease of real property owned by the City and located at 43200 Business Park Drive (APN: 921-020-078). The potential lessee of the property in negotiations with the City is: California State University – San Marcos. Negotiators for the City of Temecula are: Aaron Adams, Greg Butler, and Peter Thorson. Under negotiation are price and terms of the potential lease of the property.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council will meet 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, and Luke Watson. Under negotiation are price and terms for the sale of the property.

**CALL TO ORDER at 7:09 PM: Mayor James Stewart**

**PRELUDE MUSIC: Eric and Emma Davidson**

**INVOCATION: Aaron Adams**

**FLAG SALUTE: Stewart Family**

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

#### **PRESENTATIONS/PROCLAMATIONS**

Presentation to Incoming/Outgoing Mayor and Incoming/Outgoing TCSD President

Presentation of Service Awards to City Attorney Peter Thorson (30), Board Member Peg Moore (20), Commissioner Gary Youmans (15), Board Member Craig Puma (10), Commissioner Eric Willis (5), Commissioner Lanae Turley-Trejo (5), and Commissioner Dale Borgeson (5)

Presentation of Certificate of Appreciation to Susan Miyamoto

## **PUBLIC COMMENTS**

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

- Tracy Ham
- Katie Wagner
- Raymond Lota
- Ric VanDerLinden
- Dr. Helen Horvath
- Tyler Booth
- Neal Ziff
- Christine Massa
- Rene Lazare

The following individuals addressed the City Council on agendized items:

- Ashley and Briand Guzman (18)
- Donna Cole (18)
- Doris Luth (18)
- Donna Leavitt (18)
- Erica Garibay (18)
- Vikki Havins (18)
- Alexandra De Rossi (18)
- Lou Barrios (18)
- Kimberly Palmer (18)
- Jessica Abrego (18)
- Lauren Hepp (18)
- Sue Cappelen (18)
- Tammy Alvarado (18)
- Glen Bosworth (18)
- Neal Ziff (18)
- Mike Mason (18)
- Neeru Sehgal (18)
- James S. Bicos (18)
- Rick Reichel (18)
- Audrey Abrego (18)
- Ken Smith (18)
- Maizino Tomacelli (18)

## **CITY COUNCIL REPORTS**

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 Schwank. The vote reflected unanimous approval.

## **CONSENT CALENDAR**

### **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 December 10, 2019 and December 17, 2019**

**Recommendation:** That the City Council approve the action minutes of December 10, 2019 and December 17, 2019.

### **3. Approve List of Demands**

**Recommendation:** That the City Council adopt a resolution entitled:

RESOLUTION NO. 20-01

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

Approved the Staff Recommendation (4-0, Schwank abstain): Motion by Rahn, Second by Schwank. The vote reflected a unanimous approval with Schwank abstaining.

4. Approve City Treasurer's Report as of October 31, 2019

Recommendation: That the City Council approve and file the City Treasurer's Report as of October 31, 2019.

5. Adopt Ordinance 19-16 Amending Section 8.28.210 of the Municipal Code Regarding Stormwater Discharges (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 19-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
TEMECULA AMENDING SECTION 8.28.210 OF THE  
TEMECULA MUNICIPAL CODE REGARDING STORMWATER  
DISCHARGES

6. Approve Annual Boards and Commissions Handbook for Calendar Year 2020

Recommendation: That the City Council approve the annual Boards and Commissions Handbook for calendar year 2020.

7. Approve Annual Legislative Platform for Calendar Year 2020

Recommendation: That the City Council approve the annual Legislative Platform for calendar year 2020.

8. Approve Annual Citywide Records Retention Schedule and Records Destruction for Calendar Year 2020

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 20-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMECULA APPROVING REVISIONS TO THE ESTABLISHED  
CITYWIDE RECORDS RETENTION SCHEDULE, THEREBY  
AMENDING AND RESTATING THE RECORDS RETENTION  
POLICY, AND APPROVING THE DESTRUCTION OF CERTAIN  
RECORDS

9. Approve Agreement with Western Audio Visual for the Replacement of Audiovisual Equipment in the Conference Center

Recommendation: That the City Council:

1. Approve a Purchase and Installation Agreement with Western Audio Visual, in an amount not to exceed \$93,319, for audiovisual equipment in the City of Temecula Conference Center, and
2. Authorize the City Manager to approve contract change orders up to 7% of the contract amount, or \$6,533.

10. Approve Purchase of Bike Legends from Ennis-Flint, Inc.

Recommendation: That the City Council approve the purchase of 118 green thermoplastic bike legends for the Citywide Buffered Bike Lane Striping Project (PW19-20), in the amount of \$79,485.52, from Ennis-Flint, Inc.

11. Award Construction Contract to Marina Landscape Inc. for the Expanded Recycled Water Conversion Project, PW17-29

Recommendation: That the City Council:

1. Award a construction contract to Marina Landscape Inc. in the amount of \$329,000 for the Expanded Recycled Water Conversion Project, PW17-29;
2. Authorize the City Manager to approve change orders not to exceed the contingency amount of \$32,900, which is equal to 10% of the contract amount;
3. Make a finding that the Expanded Recycled Water Conversion Project, PW17-29 is exempt from Multiple Species Habitat Conservation Plan (MSHCP) fees.

12. Approve Non-Exclusive Commodity Agreements with All American Asphalt and Main Street Signs for Fiscal Years 2020-2024

Recommendation: That the City Council approve the following Non-Exclusive Commodity Agreements:

1. All American Asphalt, for \$75,000 annually, for a total agreement amount of \$375,000 for the purchase of hot mix asphalt and SS1H Emulsion Tack for Fiscal Years 2020-2024; and
2. Main Street Signs, for \$100,000 annually, for a total agreement amount of \$500,000 for the purchase of street name and traffic control signs for Fiscal Years 2020-2024.

13. Approve Project Specific Maintenance Agreement with the California Department of Transportation (Caltrans) for the Santa Gertrudis Pedestrian/Bicycle Trail and Interconnect, PW08-04

Recommendation: That the City Council approve the Project Specific Maintenance Agreement (PSMA) with the California Department of Transportation (Caltrans) for the Santa Gertrudis Pedestrian/Bicycle Trail and Interconnect, PW08-04.

**RECESS:**

At 7:48 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and Successor Agency to the Temecula Redevelopment Agency and City Council Meeting. At 7:50 PM, the City Council resumed with the remainder of the City Council Agenda.

**RECONVENE TEMECULA CITY COUNCIL**

**PUBLIC HEARING**

16. Approve Amendment 5 to the Roripaugh Ranch Specific Plan and Addendum Number 5 to the Roripaugh Ranch Final Environmental Impact Report (Planning Application No. PA19-0408)

Recommendation: That the City Council approve a Specific Plan Amendment to the Roripaugh Ranch Project (Planning Application No. PA19-0408) and an Addendum to the project's Final Environmental Impact Report, and adopt resolutions entitled:

RESOLUTION NO. 20-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING AMENDMENT NO. 5 TO THE RORIPAUGH RANCH SPECIFIC PLAN (SP 11) (PLANNING APPLICATION NO. PA19-0408)

RESOLUTION NO. 20-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING ADDENDUM NO. 5 TO THE RORIPAUGH RANCH FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 97121030)

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

17. Conduct Public Meeting to Consider the Renewal of the Visit Temecula Valley Tourism Business Improvement District and the Levy of an Assessment on Lodging Businesses within the District Pursuant to the Parking and Business Improvement District Law of 1994

Recommendation: That the City Council conduct the requisite public meeting to hear testimony regarding the proposed renewal of the Visit Temecula Valley Tourism Business Improvement District (“VTVTBID”) pursuant to the Parking and Business Improvement District Law of 1994.

Conducted public meeting, no action. City Attorney Peter Thorson stated that City Manager Aaron Adams would not participate in the discussion of the Visit Temecula Valley Business Improvement District and would leave the Council Chamber while this is considered. Mr. Adams wife is the Executive Director of the non-profit Visit Temecula Valley which will be administering the District

**18. Approve Amendment to Title 17 of Temecula Municipal Code for Short-Term Rentals and Establish Administrative Citation Fines for Illegal Short-Term Rentals**

Recommendation: That the City Council:

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

ORDINANCE NO. 20-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 17 OF THE TEMECULA MUNICIPAL CODE TO ADD A DEFINITION OF SHORT-TERM RENTALS AND ADDING SHORT-TERM RENTALS TO THE USE REGULATION TABLE, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (B)(3)

2. Adopt a resolution entitled:

RESOLUTION NO. 20-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING THE SCHEDULE OF ADMINISTRATIVE CITATION FINES FOR ILLEGAL SHORT-TERM RENTALS PURSUANT TO TEMECULA MUNICIPAL CODE SECTION 1.21.060

City Attorney Peter Thorson announced that Council Member Naggar will not participate in the Council’s consideration of the short term rental issue and will leave the Council Chamber while this matter is considered. Council Member Naggar has no ownership interests in the Inn at Europa Village, located outside of the City limits in unincorporated Riverside County. He is not an owner or member in the limited liability companies that own the Inn and the property, Invest Europa, LLC, and Europa Village, LLC. However, because the managing member of these LLCs, Dan Stephenson, is also the managing member of other LLC’s for property development outside of Temecula in which Council Member Naggar is a member, the Invest Europa, LLC and Europa Village LLC are technically considered to be

“otherwise related business entity” under the Political Reform Act for conflict of interest analysis. We do not believe the prohibition or regulation of short term rentals would have any material financial effect on the Inn at Europa Village because the pricing of rooms at the Inn and the amenities provided to persons staying at the Inn are substantially different than those provided by short term rentals in Temecula. Even so, Council Member Naggar will not participate in the actions tonight in order to avoid even the appearance of impropriety. Also, City Manager Aaron Adams will not participate in tonight’s discussion of the short term rentals and will leave the Council Chamber while this is considered. Mr. Adams wife is the Executive Director of Visit Temecula Valley which will be advocating its position with respect to short term rentals.

Approved the Staff Recommendation (4-0, Naggar absent): Motion by Rahn, Second by Schwank. The vote reflected a unanimous approval with Naggar absent.

## **BUSINESS**

### **19. Selection of 2020 City Council Committees**

Recommendation: That the City Council consider and appoint members to serve on various City Council Committees for calendar year 2020.

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

### **20. Conduct Annual Joint Meetings Between the City Council and the Board and Commissions**

Recommendation: That the City Council conduct the annual joint meetings between the City Council and the Old Town Local Review Board, and the Community Services, Planning, and Public Traffic Safety Commissions.

Receive and file only, no action.

## **DEPARTMENTAL REPORTS**

### **21. Police Department Monthly Report - Receive and file only, no action.**

## **COMMISSION REPORTS**

## **PUBLIC SAFETY REPORT**

## **CITY MANAGER REPORT**

## **CITY ATTORNEY REPORT**

The City Attorney stated there was no reportable actions from closed session.

## **ADJOURNMENT**

At 11:00 PM, the City Council meeting was formally adjourned to Tuesday, January 28, 2020, at 5:30 PM for Closed Session, with regular session commencing at 7:00 PM, City Council Chambers, 41000

Main Street, Temecula, California.

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Adjourned in Memory of  
Pascale Brown

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James Stewart, Mayor

ATTEST:

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Randi Johl, City Clerk

[SEAL]