

ACTION MINUTES

TEMECULA CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
JANUARY 26, 2016 – 7:00 PM

6:00 PM - The City Council convened in Closed Session in the Canyons Conference Room on the third floor of the Temecula City Hall concerning the following matters:

1. Conference with Legal Counsel—Existing Litigation. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(2) with respect to one matter of pending litigation: The People of the State of California and City of Temecula v. Cooperative Patient Services, et. al., Riverside County Superior Court No. RIC 1103777.
2. Conference with Legal Counsel—Pending Litigation. The City Council will meet in closed session with the City's Workers' Compensation Contract Attorney pursuant to Government Code Section 54956.9(d)(2) with respect to two matters of pending litigation: Resolution of Workers' Compensation claims pursuant to Title 8 California Code of Regulations sections 10393, 10878, 10870, et. seq., and Labor Code sections 5502, 5001, et seq. A point has been reached where, in the opinion of the City's Worker's Compensation Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

At 6:00 PM Mayor Naggar called the City Council meeting to order and recessed to Closed Session to consider the matters described on the Closed Session agenda.

The City Council meeting convened at 7:00 PM

CALL TO ORDER: Mayor Mike Naggar

Prelude Music: Margaret Meyncke

Invocation: Pastor Jim Diaz of Reliance Church

Flag Salute: Mayor Pro Tem Maryann Edwards

ROLL CALL: Comerchero, Edwards, McCracken, Rahn, Naggar

PRESENTATIONS/PROCLAMATIONS

Presentation of Gavel from Outgoing Mayor Jeff Comerchero to Incoming Mayor Mike Naggar

Presentation of Proclamation for National Wear Red Day to American Heart Association

Presentation of Certificate of Achievement to Tyler James Waterman of Troop #337 for Attaining the Rank of Eagle Scout

Presentation of Certificates of Achievement to Great Oak High School Cross Country Teams

PUBLIC COMMENTS

The following individuals addressed the City Council:

- Pat McCobb

CITY COUNCIL REPORTS

CONSENT CALENDAR

- 1 **Waive Reading of Standard Ordinances and Resolutions - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.**

RECOMMENDATION:

- 1.1 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 January 12, 2016 – Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.**

RECOMMENDATION:

- 2.1 That the City Council approve the action minutes of January 12, 2016.

- 3 **Approve the List of Demands - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.**

RECOMMENDATION:

- 3.1 That the City Council adopt a resolution entitled:

RESOLUTION NO. 16-04

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 16-01 Adding Chapter 8.52, Marijuana Cultivation, to the Temecula Municipal Code Prohibiting Cultivation of Marijuana in the City, Amending the Zoning Ordinance Prohibiting Marijuana Cultivation In All Zones, Amending the Definition of Enforcement Official and Finding this Ordinance is Exempt from the California Environmental Quality Act Pursuant To CEQA Guidelines, Section 15061(B)(3) (Second Reading) - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 4.1 That the City Council adopt an ordinance entitled:

ORDINANCE NO. 16-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADDING CHAPTER 8.52, MARIJUANA CULTIVATION, TO THE TEMECULA MUNICIPAL CODE TO PROHIBIT THE CULTIVATION OF MARIJUANA IN THE CITY, AMENDING THE ZONING ORDINANCE TO PROHIBIT MARIJUANA CULTIVATION IN ALL ZONES, AMENDING THE DEFINITION OF ENFORCEMENT OFFICIAL AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES, SECTION 15061(B)(3)

- 5 Approve an Agreement with the County of Riverside for Law Enforcement Services - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 5.1 That the City Council approve an Agreement with the County of Riverside for Law Enforcement Services.

- 6 Approve Sponsorship Agreement with the Inland Valley Business Community Foundation (IVBCF) for Fashion Week Event – April 14 – 16, 2016 for In-kind Promotional Services for Fiscal Year 2015-16 (At the Direction of the Economic Development Committee Mayor Pro Tem Edwards and Council Member Comerchero) - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 6.1 That the City Council approve the Sponsorship Agreement with Inland Valley Business Community Foundation (IVBCF) for in-kind promotional services valued at \$11,415 for Fashion Week event to be held April 14 – 16, 2016.

- 7 Approve an Agreement with MDG Associates, Inc. for the Preparation of the CDBG 2017-2021 Consolidated Plan and Analysis of Impediments to Fair Housing Choice - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 7.1 That the City Council approve an Agreement with MDG Associates, Inc., in the amount of \$38,400, for the preparation of the CDBG 2017-2021 Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

- 8 Approve the Second Amendment to the Agreement for Consulting Services with Environmental Science Associates for an Environmental Impact Report for the Altair Specific Plan - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 8.1 That the City Council approve the Second Amendment to the Agreement for Consultant Services with Environmental Science Associates, in the amount of \$5,000, for a total agreement amount of \$320,789, for the preparation of an Environmental Impact Report for the Altair Specific Plan.

- 9 Approve Plans and Specifications, and Authorize the Solicitation of Construction Bids for the Pavement Rehabilitation Program – Temecula Parkway (Bedford Court to Pechanga Parkway), PW12-13 - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member Edwards; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 9.1 Approve the Plans and Specifications, and Authorize the Department of Public Works to Solicit Construction Bids for the Pavement Rehabilitation Program – Temecula Parkway (Bedford Court to Pechanga Parkway), PW12-13;
- 9.2 Make a finding that this project is exempt from CEQA per Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

RECESS

At 7:29 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and the Successor Agency to the Temecula Redevelopment Agency Meeting. At 7:35 PM, the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

- 12 Approve Planning Application Number PA15-0520 & PA15-0521, a Development Plan and Conditional Use Permit to Allow for the Construction and Operation of a 4,285 Square Foot Car Wash Generally Located on the Northwest Corner of Jefferson Avenue and Del Rio Road at 28111 Jefferson Avenue - Approved Staff Recommendation (5-0) Council Member Edwards made the motion; it was seconded by Council Member Comerchero; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

That the City Council conduct a Public Hearing and:

- 12.1 Adopt a resolution entitled:

RESOLUTION NO. 16-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. PA15-0520, A DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF AN APPROXIMATELY 4,285 SQUARE FOOT CAR WASH GENERALLY LOCATED ON THE NORTHWEST CORNER OF JEFFERSON AVENUE AND DEL RIO ROAD AT 28111 JEFFERSON AVENUE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN 921-060-006)

- 12.2 Adopt a resolution entitled:

RESOLUTION NO. 16-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. PA15-0521, A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN APPROXIMATELY 4,285 SQUARE FOOT CAR WASH GENERALLY LOCATED ON THE NORTHWEST CORNER OF JEFFERSON AVENUE AND DEL RIO ROAD AT 28111 JEFFERSON AVENUE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN 921-060-006)

- 13 Review Ordinance No. 16-01 Relating to Section 8.52.060 Providing a Limited Exemption from Cultivation Prohibition for Qualified Patients - Approved Staff Recommendation (5-0) Council Member Edwards made the motion; it was seconded by Council Member Comerchero; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar. No amendments were proposed to Ordinance No. 16-01. Council provided direction to establish a task force and conduct a symposium on the topic and bring the ordinance back for general review in one year or sooner if the need arises.

13.1 That the City Council review Ordinance No. 16-01 relating to Section 8.52.060 providing a limited exemption from cultivation prohibition for qualified patients and provide additional direction to staff as deemed appropriate. If the Council wishes to amend Section 8.52.060, any such amendment would require the introduction and adoption of a new ordinance.

The following individuals addressed the City Council on this item:

- Martin Victor
- LaVonne Victor
- Larry Slusser
- Barbara Tuttle
- Pamela Epstein
- Ira Robinson
- Letitia Pepper

CITY COUNCIL BUSINESS

- 14 Approve the Annual Selection of City Council Committees for Calendar Year 2016 - Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member McCracken; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

14.1 That the City Council consider and appoint members to serve on various City Council Committees for calendar year 2016.

- 15 Approve Amendment to the Boards and Commissions Handbook Regarding the Role and Authority of Board and Commission Members and Adopt Resolution Establishing the Order of Business for Regularly Scheduled Meetings of the City Council (At the Request of Council Member Matt Rahn) - Approved Staff Recommendation (5-0) Council Member Rahn made the motion; it was seconded by Council Member Comerchero; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.

RECOMMENDATION:

- 15.1 That the City Council approve the amendment to the Boards and Commissions Handbook regarding the role and authority of Board and Commission Members and adopt the following resolution (at the request of Council Member Matt Rahn):

RESOLUTION NO. 16-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING THE ORDER OF BUSINESS FOR REGULARLY SCHEDULED MEETINGS OF THE CITY COUNCIL

- 16 Appoint Member to the Public/Traffic Safety Commission - **Approved Staff Recommendation (5-0) Council Member Comerchero made the motion; it was seconded by Council Member McCracken; and electronic vote reflected approval by Council Members Comerchero, Edwards, McCracken, Rahn and Naggar.**

RECOMMENDATION:

- 16.1 That the City Council appoint Gregory Mann to the Public Traffic / Safety Commission.

DEPARTMENTAL REPORTS

- 17 Community Development Department Monthly Report
- 18 Police Department Monthly Report
- 19 Public Works Department Monthly Report

CITY MANAGER REPORT

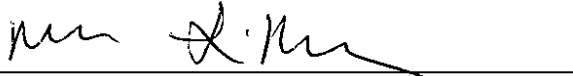
CITY ATTORNEY REPORT

City Attorney Thorson reported there is no final action to report in regards to the Closed Session items.

ADJOURNMENT

At 10:26 PM, the City Council meeting was formally adjourned to Tuesday, February 9, 2016, at 5:30 PM, for a Closed Session, with regular session commencing at 7:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Adjourned in the Memory of
David Lowery



Michael S. Naggar, Mayor

ATTEST:



Randi Johl, City Clerk

[SEAL]