



City of Lake Elsinore

183 N. Main Street
Lake Elsinore, CA 92530

Meeting Minutes - Draft City Council / Successor Agency

Brian Tisdale, Mayor
Robert E. Magee, Mayor Pro Tem
Timothy J. Sheridan, Council Member
Steve Manos, Council Member
Natasha Johnson, Council Member
Grant Yates, City Manager

Tuesday, December 8, 2020

7:00 PM

Cultural Center

CALL TO ORDER 5:00 P.M.

The Regular Meeting of the City Council was called to order at 5:00 p.m.

ROLL CALL

Present: 5 - Mayor Pro Tem/Vice-Chair Robert E. Magee, Mayor Pro Tem/Vice-Chair Timothy J. Sheridan, Council Member/Agency Member Natasha Johnson, Council Member/Agency Member Steve Manos and Council Member/Agency Member Brian Tisdale

PUBLIC COMMENTS

There were no public comments.

CITY COUNCIL CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Gov't Code Section 54956.9: 1 potential case
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Gov't Code Section 54956.8)
Property: APN 373-151-021
Agency negotiator: City Manager Yates
Negotiating parties: City of Lake Elsinore and Genaro and Mabel Prats
Under negotiation: Price and terms of payment
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Gov't Code Section 54956.8)
Property: APN 373-151-022
Agency negotiator: City Manager Yates
Negotiating parties: City of Lake Elsinore and David Fairchild, Joe Zahabi et al.
Under negotiation: Price and terms of payment

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Gov't Code Section 54956.8)
Property: APN 374-172-014
Agency negotiator: City Manager Yates
Negotiating parties: City of Lake Elsinore and Yeo Bai Lee et al.
Under negotiation: Price and terms of payment

RECESS

The City Council recessed into Closed Session at 5:01 p.m.

RECONVENE / CALL TO ORDER - 7:00 P.M.

The Regular Meeting of the City Council reconvened and the Regular Meeting of the Successor Agency was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Council Member Manos led the Pledge of Allegiance.

INVOCATION – MOMENT OF SILENCE

ROLL CALL

Present: 5 - Council Member/Agency Member Brian Tisdale, Mayor Pro Tem/Vice-Chair Robert E. Magee, Mayor Pro Tem/Vice-Chair Timothy J. Sheridan, Council Member/Agency Member Natasha Johnson and Council Member/Agency Member Steve Manos

PRESENTATIONS / CEREMONIALS

1) **Presentation of Certificates of Recognition to Participants of the Dream Extreme Future Leaders Program**

City Clerk Alvarez and Mayor Tisdale presented Certificates of Recognition to the Dream Extreme Future Leaders Class of 2020.

2) **2020-21 School Reopening Plan**

Receive an update from the Lake Elsinore Unified School District regarding their 2020-21 School Reopening Plan.

Mark Dennis of the Lake Elsinore Unified School District provided a presentation on the District's 2020-21 School Reopening Plan.

CLOSED SESSION REPORT

City Attorney Leibold reported that all four items listed on the Closed Session Agenda were discussed; no action was taken on the three property negotiation items; however, the City Council authorized and gave direction the City Attorney to initiate an action regarding Agenda Item A.

PUBLIC COMMENTS – NON-AGENDIZED ITEMS – 1 MINUTE

Jason Devore was called to speak.

CITY COUNCIL CONSENT CALENDAR

Approval of the City Council Consent Calendar

Motion by Council Member Johnson, seconded by Council Member Manos, to approve the City Council Consent Calendar with Item Nos. 8, 9, and 22 being removed for discussion. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson, Council Member/Agency Member Manos and Council Member/Agency Member Tisdale

3) Minutes of the Regular City Council Meeting of November 10, 2020

Approve the Minutes.

4) Declaring the Results of the General Municipal Election Held on November 3, 2020

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020, AND DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

This item was approved on the City Council Consent Calendar.

5) Measure Z - Resolution to authorize the City Manager to Execute Certain Agreements Between the City and the California Department of Tax and Fee Administration to Complete the Implementation of the 1.0% Transactions and Use Tax Ordinance

1. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX;
 - a. AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE CITY'S TRANSACTIONS AND USE TAX ORDINANCE
 - b. AGREEMENT FOR STATE ADMINISTRATION OF CITY TRANSACTIONS AND USE TAXES
2. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS; and
3. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY CERTAIN AGREEMENTS AND DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS (SALES) AND USE TAX.

This item was approved on the City Council Consent Calendar.

6) **Second Reading of Ordinance Regarding Development Agreement No. 2018-05 (Modern Leaf, LLC)**

Adopt by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING MODIFICATIONS TO DEVELOPMENT AGREEMENT NO. 2018-05 TO INCREASE THE TOTAL AREA FROM 2,074 SF TO AN APPROXIMATELY 6,524 SQUARE FOOT CANNABIS FACILITY WITHIN AN EXISTING BUILDING LOCATED AT 31877 CORYDON SUITE 120 (APN: 370-051-016) AND 31881 CORYDON SUITE 150 (APN: 370-051-030).

This item was approved on the City Council Consent Calendar.

7) **Second Reading of Ordinance Regarding Development Agreement No. 2020-02 (Stellar House, LLC)**

Adopt by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 2020-02 FOR A 6,810 SF CANNABIS FACILITY AT 570 CENTRAL AVENUE, UNITS D1 AND D2 (APN: 377-410-037).

This item was approved on the City Council Consent Calendar.

8) **Continued Existence of a Local Emergency (COVID-19)**

Find the need to continue the local emergency related to COVID-19 consistent with the findings and proclamations set forth in Resolution No. 2020-18 and Resolution No. 2020-52.

This item was removed from the City Council Consent Calendar for discussion.

9) **Amendment No. 2 to the Professional Services Agreement with Dudek for Biological Resources Assessments and Surveys**

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Dudek for biological resources assessments and surveys in an additional amount of \$98,873, in substantially the form attached and in such final form as approved by the city attorney; and
2. Appropriate General Fund reserves to the Community Development Department budget to pay for these services and include the Back Basin Biological (B3) Strategy in the proposed Annual Operating Budget.

This item was removed from the City Council Consent Calendar for discussion.

10) **Tract Map 37319 - Financing Map**

1. Approve Tract Map 37319 subject to the City Engineer's acceptance as being true and correct; and
2. Authorize the City Clerk to sign and arrange for the recordation of Tract Map 37319.

This item was approved on the City Council Consent Calendar.

11) Acquisition of Bleachers - Citywide Park Improvement - CIP # Z40032

Approve and Authorize the City Manager to execute a sole source purchase (purchase order) with Bluegrass Venue Solutions, LLC in the amount of \$174,181 for the purchase of Bleachers for City owned parks.

This item was approved on the City Council Consent Calendar.

12) Annexation No. 10 Into Community Facilities District No. 2015-2 (Maintenance Services) for TR 33370 (Tessera)

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2015-2 (MAINTENANCE SERVICES) OF THE CITY OF LAKE ELSINORE, ADOPTING A MAP OF THE AREA TO BE PROPOSED (ANNEXATION NO. 10) AND AUTHORIZING THE LEVY OF A SPECIAL TAXES THEREIN.

This item was approved on the City Council Consent Calendar.

13) Annexation No. 11 Into Community Facilities District No. 2015-2 (Maintenance Services) for PM 37534 (Honda)

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2015-2 (MAINTENANCE SERVICES) OF THE CITY OF LAKE ELSINORE, ADOPTING A MAP OF THE AREA TO BE PROPOSED (ANNEXATION NO. 11) AND AUTHORIZING THE LEVY OF A SPECIAL TAXES THEREIN.

This item was approved on the City Council Consent Calendar.

14) Purchase and Installation of Per-Designed and Engineered Canopy Shade Structures from USA Shade & Fabric Structures for Canyon Hills Park and Tuscany Hills Park

Authorize the City Manager to execute an Agreement with USA Shade & Fabric Structures in the amount of \$387,091 plus a 10% contingency adjustment for miscellaneous expenses, in the form attached and in such final form as approved by the City Attorney.

This item was approved on the City Council Consent Calendar.

15) Award of Contract to NPG, Inc., for the Citywide Park Parking Lot Improvements - CIP # Z40023, Canyon Hills Park Upgrades - CIP# Z40024, and Tuscany Hills Park Renovation - CIP# Z40021

Authorize the City Manager to execute a Contract with NPG, Inc. in an amount not to exceed \$171,090 plus a 10% contingency for unforeseen additional work in Fiscal Year 2020-21 in substantially the form attached and in such final form as approved by the City Attorney.

This item was approved on the City Council Consent Calendar.

16) Construction Agreement to R Dependable Construction, Inc. for the Public Work's Office Building Project, Insulation, Drywall, and Paint (CIP Project #Z20023)

1. Award a Construction Agreement to R Dependable Construction, Inc. for the Public Work's Office Building, Insulation, Drywall and Paint Project (CIP Project # Z20023);
2. Approve and authorize the City Manager to execute the Agreement with R Dependable Construction, Inc. in an amount not to exceed \$144,680.00 in the form attached and in such final form as approved by the City Attorney; and
3. Authorize the City Manager to execute change orders not to exceed a 10% contingency amount of \$14,468.00 for construction uncertainties and adjustments.

This item was approved on the City Council Consent Calendar.

17) Resolution of Intention to Consider Change Proceedings for Community Facilities District No. 2006-6 (Tessera)

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF CITY OF LAKE ELSINORE COMMUNITY FACILITIES DISTRICT NO. 2006-6 (TESSERA), DECLARING ITS INTENTION TO CONSIDER AN AMENDMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX.

This item was approved on the City Council Consent Calendar.

18) Annual Bond Accountability Report for Fiscal Year 2019-20

Receive and file the Annual Bond Accountability Report for Fiscal Year 2019-20 pursuant to SB 165. The report was transmitted on December 8, 2020 to the City Clerk and City Council as required on or before December 31, 2020.

This item was approved on the City Council Consent Calendar.

19) Affordable Housing Bridge Loan Agreement by and between the City of Lake Elsinore and Mission Cottages, LP (Cottages at Mission Trail)

Approve an Affordable Housing Bridge Loan Agreement and related documents by and between the City of Lake Elsinore and Mission Cottages, LP in substantially the form attached, and authorize the City Manager to execute the agreement and all other documents necessary to implement the agreement in such final form as approved by the City Attorney.

This item was approved on the City Council Consent Calendar.

20) Community Facilities District No. 2015-1 (Safety Services) Declaring Its Intention to Consider Annexing Territory Tract No. 33370 Annexation No. 8

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 OF THE CITY OF LAKE ELSINORE (SAFETY SERVICES), DECLARING ITS INTENTION TO CONSIDER ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2015-1 OF THE CITY OF LAKE ELSINORE (SAFETY SERVICES).

This item was approved on the City Council Consent Calendar.

21) Resolution of Consideration of Change Proceedings for Community Facilities District No. 2019-2 (Nichols Ranch)

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-2 OF THE CITY OF LAKE ELSINORE (NICHOLS RANCH), DECLARING ITS INTENTION TO CONSIDER AN AMENDMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND TO INCREASE THE AMOUNT OF AUTHORIZED BONDED INDEBTEDNESS TO BE INCURRED BY THE DISTRICT.

This item was approved on the City Council Consent Calendar.

22) Community Development Block Grant (CDBG) Allocations for Fiscal Year 2021-22 and Community Support Allocations for Fiscal Year 2020-21

1. Adopt the Community Development Block Grant (CDBG) Program allocations for Fiscal Year 2021-22;
2. Approve submittal of the City's program to the County of Riverside; and
3. Approve allocation of Community Support Funds.

This item was removed from the City Council Consent Calendar for discussion.

ITEMS REMOVED FROM THE CITY COUNCIL CONSENT CALENDAR

8) Continued Existence of a Local Emergency (COVID-19)

Find the need to continue the local emergency related to COVID-19 consistent with the findings and proclamations set forth in Resolution No. 2020-18 and Resolution No. 2020-52.

A motion was made by Council Member Manos to reject the item; however, the motion died due to lack of a second.

A motion was made by Mayor Tisdale, seconded by Mayor Pro Tem Magee, to approve the item. The motion carried by the following vote:

Aye: 4 - Council Member/Agency Member Tisdale, Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan and Council Member/Agency Member Johnson

Nay: 1 - Council Member/Agency Member Manos

9) Amendment No. 2 to the Professional Services Agreement with Dudek for Biological Resources Assessments and Surveys

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Dudek for biological resources assessments and surveys in an additional amount of \$98,873, in substantially the form attached and in such final form as approved by the city attorney; and
2. Appropriate General Fund reserves to the Community Development Department budget to pay for these services and include the Back Basin Biological (B3) Strategy in the proposed Annual Operating Budget.

Peter Dawson was called to speak.

Assistant Community Development Director Kirk provided a presentation.

A motion was made by Council Member Manos, seconded by Council Member Johnson, to approve the item. The motion carried by the following vote:

Aye: 5 - Council Member/Agency Member Tisdale, Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson and Council Member/Agency Member Manos

22) Community Development Block Grant (CDBG) Allocations for Fiscal Year 2021-22 and Community Support Allocations for Fiscal Year 2020-21

1. Adopt the Community Development Block Grant (CDBG) Program allocations for Fiscal Year 2021-22;
2. Approve submittal of the City’s program to the County of Riverside; and
3. Approve allocation of Community Support Funds.

City Clerk Alvarez read into the record comments received from Paulie Tehrani and Ace Vallejos.

Kim Cousins was called to speak.

Derek Kinnison was called to speak.

A motion was made by Mayor Pro Tem Magee, seconded by Council Member Johnson, to approve the item. The motion carried by the following vote:

Aye: 5 - Council Member/Agency Member Tisdale, Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson and Council Member/Agency Member Manos

SUCCESSOR AGENCY CONSENT CALENDAR

Approval of the Successor Agency Consent Calendar

Motion by Agency Member Manos, seconded by Vice-Chair Magee, to approve the Successor Agency Consent Calendar. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson, Council Member/Agency Member Manos and Council Member/Agency Member Tisdale

23) Minutes of the Regular Successor Agency Meeting of November 10, 2020

Approve the Minutes.

This item was approved on the Successor Agency Consent Calendar.

PUBLIC HEARING

24) AB1600 Annual Report for Fiscal Year 2019-20

Receive and file the report which will be presented by staff as a public hearing at the meeting.

The Public Hearing was opened at 7:44 p.m.

Assistant City Manager Simpson provided a presentation.

The Public Hearing was closed at 7:47 p.m.

The item was received and filed.

25) Extension of Time Request for Vesting Tentative Tract Map No. 28214 (Alberhill Ranch)

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A THREE-YEAR EXTENSION OF TIME TO JANUARY 13, 2022 FOR VESTING TENTATIVE TRACT MAP NO. 28214.

The Public Hearing was opened at 7:48 p.m.

Assistant Community Development Director Kirk provided a presentation.

Greg Lansing was called to speak.

City Clerk Alvarez read into the record comments received from Ace Vallejos, Paulie Tehrani, and Laura Whitaker.

Kim Cousins was called to speak.

The Public Hearing was closed at 8:09 p.m.

A motion was made by Mayor Pro Tem Magee, seconded by Council Member Johnson, to approve the item. The motion carried by the following vote:

Aye: 5 - Council Member/Agency Member Tisdale, Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson and Council Member/Agency Member Manos

BUSINESS ITEMS

26) Amendments to Council Policy No. 200-5A regarding Commission Appointments to Include Measure Z Citizen Committee

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING REVISIONS TO COUNCIL POLICY NO. 200-5A, COMMISSION APPOINTMENTS.

Assistant to the City Manager Dailey provided a presentation.

The City Council requested that staff bring back an item to consider appointing Planning and Public Safety Advisory Commissioners by Districts.

A motion was made by Council Member Johnson, seconded by Council Member Sheridan, to approve the item. The motion carried by the following vote:

Aye: 5 - Council Member/Agency Member Tisdale, Mayor Pro Tem/Vice-Chair Magee, Mayor Pro Tem/Vice-Chair Sheridan, Council Member/Agency Member Johnson and Council Member/Agency Member Manos

27) Annual Reorganization of the City Council to Install the Re-Elected City Council Members and City Treasurer and Select the Mayor/Chair and Mayor Pro Tem/Vice-Chair for 2021

Install the re-elected City Council Members and City Treasurer and select a Mayor/Chair and Mayor Pro Tem/Vice-Chair per City Council Policy No. 200-4.

City Clerk Alvarez issued Oaths of Office and presented Certificates of Election to re-elected City Council Members Manos, Johnson, and Magee.

Mayor/Chair Tisdale yielded the chair to City Clerk/Secretary Alvarez.

Council Member/Agency Member Tisdale nominated Council Member/Agency Member Magee to serve as Mayor/Chair.

Council Member/Agency Member Magee was selected to serve as Mayor/Chair by a unanimous vote.

Mayor/Chair Magee nominated Council Member/Agency Member Sheridan to serve as Mayor Pro Tem/Vice Chair.

Council Member/Agency Member Sheridan was selected to serve as Mayor Pro Tem/Vice Chair by a unanimous vote.

PUBLIC COMMENTS – NON-AGENDIZED ITEMS – 3 MINUTES

City Clerk Alvarez read into the record a summary of comments received from Albia Miller.

Matthew Dabler was called to speak.

Derek Kinnison was called to speak.

CITY MANAGER COMMENTS

Assistant City Manager Simpson had no comments.

CITY ATTORNEY COMMENTS

City Attorney Leibold had no comments.

CITY COUNCIL COMMENTS

Council Member Manos congratulated and thanked outgoing Mayor Tisdale; congratulated Mayor Magee on his re-election and being selected to serve as Mayor and Mayor Pro Tem Sheridan; congratulated Council Member Johnson on her re-election; spoke on his re-election and his goals for the next four years; responded to Jason Devore's and Derek Kinnison's public comments; expressed condolences to City Manager Yates and Grace Sandlin's family; announced Citywide slurry seal project areas A & B in Alberhill and McVicker; announced Decorate LE and asked residents to place an ornament on the City's community tree on Main Street; and wished everyone a happy holidays.

Council Member Johnson thanked the community for their confidence in her serving another term on the City Council.

Council Member Tisdale congratulated Mayor Magee, Mayor Pro Tem Sheridan, and the re-elected Council Members; explained the regional stay-at-home order; expressed sympathy to City Manager Yates and spoke in memory of his son, Brandon Yates.

Mayor Pro Tem Sheridan thanked the City Council for their confidence in his serving as Mayor Pro Tem; spoke on the Light Up LE program which shows locations of homes with Christmas lights; noted that the Bobber is temporarily closed; reported on his attendance at the Riverside Transit Agency Board of Directors meeting on November 19, 2020; explained that crack sealing will be conducted in Tuscany Hills; commended City Clerk Alvarez on the Future Leaders Program; expressed his condolences to City Manager Yates and his family; spoke on the November 2020 Election.

Mayor Magee congratulated re-elected Council Members; thanked staff for their participation and patience throughout the election process and Brian Tisdale for serving as Mayor over the last year; announced the completion of repaving of Diamond Drive; informed that fish were stocked in the Lake on December 4, 2020; and spoke on the loss of Brandon Yates and Grace Sandlin and expressed his condolences.

ADJOURNMENT

The Lake Elsinore City Council adjourned at 9:01 p.m. to the next Regular meeting of Tuesday, January 12, 2021 in the Cultural Center located at 183 N. Main Street. Closed Session will commence at 5:00 p.m. or such later time as noticed on the Agenda, and the regular Open Session business meeting will commence at 7:00 p.m.