

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
OCTOBER 25, 2022 - 6:00 PM**

CLOSED SESSION - 5:00 PM

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to three matters 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 initiate litigation.

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(2) 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 from MCM Construction, Inc., with respect to bids for the project known as I-15/French Valley Parkway Improvements–Phase II (Project No. PW16-01). The October 14, 2022 letter from Attorney D. Michael Schoenfeld of Murphy Austin on behalf of MCM Construction, Inc., objecting to the bid process and threatening litigation is on file in the office of the City Clerk and is attached to the agenda packet with Item #9 on the Consent Calendar.

CALL TO ORDER: Mayor Matt Rahn

INVOCATION: Dr. Brenda Harper of AACTS International Ministries

FLAG SALUTE: Council Member Maryann Edwards

ROLL CALL: Alexander, Edwards, Rahn, Schwank, Stewart (Left Meeting at 7:40 PM)

PRESENTATIONS

Proclamation for Domestic Violence Awareness Month

Presentation Regarding Girl Scout Recognition for Scout's Closet

Presentation by National Association of Hispanic Real Estate Professionals for Dia De Los Muertos

BOARD / COMMISSION REPORTS

Planning Commission and Race, Equity, Diversity and Inclusion Commission

PUBLIC SAFETY REPORT

Riverside County Sheriff's Department

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Bob Kowell
- Pam Barrett
- Carol Brown
- Dan Brown
- Mick Sobczak
- Greg Langworthy
- Simon Cooper
- Payam Daneshvar
- James & Janice Richardson
- Steven G. Sidlovsky
- Bernard Budney
- Bryant Rumbaugh

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Michael Roe (Item #9)
- Tyler Cesar (Item #9)
- Mario Martinez (Item #9)
- Sean Ashburn (Item #9)
- Bob Kowell (Item #14)

PUBLIC COMMENTS – FUTURE AGENDA ITEMS

The following individual(s) addressed the City Council:

- Porsche Poltl
- Theresa Brennan
- Gabriel Renfro
- Shalini Renfro
- Allison Aranda
- Jennifer Reeves
- Amber Doesburg
- Laurel Lamont
- Christine Massa
- Allison Donahoe-Beggs
- Jennifer Krumm

PUBLIC COMMENTS – RECEIVED ELECTRONICALLY

Electronically submitted comments have been made part of the record.

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 Schwank. The 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 Action Minutes of October 11, 2022

Recommendation: That the City Council approve the action minutes of October 11, 2022.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2022-80

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

4. Approve City Council Meeting Schedule for November and December 2022

Recommendation: That the City Council

1. Approve the cancellation of the regular meetings in November 2022; and
2. Conduct adjourned regular meetings on November 15, 2022 and November 29, 2022; and
3. Approve the cancellation of the December 27, 2022 meeting.

5. Approve Site Access for Research Agreement with Center for Natural Lands Management, Riverside Conservation Authority and Riverside County Transportation Commission on City-Owned Properties within Roripaugh Ranch

Recommendation: That the City Council approve the site access for research agreement with the Center for Natural Lands Management, Riverside Conservation Authority, Riverside County Transportation Commission, Riverside County Habitat Conservation Agency and City of Temecula on city-owned properties within Roripaugh Ranch.

6. Approve License Agreement with Eastern Municipal Water District for Facilities Removal on Pujol Street

Recommendation: That the City Council approve the license agreement with Eastern Municipal Water District for removal of facilities on Pujol Street.

7. Approve First Amendment to Non-Exclusive Commodity Agreement with SWARCO McCain, Inc.

Recommendation: That the City Council approve the first amendment to the agreement with SWARCO McCain, Inc., in the amount of \$500,000, and extend the terms of the agreement to June 30, 2025, for the purchase of traffic signal equipment maintenance supplies for operations and maintenance, and to support the City's Capital Improvement Program Project, Traffic Signal Equipment Enhancement Program-Citywide.

8. Accept Improvements and File Notice of Completion for Pedestrian Signal Equipment Upgrade-Citywide, PW19-10

Recommendation: That the City Council:

1. Accept the improvements for the Pedestrian Signal Equipment Upgrade-Citywide, PW19-10, as complete; and
2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond; and
3. Release the Labor and Materials Bond seven months after filing the Notice of Completion if no liens have been filed.

9. Reject All Construction Bids Received for the I-15 / French Valley Parkway Improvements - Phase II, PW16-01 and Authorize Construction Contract to be Rebid

Recommendation: That the City Council:

1. Reject all construction bids received for the I-15 / French Valley Parkway Improvements - Phase II, PW16-01; and
2. Authorize the Department of Public Works to re-advertise construction contract for the I-15 / French Valley Parkway Improvements - Phase II, PW16-01.

Approved the Staff Recommendation (4-0, Alexander abstained): Motion by Edwards, Second by Schwank. The vote reflected unanimous approval with Alexander abstaining.

10. Receive and File Temporary Street Closures for 2022 Winterfest Events

Recommendation: That the City Council receive and file the temporary closure of certain streets for the following 2022 Winterfest Events:

HOLIDAY DECORATION INSTALLATION
PU'ÉSKA MOUNTAIN DAY
EMERGENCY PREPAREDNESS FAIR
SANTA'S ELECTRIC LIGHT PARADE
TEMECULA ON ICE
NEW YEAR'S EVE GRAPE DROP

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

12. Conduct Public Hearing, Adopt Resolution Making Certain Findings, and Adopt Ordinance No. 2022-12 Adopting the 2022 California Fire Code (Second Reading)

Recommendation: That the City Council conduct a public hearing and adopt a resolution and ordinance entitled:

RESOLUTION NO. 2022-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE CALIFORNIA FIRE CODE, 2022 EDITION, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL AND/OR TOPOGRAPHICAL CONDITIONS

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA FIRE CODE BASED ON THE 2021 INTERNATIONAL FIRE CODE, IN ITS ENTIRETY, REGULATING AND GOVERNING THE SAFEGUARD OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF TEMECULA, INCLUDING CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES

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

13. Conduct Public Hearing, Adopt Resolution Making Certain Findings, and Adopt Ordinance No. 2022-13 Adopting the 2022 California Building Codes (Second Reading)

Recommendation: That the City Council conduct a public hearing and adopt a resolution and ordinance entitled:

RESOLUTION NO. 2022-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE 2022 CALIFORNIA BUILDING CODE; CALIFORNIA MECHANICAL CODE; CALIFORNIA PLUMBING CODE; CALIFORNIA ELECTRICAL CODE; AND CALIFORNIA RESIDENTIAL CODE, AS ADOPTED BY THE CITY OF TEMECULA, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL AND/OR TOPOGRAPHICAL CONDITIONS

ORDINANCE 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE; CALIFORNIA MECHANICAL CODE; CALIFORNIA PLUMBING CODE; CALIFORNIA ELECTRICAL CODE; CALIFORNIA ADMINISTRATIVE CODE; CALIFORNIA ENERGY CODE; CALIFORNIA GREEN BUILDING STANDARDS CODE; CALIFORNIA HISTORICAL BUILDING CODE; CALIFORNIA EXISTING BUILDING CODE; CALIFORNIA RESIDENTIAL CODE; AND CALIFORNIA REFERENCED STANDARDS CODE; TOGETHER WITH CERTAIN AMENDMENTS AND DELETIONS, AND AMENDING TITLE 15 OF THE TEMECULA MUNICIPAL CODE

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

BUSINESS

14. Receive and File Update Regarding County of Riverside Winchester Community Plan and Recent Development Applications in the Interstate (I-215) Policy Area Related to the 2003 Settlement Agreement and 2005 Cooperative Agreement Between the City of Temecula and County of Riverside

Recommendation: That the City Council receive and file the update on the County of Riverside's proposed Winchester Community Plan and recent development applications in the I-215 Policy Area related to an increase of residential density by 33,000 units, traffic impacts, road and freeway mitigation measures, public service infrastructure, compliance with California Environmental Quality Act, and the 2003 Settlement Agreement and the 2005 Cooperative Agreement between the City of Temecula and the County of Riverside, and provide direction to staff.

Receive and file only.

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

15. City Council Travel/Conference Report
16. Community Development Department Monthly Report
17. Fire Department Monthly Report
18. Public Works Department Monthly Report

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

A. Resolution Opposing Proposition 1 (At the Request of Council Member Jessica Alexander)

Motion by Alexander to place on the City Council agenda, motion failed for lack of a second.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ADJOURNMENT

At 9:01 PM, the City Council meeting was formally adjourned to Tuesday, November 15, 2022, at 4:30 PM for Closed Session, with regular session commencing at 6:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Matt Rahn, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]