

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
NOVEMBER 28, 2023 - 6:00 PM**

**COUNCIL MEMBER CURTIS BROWN
TO PARTICIPATE ELECTRONICALLY
VIA ZOOM FROM: SHERATON MAUI
2605 KAA NAPALI PARKWAY
LAHAINA, MAUI, HI 96761**

CLOSED SESSION - 5:00 PM

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to two 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 and the City Council will decide whether to initiate litigation.

CALL TO ORDER at 6:00 PM: Mayor Zak Schwank

INVOCATION: Antonio Madrigal of The Eschatologist

FLAG SALUTE: Terry Gilmore

ROLL CALL: Alexander, Brown (virtual), Kalfus, Schwank, Stewart

PRESENTATIONS

Certificates of Recognition to Temecula Preparatory School Girls Volleyball CIF Champions
Certificates of Recognition to Temecula Pony All Stars 14U Western Division Champions

BOARD / COMMISSION REPORTS

Community Services Commission, Planning Commission and Race, Equity, Diversity and Inclusion Commission

PUBLIC SAFETY REPORT

County of Riverside, Riverside County Sheriff's Department

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Laurel Lamont
- Melissa Bourbannais

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Adam Eventov (Item #10)
- Terry Gilmore (Item #15)
- Kelly Aven (Item #15)
- Bob Brown (Item #15)
- John Meyer (Item #15)
- Kim Wilder (Item #15)
- Phyllis Ruse (Item #15)
- Ginger Safstrom (Item #15)
- Gary Oddi (Item #16 and #17)

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 Stewart, Second by Kalfus. The vote reflected unanimous approval.

1. Waive Reading of Title and Text of All Ordinances and Resolutions Included in the Agenda

Recommendation: That the City Council waive the reading of the title and text of all ordinances and resolutions included in the agenda.

2. Approve Action Minutes of November 14, 2023

Recommendation: That the City Council approve the action minutes of November 14, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-87

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 No. 2023-11 Amending Title 17 of the Temecula Municipal Code to Implement the Programs in the City’s Housing Element (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2023-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT THE PROGRAMS IN THE CITY’S HOUSING ELEMENT BY (1) ADDING DEFINITIONS FOR AGRICULTURAL EMPLOYEE HOUSING, EMPLOYEE HOUSING, FAMILY DAY CARE HOME, LARGE FAMILY DAY CARE HOME,

LOW BARRIER NAVIGATION CENTER AND SMALL FAMILY DAY CARE HOME, (2) PROVIDING THAT EMPLOYEE HOUSING AND AGRICULTURAL EMPLOYEE HOUSING ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, M, AND H ZONES, (3) PROVIDING THAT RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (SEVEN OR MORE) ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, HR-SM ZONES, (4) PROVIDING THAT RESIDENTIAL CARE FACILITIES (SEVEN OR MORE) ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, M, AND HR-SM ZONES, (5) PROVIDING THAT COMMUNITY CARE FACILITIES ARE PERMITTED IN ALL RESIDENTIAL ZONES, (6) ADDING SUPPORTIVE HOUSING STANDARDS, (7) PROVIDING THAT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING AND LOW BARRIER NAVIGATION CENTERS ARE PERMITTED USES IN THE NC, CC, HT, SC, PO, PI, PDO-2, PDO-4R, PDO-5, PDO-6, PDO-7, PDO-10, AND PDO-14 ZONES, (8) PROVIDING THAT TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING ARE A PERMITTED USE IN THE PDO-11, PDO-12 AND PDO-15 ZONES, (9) UPDATING EMERGENCY SHELTER PARKING STANDARDS, (10) REVISING REASONABLE ACCOMMODATION REGULATIONS, (11) REVISING PARKING STANDARDS FOR MULTI-FAMILY RESIDENTIAL USES WITH 12 UNITS OR LESS, (12) MAKING OTHER REVISIONS TO CONFORM WITH CHANGES IN STATE LAW, AND (13) MAKING A FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTION 15162

5. Adopt Ordinance No. 2023-12 Amending Title 17 of the Temecula Municipal Code Pertaining to Accessory Dwelling Unit Regulations (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING CHAPTER 17.23 OF TITLE 17 OF THE TEMECULA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT (ADU) REGULATIONS AND PROVIDING THAT ADUS ARE PERMITTED IN THE PDO-5, PDO-7, PDO-9, PDO-10, PDO-11, PDO-12, AND PDO-15 ZONES, AND REVISING ADU REGULATIONS, AND MAKING A FINDING THAT THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17

6. Approve City Council Meeting Schedule for December 2023

Recommendation: That the City Council approve the cancellation of the December 26, 2023 meeting.

7. Approve Grant Agreement with the Department of Housing and Urban Development for Community Project Funding for the DePortola Road/Jedediah Smith Road Roundabout Project, PW23-01

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA TO APPROVE THE GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR COMMUNITY PROJECT FUNDING (CPF) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT AND ALL PERTINENT SUPPLEMENTAL DOCUMENTS

8. Approve Grant of Public Utility Easement and Temporary Construction Easement on Property Owned by Longs Drug Stores, California, L.L.C. in Connection with the Santa Gertrudis Creek Phase II - Margarita Under-Crossing (APN 920-080-020)

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN GRANT OF PUBLIC UTILITY EASEMENT AND THE TEMPORARY CONSTRUCTION EASEMENT GRANTED BY LONGS DRUG STORES CALIFORNIA, L.L.C. IN CONNECTION WITH THE SANTA GERTRUDIS CREEK PHASE II – MARGARITA UNDER-CROSSING, PW19-04 AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE (APN 920-080-020)

9. Approve Agreements with Hewlett-Packard Financial Services Company for Technology Infrastructure and DataBank Holdings Ltd. for Disaster Recovery Colocation Services

Recommendation: That the City Council:

1. Approve a five-year Master Lease Purchase Agreement with Hewlett-Packard Financial Services Company for equipment and services for technology infrastructure for an annual amount of \$489,040.12 and a total agreement amount of \$2,445,220.60 including tax; and

2. Approve a Master Services Agreement with DataBank Holdings Ltd. for disaster recovery colocation services, the cost of which is included in the lease amount; and

3. Approve contingency in the amount of \$244,520 which is equal to 10% of the agreement amount, for a total agreement amount of \$2,689,720.60.

10. Approve First Amendment to Community Reinvestment Program Funding to California State University San Marcos for Facility Improvements at Mount San Jacinto College, Temecula Valley Campus

Recommendation: That the City Council:

1. Approve the first amendment to Community Reinvestment Program funding to California State University San Marcos for facility improvements at Mount San Jacinto College, Temecula Valley Campus; and
2. Authorize the City Manager to execute related amendment(s) or agreements.

11. Approve Second Amendment to Agreement with Falcon Engineering Services, Inc. for On-Call Construction Management Services

Recommendation: That the City Council approve the second amendment to the agreement with Falcon Engineering Services, Inc. for on-call construction management services, to increase payment in the amount of \$500,000, for a total agreement amount of \$1,500,000.

12. Accept Improvements and File the Notice of Completion for the Pavement Rehabilitation Program - Citywide, Ynez Road, Solana Way, Nicolas Road and Winchester Road, PW21-10

Recommendation: That the City Council:

1. Accept the construction of the Pavement Rehabilitation Program - Citywide, Ynez Road, Solana Way, Nicolas Road and Winchester Road, PW21-10, as complete; and
2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and
3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

RECESS:

At 7:07 PM, the City Council recessed and convened as the Temecula Community Services District Meeting. At 7:12 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

14. Introduce Ordinance Amending Title 5 and 17 of the Temecula Municipal Code Making Various Technical Revisions

Recommendation: That the City Council introduce and read by title only an ordinance entitled:

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5 AND 17 OF THE TEMECULA MUNICIPAL CODE MAKING MINOR REVISIONS TO MASSAGE ESTABLISHMENT, ACCESSORY DWELLING UNIT, HOME OCCUPATION PERMITS, AND TEMPORARY USE PERMIT REGULATIONS, ESTABLISH BATTERY STORAGE AND SHIPPING CONTAINER STANDARDS, CLARIFY THE PERMITTED USES ALLOWED IN THE OPEN SPACE - CONSERVATION DISTRICT, MODIFY THE DEFINITION OF SPECIALTY MARKET AND RESTAURANT, ADD DEFINITION FOR HEALTH AND EXERCISE CLUBS, MAKE OTHER CLERICAL REVISIONS AND MAKE A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061 (B)(3)

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

BUSINESS

15. Approve 2023 Annual Public Recognitions Pursuant to Policy (At the Request of Subcommittee Members Alexander and Stewart)

Recommendation: That the City Council approve the 2023 annual public recognitions pursuant to the related policy.

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

16. Adopt Complete Streets Program Policy

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING A COMPLETE STREETS PROGRAM THAT AIMS TO ENSURE ROADWAYS ACCOMMODATE AND PRIORITIZE THE NEEDS OF ALL USERS AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT (LONG RANGE PROJECT NO.
LR23-0043)

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

17. Receive Update Regarding the Nicolas Road Multi-Use Trail Extension

Recommendation: That the City Council affirm plans for the construction of the Nicolas Road Extension and Nicolas Road Multi-Use Trail as recommended by the Trails/Open Space Ad Hoc Subcommittee consisting of Mayor Schwank and Mayor Pro Tempore Stewart.

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

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

18. Community Development Department Monthly Report

19. Fire Department Monthly Report

20. Police Department Monthly Report

21. Public Works Department Monthly Report

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

CITY MANAGER REPORT

CITY ATTORNEY REPORT

The City Attorney announced that in closed session the City Council, by a vote of 5-0, approved a settlement with Argonaut Insurance Company, the surety on the Temecula Parkway Park and Ride Project, in the amount of \$136,840 for the benefit of the City. No other actions to report.

ADJOURNMENT

At 7:45 PM, the City Council meeting was formally adjourned to Tuesday, December 12, 2023, at 4:30 PM for Closed Session, with regular session commencing at 6:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Adjourned in Memory of
Retired Community Service Officer II Lynn Fanene

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]