

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
AUGUST 22, 2023 - 6:00 PM**

CLOSED SESSION - 5:00 PM

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council convened in closed session pursuant to Government Code Section 54956.8 regarding the acquisition of certain property interests from the real property located at 39622 Leifer Road in the City of Temecula (APN 957-090-023). Specifically, the City seeks to acquire an approximate 31,168 square foot temporary construction easement with a term of 12 months, covenant authorizing the construction of certain permanent improvements in portions of that 31,168 square foot area. This acquisition is in connection with the proposed extension of Nicolas Road from its current termination at Calle Girasol easterly to Butterfield Stage Road, Project Number LD20-1114 ("Project"). The negotiating parties are the City of Temecula and the property owners Isaac G. Navejar and Isabel L. Navejar, as Co-Trustees of the Navejar Living Trust, U/A dated July 18, 2019. Negotiators for the City are Patrick Thomas and Ron Moreno. Under negotiations are price and terms of the acquisition of these property interests.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION. The City Council convened in closed session with the City Attorney and Special Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to two matters of pending litigation: 1) City of Temecula v Sohan Singh, t al. (Riverside Superior Court Case No. CVSW2303952); and 2) Solana Winchester, LLC, v. City of Temecula (Riverside Superior Court Case No. CVRI2304109).

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

PRELUDE MUSIC: Temecula Valley Youth Symphony

INVOCATION: Pastor Steve Redden of Crosspoint Church Temecula

FLAG SALUTE: Mayor Zak Schwank

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

PRESENTATIONS

Award of Recognition to Former Council Member Maryann Edwards

Representatives of the following organizations recognized Former Council Member Edwards:

- Pechanga Band of Indians
- Congressman Ken Calvert
- Congressman Darrell Issa
- Assemblymember Kate Sanchez
- Assemblymember Marie Waldron
- California State Senator Kelly Seyarto
- Supervisor Chuck Washington
- Jeff Comerchero, Former Council Member
- Jeff Stone, Nevada State Senator
- Matt Rahn, Former Council Member

- Riverside County Habitat Conservation Agency
- City of Murrieta
- City of Menifee
- City of Canyon Lake
- City of Wildomar
- Western Riverside Council of Governments
- Riverside County Transportation Commission
- Western Riverside Regional Conservation Authority
- Riverside Transit Agency (RTA)
- Rancho California Water District
- Eastern Municipal Water District
- Temecula Valley Chamber of Commerce
- Visit Temecula Valley
- Temecula Valley Wine Growers Association
- California State University, San Marcos
- Mt. San Jacinto College
- Old Town Temecula Association
- Temecula Valley Hospital

- Dr. Larry Boggeln
- Larry Rubio, Retired RTA CEO
- DCH Automotive
- Paradise Chevrolet
- Animal Friends of the Valley
- Michelle’s Place Cancer Resource Center
- Oak Grove Center
- Rotary Club of Temecula
- Miyamoto Music & SOS Hills
- BMW Management
- Rancho Christian Church
- Jeff Pack
- EAT Marketplace
- Promenade Mall
- Shawn Nelson, Former City Manager
- Greg Butler, Former Assistant City Manager
- Grant Yates, Former Assistant City Manager
- Riverside Sheriff’s Office

BOARD / COMMISSION REPORTS

Community Services 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:

- Susan Whitten
- Gary Oddi

CITY COUNCIL REPORTS

CONSENT CALENDAR

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Approved the Staff Recommendation (4-0, Brown absent): Motion by Alexander, Second by Kalfus. The vote reflected unanimous approval with Brown absent.

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 August 8, 2023

Recommendation: That the City Council approve the action minutes of August 8, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-70

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 Treasurer's Report as of May 31, 2023

Recommendation: That the City Council approve and file the City Treasurer's Report as of May 31, 2023.

5. Amend the Capital Improvement Program Budget for Fiscal Years 2024-28 for Various Projects

Recommendation: That the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO. 2023-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA TO AMEND THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEARS 2024-28 FOR VARIOUS PROJECTS

2. Approve an appropriation of \$1,500,000 from Transportation Uniform Mitigation Fee, from Western Riverside Council of Governments in Fiscal Year 2023-24 for the I-15 / French Valley Parkway Improvements - Phase III project; and

3. Approve an appropriation and corresponding fund transfer of \$200,000 from Measure S for Fiscal Year 2023-24 to the I-15 / French Valley Parkway Improvements - Phase III project; and

4. Approve an appropriation of \$1,000,000 grant funding from California State Assembly Bill 102 as amended in Senate on June 24, 2023 for Fiscal Year 2023-24 for the Ynez Road Improvements - Phase I project; and

5. Approve a fund Transfer of \$1,000,000 of Development Impact Fee - Street Improvements from Ynez Road Improvements, Phase I to Fiscal Year 2025-26 of the Rancho California Road Median Improvements project; and

6. Approve a fund transfer of \$594,524 from Fiscal Year 2023-24 of

the Sidewalks - Citywide project to Fiscal Year 2023-24 of a separately established project, Sidewalks - Pauba Road; and

7. Approve an appropriation of \$362,600 grant funding from California Senate Bill 821 for Fiscal Year 2023-24 for the Sidewalks - Pauba Road; and

8. Approve an appropriation of \$200,000 grant funding from American Rescue Plan Act, signed into law March 11, 2021, through the County of Riverside for Fiscal Year 2023-24 to the Dog Park Renovation project; and

9. Approve an appropriation and corresponding fund transfer of \$100,000 from Measure S for Fiscal Year 2023-24 to the Dog Park Renovation project.

6. Approve Form of Rancho California Water District Recycled Water Agreements and Authorize the City Manager to Execute Said Agreements on Behalf of the City

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE FORM OF RECYCLED WATER AGREEMENTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE CITY

7. Approve First Amendment to the Agreement for On Call Services with Keyser Marston and Associates, Inc.

Recommendation: That the City Council approve the first amendment to the agreement with Keyser Marston Associates, Inc., in the amount of \$110,000, for a total agreement of \$275,000, for on call services.

8. Adopt Resolution to Approve the Administering Agency - State Agreement - Master Agreement No. 08-5459S21 with the State of California, Department of Transportation

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA TO APPROVE THE ADMINISTERING AGENCY - STATE AGREEMENT - MASTER AGREEMENT NO. 08-5459S21 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL PERTINENT PROGRAM SUPPLEMENT AGREEMENTS FOR STATE FUNDED PROJECTS

9. Approve Increase to the Professional Services Contingency Authorization for the Margarita Recreation Center Project, PW17-21

Recommendation: That the City Council:

1. Approve an increase to the contingency for professional services for the Margarita Recreation Center Project, PW17-21 by \$43,000; and
2. Increase the City Manager’s authorized contingency by \$43,000.

10. Approve the Funding Agreement with the County of Riverside for the Michael “Mike” Naggar Park Dog Park Renovation Project, PW21-14 and Authorize the City Manager to Execute the Agreement

Recommendation: That the City Council:

1. Approve the “Funding Agreement for City of Temecula Michael "Mike" Naggar Community Park Expansion Project” (Agreement) with the County of Riverside; and
2. Authorize the City Manager to execute the Agreement.

11. Approve Specifications and Authorize Solicitation of Construction Bids for Citywide Slurry Seal Program - Fiscal Year 2022-23, PW23-16

Recommendation: That the City Council:

1. Approve the specifications and authorize the Department of Public Works to solicit construction bids for the Citywide Slurry Seal Program - Fiscal Year 2022-23, PW23-16; and
2. Make a finding that this project is exempt from CEQA per Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

12. Accept Improvements and File the Notice of Completion for the Traffic Signal - Park and Ride Access Improvements, PW18-11

Recommendation: That the City Council:

1. Accept the construction of the Traffic Signal - Park and Ride Access Improvements, PW18-11, as complete; and
2. Direct the City Clerk to file and record the Notice of Completion.

13. Receive and File Temporary Street Closures for 2023 Autumnfest Events

Recommendation: That the City Council receive and file the temporary closure of certain streets for the following 2023 Autumnfest events:

GOLDEN ERA RUNWAY SHOW
NATIONAL EMERGENCY PREPAREDNESS FAIR
ARTFEST
HEALTH & COMMUNITY RESOURCE FAIR
CYCLE FOR HOPE
GREEK FESTIVAL
HALLOWEEN CARNIVAL
VETERAN'S DAY
PECHANGA PU'ÉSKA MOUNTAIN DAY

RECESS:

At 9:13 PM, the City Council recessed and convened as the Temecula Community Services District Meeting. At 9:15 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

17. Introduce Ordinance Amending Titles 5, 8, and 17 of the Temecula Municipal Code, and Adopt a Resolution Setting the Fee for a Tobacco Shop Permit and Find that this Ordinance is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061 (b)(3)

Recommendation: That the City Council:

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

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5, 8, AND 17 OF THE TEMECULA MUNICIPAL CODE TO (1) AMEND MASSAGE ESTABLISHMENT REGULATIONS, (2) ADD DEFINITIONS FOR TOBACCO SHOP, TOBACCO SHOP PERMIT AND UPDATE DEFINITIONS OF TOBACCO PRODUCT AND TOBACCO PARAPHERNALIA, (3) IMPLEMENT A TOBACCO SHOP PERMIT PROGRAM TO INCLUDE STRUCTURAL AND OPERATIONAL REQUIREMENTS, (4) UPDATE TOBACCO RETAILERS LICENSE PROCESSES, (5) AMEND REGULATIONS ON SMOKING IN HOTEL ROOMS, (6) REMOVE TOBACCO SHOP AS A CONDITIONALLY PERMITTED USE IN TABLE 17.08.030, (7) IMPLEMENT TOBACCO SHOP PERMIT REQUIREMENTS IN PLANNED DEVELOPMENT OVERLAY ZONING DESIGNATIONS 1 AND 4, AND (8) MAKE A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (B)(3)

2. Adopt Resolution entitled:

RESOLUTION NO. 2023-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING A TOBACCO SHOP PERMIT FEE

Approved the Staff Recommendation (4-0, Brown absent): Motion by Kalfus, Second by Stewart. The vote reflected unanimous approval with Brown absent.

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

The City Council approved the placement of the following topic on a future agenda – Community Land Trust and Surplus Property.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ADJOURNMENT

At 9:37 PM, the City Council meeting was formally adjourned to Tuesday, September 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.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]