

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
DECEMBER 12, 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

CITY MANAGER ANNUAL PERFORMANCE EVALUATION. The City Council convened in closed session pursuant to Government Code Sections 54957 and 54957.6 to evaluate the performance of the City Manager and establish goals and performance objectives for the next year as required by the City Manager's Employment Agreement.

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

INVOCATION: Buck Longmore, Retired Firefighter

FLAG SALUTE: Mayor Zak Schwank

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

PRESENTATIONS

Certificate of Recognition for Captain Matt Hayes Upon Retirement

BOARD / COMMISSION REPORTS

Community Services Commission and Traffic Safety Commission

PUBLIC SAFETY REPORT

County of Riverside, Fire Department (CAL FIRE)

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Laurel Lamont
- Melissa Bourbonnais

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Rick Reiss (Item #16 and #17)
- Lori Trask (Item #17)
- Jared Slusser (Item #16)
- John Leonard (Item #17)

- William Weston (Item #17)
- Rebecca (Item #17)
- Bob Kowell (Item #17)
- Yvette Anthony (Item #17)
- Stephanie Dawson (Item #17)

All electronic comments received were made a part of the record of the meeting.

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 28, 2023

Recommendation: That the City Council approve the action minutes of November 28, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-91

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

4. Approve Financial Statements for the 4th Quarter Ended June 30, 2023

Recommendation: That the City Council:

1. Receive and file the financial statements for the 4th quarter ended June 30, 2023; and

2. Approve the following Fiscal Year 2022-23 Budget Adjustments:

a. Increase the Operating Transfers In revenue account (001.199.000.4090) by \$5,324 to reflect a higher transfer than anticipated from the Supplemental Law Enforcement Grant Fund (\$5,264) and from the Gas Tax Fund (\$60).

b. Increase the Operating Transfer Out operating account (100.164.999.5901) by \$60 to reflect a higher transfer than anticipated to the General Fund.

- c. Increase the Operating Transfer Out operating account (160.199.999.5901) by \$5,264 to reflect a higher transfer than anticipated to the General Fund.
- d. Increase the Workers' Compensation Claims operating account (305.199.999.5206) by \$65,300 to reflect higher than anticipated claims expense.
- e. Increase the Support Services Replacement Fund Depreciation account (335.199.999.5360) by \$34,000 to cover the costs of depreciating assets within this Fund; and

- 3. Appropriate the following Fiscal Year 2023-24 Expenditures:
 - a. Appropriate \$2,000,000 of the year-end General Fund surplus to the Pension Trust (PARS), in accordance with Budget Policy XII in Fiscal Year 2022-23.
 - b. Remit a \$2 million Additional Discretionary Payment (ADP) towards the CalPERS Pension Unfunded Liability from surplus General Fund Balance.
 - c. Transfer \$1,230,474 in surplus General Fund Balance into the CERBT Other Post-Employment Benefits Trust to pay down the unfunded liability.

5. Adopt Ordinance No. 2023-13 Amending Title 5 and 17 of the Temecula Municipal Code Making Various Technical Revisions (Second Reading)

Recommendation: That the City Council adopt 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)

6. Award Construction Contract to Beador Construction Company, Inc. for the I-15 Congestion Relief Project, PW19-02

Recommendation: That the City Council:

1. Award a construction contract to Beador Construction Company, Inc., in the amount of \$4,364,300, for the I-15 Congestion Relief Project, PW19-02; and
2. Authorize the City Manager to approve contract change orders up to 10% of the contract amount, \$436,430; and
3. Make a finding that the I-15 Congestion Relief project is exempt from Multiple Species Habitat Conservation Plan (MSHCP) fees.

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

7. Approve Withdrawal of Bid by Leonida Builders, Inc., Reject All Other Bids, and Authorize Project to be Rebid for Santa Gertrudis Creek Phase II - Margarita Under-Crossing, PW19-04

Recommendation: That the City Council:

1. Approve the Withdrawal of Bid by Leonida Builders, Inc. for the Santa Gertrudis Creek Phase II - Margarita Under-Crossing, PW19-04; and
2. Reject all construction bids received for the Santa Gertrudis Creek Phase II - Margarita Under-Crossing, PW19-04; and
3. Authorize the Department of Public Works to re-advertise the Santa Gertrudis Creek Phase II - Margarita Under-Crossing, PW19-04 for construction bids.

8. Approve Increase to Construction Contingency Authorization for the Community Recreation Center Renovations - Phase 1, PW19-07

Recommendation: That the City Council:

1. Approve an increase to the contingency for construction of the Community Recreation Center Renovations - Phase 1, PW19-07 by \$70,000; and
2. Increase the City Manager Authority to approve construction contract change orders by \$70,000.

9. Accept Improvements and File the Notice of Completion for Traffic Signal - Promenade Mall Ring Road, PW21-15

Recommendation: That the City Council:

1. Accept the Improvements for Traffic Signal - Promenade Mall Ring Road, PW21-15, 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.

10. Approve Cost Participation Agreement Between the City of Temecula and Wingsweep Corporation and Woodside 05S for Public Improvements Related to the Sommers Bend Project

Recommendation: That the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO. 2023-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING A COST PARTICIPATION AGREEMENT BETWEEN CITY OF TEMECULA AND WINGSWEEP CORPORATION AND WOODSIDE 05S, LP FOR PUBLIC IMPROVEMENTS RELATED TO THE SOMMERS BEND PROJECT

2. Authorize the City Manager to sign the Cost Participation Agreement between the City of Temecula and Wingsweep Corporation and Woodside 05S, LP on behalf of the City of Temecula.

RECESS:

At 6:52 PM, the City Council recessed and convened as the Temecula Community Services District Meeting, Successor Agency to the Temecula Redevelopment Agency Meeting, and Joint Temecula Public Financing Authority and City Council Meeting. At 6:58 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

16. Introduce Ordinance Amending Title 16 and 17 of the Temecula Municipal Code to Implement the Requirements of Senate Bill 9

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

ORDINANCE NO. 2023-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 16 AND 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT THE REQUIREMENTS OF

SENATE BILL 9 (“SB 9”) (2021) AND MAKE A FINDING THAT THE PROJECT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N), AND CEQA GUIDELINES SECTIONS 15303 AND 15061(B)(3)

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

BUSINESS

17. Approve Five-Year Agreement for License Plate Recognition with Flock Group, Inc.

Recommendation: That the City Council:

1. Approve 80 cameras citywide, annual hardware, and software subscription for five (5) years for a locked in rate of \$200,000 per year, for a total of \$1,000,000; and
2. Authorize the City Manager to approve contract change orders up to 10% of the total contract, in an amount not to exceed \$100,000; and
3. Appropriate \$35,000 to supplement the Fiscal Year 2023-24 Police Department Software and Maintenance budget to accommodate the purchase of the additional cameras.

Approved the Staff Recommendation (4-1): Motion by Stewart, Second by Schwank. The vote reflected unanimous approval with Alexander opposing.

18. Adopt Resolution Reconstituting the Old Town Local Review Board by Establishing the Old Town Local Advisory Committee

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA RECONSTITUTING THE OLD TOWN LOCAL REVIEW BOARD BY ESTABLISHING THE OLD TOWN LOCAL ADVISORY COMMITTEE

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

JOINT MEETING - CITY COUNCIL AND COMMUNITY SERVICES DISTRICT

19. Appoint the Mayor, Mayor Pro Tempore, President and Vice President for Calendar Year 2024

Recommendation: That the City Council/Board of Directors:

1. Appoint the Mayor and Mayor Pro Tempore, effective January 1, 2024, to serve in this capacity until December 31, 2024; and

2. Appoint the President and Vice President, effective January 1, 2024 to serve in this capacity until December 31, 2024.

Motion to appoint James Stewart as Mayor and Brenden Kalfus as Mayor Pro Tempore (5-0): Motion by Schwank, Second by Brown. The vote reflected unanimous approval.

Motion to appoint Zak Schwank as TCSD President and Jessica Alexander as TCSD Vice President (5-0): Motion by Stewart, Second by Schwank. The vote reflected unanimous approval.

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ADJOURNMENT

At 8:49 PM, the City Council meeting was formally adjourned to Tuesday, January 9, 2024, at 5:00 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]