

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2024-28 AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2023-24

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Adoption of this Program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA). Pursuant to Section 15262 of the State Guidelines for Implementation of CEQA, a project involving only feasibility or planning studies for possible future actions, which actions the City Council has not approved, adopted, or funded, does not require preparation of an EIR or Negative Declaration, but does require consideration of environmental factors. In reviewing this Program and conducting public hearings on it, the City Council has considered relevant environmental factors. This City Council, as the lead agency for environmental review, pursuant to the California Environmental Quality Act and the Guidelines promulgated there under (collectively “CEQA”), has reviewed the scope and nature of this Capital Improvement Program and has concluded that the planning and prioritization process comprising this activity is not a project pursuant to CEQA because it does not order or authorize the commencement of any physical or other activity that would directly or indirectly have a significant effect upon the environment. The Capital Improvement Program merely establishes a listing of priority and allocates funds for the City to commence the necessary planning studies, including review pursuant to CEQA, at a future unspecified date. The future planning studies will be conducted at the earliest possible time so as to ensure thorough review pursuant to CEQA. Recognizing that the protection of the environment is a key factor in the quality of life within the City of Temecula and to further the City’s strict adherence to both the spirit and letter of the law as regards to CEQA, this City Council has also considered this Capital Improvement Program as if it were a Project pursuant to CEQA. Reviewing this Program as a Project, this City Council concludes the Project would be exempt from review under CEQA, both pursuant to Section 15061(b)(3) and to the categorical exemption set forth in Section 15262 of CEQA. Section 15061(b)(3) would apply because it can be seen with certainty that this prioritizing and fund allocation program cannot and does not have the potential to cause a significant effect on the environment. No physical activity will occur until all required CEQA review is conducted at the time the physical improvements prioritized in the Program are undertaken. Section 15262 provides a categorical exemption to actions that are feasibility or planning studies related to possible future actions. This Council is aware of and has considered the current and relevant environmental factors as an integral component of the review of this Program. This Council, as lead agency, hereby determines and decides that the exemption provided in both Sections 15061(b)(3) and 15262 apply in the event this is deemed a Project pursuant to CEQA.

Section 2. On May 17, 2023, the Planning Commission found the Capital Improvement Program consistent with the General Plan in accordance with Government Code Section 65401 of State Planning and Zoning Law.

Section 3. The City Council hereby finds and declares that the requirements of Government Code Section 65402(a) shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisition, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

Section 4. The City Council hereby finds that the acquisition of land necessary for the City of Temecula Capital Improvement Program Fiscal Years 2024-28 is consistent with the General Plan.

Section 5. That a certain document now on file in the office of the City Clerk of the City of Temecula, entitled "City of Temecula Capital Improvement Program Fiscal Years 2024-28" include herein appropriations for Fiscal Year 2023-24, and are hereby adopted. The CIP appropriations for the Fiscal Year 2022-23 which have not been completed, encumbered, nor included in the Fiscal Years 2024-28 CIP, are hereby carried over for each applicable project to the Fiscal Year 2023-24. Certain Development Impact Fees from future revenue may be used to replace the expenditure of current capital reserve funds in the CIP.

Section 6. That the following controls are hereby placed on the use and transfers of budget appropriations:

- A. No expenditures of funds shall be made unless there is an unencumbered appropriation available to cover the expenditure.
- B. The City Manager may authorize expenditures of funds in amounts up to one hundred thousand dollars (\$100,000). Any expenditure of funds in excess of \$100,000 requires City Council action.
- C. The City Manager may approve change orders on Public Works contracts in amounts up to one hundred thousand dollars (\$100,000), if sufficient appropriated funds are available.
- D. The City Manager may authorize transfers up to one hundred thousand dollars (\$100,000) between approved Capital Improvement Program projects.
- E. Notwithstanding Section 6.B. above, pursuant to Section 3.32.050 of the Municipal Code, the City Manager may authorize Public Works contracts in amounts up to one-hundred thousand dollars (\$100,000). Any expenditures of Public Works funds in excess of one-hundred thousand dollars (\$100,000) require City Council action, except that the City Manager may approve change orders on Public Works contracts approved by the Council in amounts up to project contingency established by Council.

Section 7. Certification: The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this 13th day of June, 2023.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2023- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 13th day of June, 2023, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk