

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
SEPTEMBER 12, 2023 - 6:00 PM**

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 four 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: Buck Longmore, Retired Firefighter

FLAG SALUTE: Former Council Member Matt Rahn

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

PRESENTATIONS

Award of Recognition to Former Council Member Matt Rahn

- Congressman Ken Calvert
- Congressman Darrell Issa
- California State Senator Kelly Seyarto
- Assemblymember Kate Sanchez
- Assemblymember Marie Waldron
- Supervisor Chuck Washington
- Riverside County Sheriff's Department
- Jeff Comerchero, Former Council Member
- Mike Naggar, Former Council Member
- City of Murrieta
- City of Canyon Lake
- Western Riverside Council of Governments
- Riverside County of Transportation Commission
- Western Riverside Regional Conservation Authority
- Ben Benoit, Riverside County Auditor-Controller
- Rancho California Water District
- Temecula Valley Chamber of Commerce
- Visit Temecula Valley
- California State University, San Marcos
- Mt. San Jacinto College
- Old Town Temecula Association
- Michelle's Place Cancer Resource Center
- SOS Hills
- Frederick Bartz
- City of Temecula Planning Commission
- CAL FIRE/Riverside County Fire
- City of Temecula Fire Department

BOARD / COMMISSION REPORTS

Planning Commission

PUBLIC SAFETY REPORT

County of Riverside, Fire Department (CAL FIRE)

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Maribel Sebastian
- Christine Ortiz
- Brad Bohn
- Lee Bejar
- Heather Danesh
- Stephanie Deza

CITY COUNCIL REPORTS

CONSENT CALENDAR

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

Approved the Staff Recommendation (3-0, Brown and Stewart absent): Motion by Kalfus, Second by Alexander. The vote reflected unanimous approval with Brown and Stewart 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 22, 2023

Recommendation: That the City Council approved the action minutes of August 22, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-75

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 3rd Quarter Ended March 31, 2023

Recommendation: That the City Council:

1. Receive and file the financial statements for the 3rd quarter ended March 31, 2023; and

2. Approve the following Fiscal Year 2022-23 appropriations:

- a. City Attorney Legal Services (001.130.999.5246) \$90,000
- b. Vehicle Replacement (310.199.999.5610) \$26,500
- c. Technology Replacement (325.199.999.5610) \$21,200

5. Adopt Ordinance No. 2023-07 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) (Second Reading)

Recommendation: That the City Council adopt 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 MESSAGE 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)

6. Approve Purchase of Software Support and Maintenance for the Tyler Technologies Suite of Products for Fiscal Year 2023-24

Recommendation: That the City Council:

1. Approve the purchase of software support and maintenance for the Tyler Technologies Suite of products including EnerGov Permitting System, Tyler Cashiering, Decision Engine and EnerGov Insights, in an amount not to exceed \$126,184.81; and
2. Authorize the City Manager to approve contract change orders of up to 10% of the total cost, or \$12,618.48.

7. Approve Purchase and Installation Agreement with CDW Government, LLC for Uninterruptible Power Supplies at City Hall

Recommendation: That the City Council:

1. Approve a purchase and installation agreement with CDW Government, LLC, for uninterruptible power supplies in the City Hall data center, in the amount of \$294,716.56; and

2. Authorize the City Manager to approve contract change orders up to 10% of the total contract, in an amount not to exceed \$29,471.

8. Approve Agreement with Riverside County Transportation Commission for Funding of Measure A Regional Arterial Improvements for the Ynez Road Improvement Project, Phase I (From Rancho California to Rancho Vista)

Recommendation: That the City Council:

1. Approve the agreement with Riverside County Transportation Commission for the funding of Measure A Regional Arterial Improvements for the Ynez Road Improvement Project, Phase I (from Rancho California to Rancho Vista) in the amount of \$1,475,000; and
2. Authorize the City Manager to execute the agreement.

9. Approve Agreement with Riverside County Transportation Commission for Funding Under Senate Bill 821 Bicycle and Pedestrian Facilities Program

Recommendation: That the City Council approve the agreement with Riverside County Transportation Commission for funding under Senate Bill 821 Bicycle and Pedestrian Facilities Program for the Pauba Road Sidewalk Improvement Project, in the amount of \$362,600.

10. Approve Plans and Specifications and Authorize Solicitation of Construction Bids for Sidewalks - Old Town Improvements - Additional Streetlights on Moreno Road and Mercedes Street, PW22-17

Recommendation: That the City Council:

1. Approve the plans and specifications and authorize the Department of Public Works to solicit construction bids for the Sidewalks - Old Town Improvements - additional streetlights on Moreno Road and Mercedes Street (East of Old Town Front Street), PW22-17; and
2. Make a finding that this project is exempt from the California Environmental Quality Act (CEQA) per Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

11. Approve Plans and Specifications and Authorize Solicitation of Construction Bids for Park Restrooms Renovations, Expansion and Americans with Disabilities Act Improvements, PW17-06

Recommendation: That the City Council:

1. Approve the plans and specifications and authorize the Department of Public Works to solicit construction bids for the Park Restrooms Renovations, Expansion and Americans with Disabilities Act Improvements, PW17-06; and

2. Make a finding that this project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

12. Approve Plans and Specifications and Authorize Solicitation of Construction Bids for Americans with Disabilities Act Transition Plan Implementation Improvements at Ronald Reagan Sports Park, PW18-16

Recommendation: That the City Council:

1. Approve the plans and specifications and authorize the Department of Public Works to solicit construction bids for the Americans with Disabilities Act Transition Plan Implementation Improvements at Ronald Reagan Sports Park, PW18-16; and

2. Make a finding that this project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

13. Approve Specifications and Authorize Solicitation of Construction Bids for Citywide Concrete Repairs Fiscal Year 2022-23 Project, PW23-17

Recommendation: That the City Council:

1. Approve the specifications and authorize the Department of Public Works to solicit construction bids for the Citywide Concrete Repairs Fiscal Year 2022-23 project, PW23-17; and

2. Make a finding that this project is exempt from the California Environmental Quality Act (CEQA) per Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

14. Accept Improvements and File the Notice of Completion for the Mary Phillips Senior Center Emergency Generator Enclosure, PW21-08

Recommendation: That the City Council:

1. Accept the Improvements for the Mary Phillips Senior Center Emergency Generator Enclosure, PW21-08, 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.

15. Accept Improvements and File the Notice of Completion for the Traffic Signal Installation, Citywide - Rancho California Road and Tee Drive, PW19-19

Recommendation: That the City Council:

1. Accept the construction of the Traffic Signal Installation, Citywide - Rancho California Road and Tee Drive, PW19-19, 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 6:40 PM, the City Council recessed and convened as the Temecula Community Services District and the Successor Agency to the Temecula Redevelopment Agency Meetings. At 6:44 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

The City Council approved the placement of the following topics on a future agenda:

1. Flag Policy
2. Resolution of Principle Regarding Parental Rights

(2-1, Schwank opposed, Brown and Stewart absent): Motion by Kalfus, Second by Alexander.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ADJOURNMENT

At 8:54 PM, the City Council meeting was formally adjourned to Tuesday, September 26, 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]