

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
JUNE 13, 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, including certain permanent maintenance and access easements, temporary construction easements with a term of twelve months, covenants for construction of certain permanent improvements, and a conservation easement on four properties described below 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”). Negotiators for the City are Patrick Thomas and Ron Moreno. The negotiators for the respective real property interests are set forth below.

(i) The acquisition of certain property interests from the real property located at 31249 Indian Summer Drive in the City of Temecula (APN 957-090-022). Specifically, the City seeks to acquire an approximate 83,324 square foot temporary construction easement with a term of 12 months, covenant authorizing the construction of certain permanent improvements in portions of that 83,324 square foot area, and an approximate 51,003 square foot conservation easement. The negotiating parties are the City of Temecula and the property owners Lam Ngo and Huyen Lam Tran. Under negotiations are price and terms of the acquisition of these property interests.

(ii) 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. 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. Under negotiations are price and terms of the acquisition of these property interests.

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

INVOCATION: Sylvester Scott of Baha'is of Temecula

FLAG SALUTE: Mayor Zak Schwank

ROLL CALL: Alexander, Brown, Kalfus, Schwank, Stewart

BOARD / COMMISSION REPORTS

Planning Commission, Race, Equity, Diversity and Inclusion Commission and Traffic Safety 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:

- Frederic Ball
- Joi Ji
- John Moore
- Savannah Sieja
- Judy Farnetti
- David Wilson
- Jeffrey A. Wittek
- Dean Vasquez
- Canine Support Teams

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Lee Rosu (Item #21)
- Louis Todd (Item #21)
- Stephen Benavides (Item #21)
- Steve Sommers (Item #21)
- Bob Kowell (Item #22)

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 Alexander. 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 May 23 and May 25, 2023

Recommendation: That the City Council approve the action minutes of May 23 and May 25, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-49

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. 2023-04 Amending Chapter 10.44 of the Temecula Municipal Code Regarding Golf Carts on City Roadways (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING CHAPTER 10.44 OF TITLE 10 OF THE TEMECULA MUNICIPAL CODE TO DESIGNATE CERTAIN STREETS AND CROSSINGS FOR THE JOINT USE OF GOLF CARTS AND VEHICLES AND ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF GOLF CARTS ON SUCH STREETS, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

5. Adopt Ordinance No. 2023-05 Amending Section 10.28.010(D) of the Temecula Municipal Code Regarding Prima Facie Speed Limits on Certain Streets (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING SECTION 10.28.010(D) OF THE TEMECULA MUNICIPAL CODE REGARDING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS

6. Adopt Ordinance No. 2023-06 Repealing Temecula Municipal Code Chapters 2.44 and 2.48 Regarding Commissions (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA REPEALING CHAPTER 2.44 AND CHAPTER 2.48 OF THE TEMECULA MUNICIPAL CODE RELATING TO THE PUBLIC/TRAFFIC SAFETY COMMISSION AND THE COMMUNITY SERVICES COMMISSION

7. Adopt Resolution Approving the Statement of Investment Policy and Delegating Investment Authority to the City Treasurer

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA, APPROVING AND ADOPTING THE STATEMENT OF INVESTMENT POLICY AND DELEGATING INVESTMENT AUTHORITY TO THE CITY TREASURER

8. Approve Annual Renewal of City Insurance Policies

Recommendation: That the City Council approve the following insurance policies and renewals and appropriate an additional \$83,000 to Fund 300 - Insurance to cover the increased premiums:

1. 1st Excess Liability insurance with Illinois Union Insurance Company, in the amount of \$347,099.58, for the period of July 1, 2023 to July 1, 2024; and
2. 2nd Excess Liability insurance with Princeton Excess and Surplus Lines Insurance Company, in the amount of \$305,447.88, for the period of July 1, 2023 to July 1, 2024; and
3. 3rd Excess Liability insurance with Starstone Specialty Insurance Company, in the amount of \$260,667.90, for the period of July 1, 2023 to July 1, 2024; and
4. Excess Workers' Compensation insurance with Arch Insurance Company, in the amount of \$155,584.00, for the period of July 1, 2023 to July 1, 2024; and
5. Property & Equipment Breakdown insurance with Hanover Insurance Company, in the amount of \$168,130.35 for the period of July 1, 2023 to July 1, 2024; and
6. Difference in Conditions (Earth Movement and Flood) insurance with Steadfast Insurance Company and QBE Specialty Insurance Company in the amount of \$350,605.64, for the period of July 1, 2023 to July 1, 2024; and
7. Auto Physical Damage insurance with Hanover Insurance Company, in the amount of \$25,783.00, for the period of July 1, 2023 to July 1, 2024; and
8. Cyber Liability insurance with Houston Casualty Company, in the amount of \$51,750.97, for the period of July 1, 2023 to July 1, 2024; and
9. Crime insurance with Allmerica Financial Benefit Insurance Company, in the amount of \$2,660.00, for the period of July 1, 2023 to July 1, 2024; and

10. Pollution/Environmental Legal Liability insurance with Illinois Union Insurance Company, in the amount of \$10,978.41, for the period of July 1, 2023 to July 1, 2024; and

11. Volunteer Accident insurance with Berkley Life & Health Insurance Company, in the amount of \$976.80, for the period of July 1, 2023 to July 1, 2024; and

12. Standalone Terrorism Liability, Business Interruption, and Property Damage insurance with Lloyd's Syndicate 33, in the amount of \$8,234.25, for the period of July 1, 2023 to July 1, 2024; and

13. Drone Coverage with ACE American Insurance Company, in the amount of \$3,456.00, for the period of July 1, 2023 to July 1, 2024.

9. Approve Third Amendment to the Broker Fee Agreement Between the City and Arthur J. Gallagher & Risk Management Services

Recommendation: That the City Council approve a resolution entitled:

RESOLUTON NO. 2023-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE THIRD AMENDMENT TO THE BROKER FEE AGREEMENT BETWEEN THE CITY AND ARTHUR J. GALLAGHER & RISK MANAGEMENT SERVICES, LLC

10. Approve First Amendment with AppleOne for Temporary Staffing Services

Recommendation: That the City Council approve the first amendment to the agreement with AppleOne, to increase the payment amount of \$135,000 for a total agreement amount of \$300,000.

11. Adopt Resolution Acknowledging Receipt of the Annual Inspection Report Pursuant to SB 1205

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE MARSHAL OF THE CITY OF TEMECULA FIRE DEPARTMENT REGARDING THE SB 1205 STATE MANDATED ANNUAL INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTIONS 13145, 13146 AND 17921 OF THE CALIFORNIA HEALTH AND SAFETY CODE

12. Approve Recycled Water Agreements with Rancho California Water District for Kent Hintergardt Memorial Park and Presley Development

Recommendation: That the City Council approve the recycled water agreements with Rancho California Water District (RCWD), for the use of recycled water at Kent Hintergardt Memorial Park and Presley Development - Service Level C Zone 513, in association with the RCWD Recycled Water Accelerated Retrofit Program.

13. Approve Agreement with Yunex, LLC, for On-Call Traffic Signal and Street Light Maintenance Services for Fiscal Years 2024-28

Recommendation: That the City Council approve the agreement with Yunex, LLC, for on-call traffic signal and street light maintenance services for fiscal years 2024-28, in the amount of \$1,000,000.

14. Approve Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement to Reimburse TUMF Funds with Western Riverside Council of Governments for the Diaz Road Expansion, PW17-25

Recommendation: That the City Council approve Amendment No. 1 to Transportation Uniform Mitigation Fee (TUMF) Program Agreement to reimburse TUMF Funds with Western Riverside Council of Governments (WRCOG) for the Diaz Road Expansion (Western Bypass - Rancho California Road to Cherry Street), City Project No. PW17-25, and Authorize the City Manager to execute the Amendment.

15. Approve First Amendment to the Agreement with Aztec Landscape, Inc. d/b/a Aztec Janitorial, Inc., for Janitorial Services for Park Restrooms for Fiscal Year 2023-2024

Recommendation: That the City Council:

1. Approve the first amendment to the minor maintenance agreement for janitorial services for park restrooms with Aztec Landscaping, Inc., d/b/a Aztec Janitorial, Inc., in the amount of \$114,965.16 for Fiscal Year 2023-2024, for a total contract amount of \$295,110.12; and

2. Approve contingency for extra work in the amount of \$11,497, which is approximately 10% of the agreement amount.

16. Approve Second Amendment to the Minor Maintenance Agreement with Mariposa Tree Management, Inc., for Citywide Tree Trimming Maintenance Services

Recommendation: That the City Council approve the second amendment to the minor maintenance agreement with Mariposa Tree Management, Inc., for citywide tree trimming maintenance services, in the amount of \$700,000.

17. Approve Third Amendment to the Minor Maintenance Agreement for Landscape Maintenance Services with Nieves Landscape, Inc.

Recommendation: That the City Council approve the third amendment to the minor maintenance agreement for landscape maintenance services with Nieves Landscape, Inc., in the amount of \$2,836,584 for fiscal year 2023-24, and approve contingency for extra work in the amount of \$567,316.80, which is 20% of the FY 2023-24 agreement amount.

RECESS:

At 6:54 PM, the City Council recessed and convened as the Temecula Community Services District Meeting. At 6:58 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

JOINT MEETING - CITY COUNCIL, COMMUNITY SERVICES DISTRICT, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

PUBLIC HEARING

21. Approve Fiscal Years 2024-28 Capital Improvement Program (CIP) and Adopt Fiscal Year 2023-24 CIP and Annual Operating Budgets for the City of Temecula, the Temecula Community Services District (TCSD) and the Successor Agency to the Redevelopment Agency (SARDA)

Recommendation: That the City Council/Board of Directors adopt the following resolutions entitled:

RESOLUTION NO. 2023-53

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

RESOLUTION NO. CSD 2023-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMECULA COMMUNITY SERVICES DISTRICT OF THE CITY OF TEMECULA ADOPTING THE FISCAL YEAR 2023-24 PRELIMINARY ANNUAL OPERATING BUDGET AND ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS

RESOLUTION NO. SARDA 2023-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING THE CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 2024-28, ADOPTING THE CAPITAL

IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2023-24, ADOPTING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET AND ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS

RESOLUTION NO. 2023-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET, ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS, ESTABLISHING CONTRACT AUTHORITY OF CITY MANAGER, ESTABLISHING LAWSUIT SETTLEMENT AUTHORITY OF CITY MANAGER

RESOLUTION NO. 2023-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA REVISING THE SCHEDULE OF AUTHORIZED POSITIONS AND SALARY SCHEDULE

RESOLUTION NO. 2023-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-24

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

BUSINESS

22. Approve Amendment No. 6 to City Manager Aaron Adams' Employment Agreement

Recommendation: That the City Council approve Amendment No. 6 to City Manager Aaron Adams' Employment Agreement.

Approved the Staff Recommendation (5-0): Motion by Brown, Second by Stewart. 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 8:35 PM, the City Council meeting was formally adjourned to Tuesday, June 27, 2023, 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]