

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
SEPTEMBER 27, 2022 - 6:00 PM**

CLOSED SESSION - 5:00 PM

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to two 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. Based on existing facts and circumstances, the City Council will decide whether to initiate litigation.

CALL TO ORDER: Mayor Matt Rahn

INVOCATION: Chaplain Themba M. Mzizi of Riverside County Sheriff's Department

FLAG SALUTE: Mayor Matt Rahn

ROLL CALL: Alexander, Edwards, Rahn, Schwank, Stewart

PRESENTATIONS - NONE

BOARD / COMMISSION REPORTS

Planning Commission and Public/Traffic Safety Commission

PUBLIC SAFETY REPORT

Riverside County Sheriff's Department

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Jennifer Scharf
- Gia Rueda
- Simon Cooper
- Jennifer Krum
- Brian Nash
- Christine Moreno
- Jennifer Gacek
- Payam Daneshvar
- Samantha Nguyen
- Dario Bianchi
- Melanie Roth

PUBLIC COMMENTS – FUTURE AGENDA ITEMS

The following individual(s) addressed the City Council:

- Shalini Renfro
- Haylee Garcia
- Amber Doesburg-Villanueva
- Gwen Ulrich-Schlumbohm
- Bret Mileski
- Gabe Renfro
- Rick Reiss
- Michael Crawford
- Bob Kowell
- Greg Langworthy
- Lili Braunwalder

PUBLIC COMMENTS – RECEIVED ELECTRONICALLY

Electronically submitted comments have been made part of the record.

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 Edwards, Second by Schwank. The vote reflected unanimous approval.

1. Waive Reading of Standard Ordinances and Resolutions

Recommendation: That the City Council waive the reading of the text of all standard ordinances and resolutions included in the agenda except as specifically required by the Government Code.

2. Approve Action Minutes of September 13, 2022

Recommendation: That the City Council approve the action minutes of September 13, 2022.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2022-76

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 2022-11 Approving the Planned Development Overlay Amendment (PA20-1324) (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING A PLANNED DEVELOPMENT OVERLAY AMENDMENT TO THE TEMECULA VILLAGE PLANNED DEVELOPMENT OVERLAY (PDO-5) GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHO CALIFORNIA ROAD, APPROXIMATELY 150 FEET WEST OF COSMIC DRIVE (APN: 944-370-001, 005, 006, 007, 008, 010, 012, 013) (PA20-1324)

5. Approve a Three-year Microsoft Enterprise Renewal Agreement with CDW-G for Microsoft Software Licenses

Recommendation: That the City Council:

1. Approve a three-year Microsoft Enterprise Renewal Agreement with CDW-G, in the annual amount of \$231,100.44, for a total contract amount of \$693,301.32 subject to the annual True-up costs as described in recommendation 2; and
2. Approve 20% of the total contract, in the amount of \$138,660.26, for the annual True-up cost for the term of the three-year agreement.

6. Approve the Seventh Amendment to the Franchise Agreement with CR & R Incorporated

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2022-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA TO APPROVE THE SEVENTH AMENDMENT TO THE FRANCHISE AGREEMENT WITH CR & R, INC., FOR THE COLLECTION, TRANSPORTATION, RECYCLING, COMPOSTING, AND DISPOSAL OF SOLID WASTE AND CONSTRUCTION DEBRIS AND FOR TEMPORARY BIN/ROLLOFF SERVICES

7. Award a Construction Contract to Act 1 Construction, Inc. for Community Recreation Center Renovations - Phase 1, PW19-07

Recommendation: That the City Council:

1. Award a Construction Contract to Act 1 Construction, Inc. in the amount of \$3,568,395, for Community Recreation Center Renovations - Phase 1, PW19-07; and
2. Authorize the City Manager to approve construction contract change orders up to 10% of the contract amount, \$356,839.50; and

3. Make a finding that Community Recreation Center Renovations - Phase 1, PW19-07 is exempt from Multiple Species Habitat Conservation Plan (MSHCP) fees.

8. Accept Improvements and File the Notice of Completion for the Sidewalks - Old Town Improvements (Fifth Street from Old Town Front Street to Murrieta Creek), PW20-02

Recommendation: That the City Council:

1. Accept the construction of the Sidewalks - Old Town Improvements (Fifth Street from Old Town Front Street to Murrieta Creek), PW20-02, 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 9:00 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and the Temecula Public Financing Authority Meeting. At 9:12 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

11. Conduct Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing, Adopt a Resolution Approving the Issuance of Not to Exceed \$25,000,000 of California Enterprise Development Authority Revenue Obligations for the Benefit of Vine Creek Apartments Affordable Housing Project

Recommendation: That the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority (the "Authority") of not to exceed \$25,000,000 of the Authority's Revenue Obligations (the "Obligations") for the benefit of Temecula Pacific Associates, a California Limited Partnership (the "Borrower"); and
2. Adopt a resolution approving the issuance of the Obligations by the Authority to finance, refinance and/or reimburse the cost of educational facilities for the benefit of the Borrower.

RESOLUTION NO. 2022-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE ISSUANCE BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OF NOT TO EXCEED \$25,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE OBLIGATIONS FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, EQUIPPING OF MULTIFAMILY RENTAL HOUSING FOR THE BENEFIT OF VINE CREEK APARTMENTS AFFORDABLE DEVELOPMENT AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

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

BUSINESS

12. Introduce Ordinance Adopting 2022 California Fire Code

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

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA FIRE CODE BASED ON THE 2021 INTERNATIONAL FIRE CODE, IN ITS ENTIRETY, REGULATING AND GOVERNING THE SAFEGUARD OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF TEMECULA, INCLUDING CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES

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

13. Introduce Ordinance Adopting 2022 California Building Code

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

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE; CALIFORNIA MECHANICAL CODE; CALIFORNIA PLUMBING CODE; CALIFORNIA ELECTRICAL CODE; CALIFORNIA ADMINISTRATIVE CODE; CALIFORNIA ENERGY CODE; CALIFORNIA GREEN BUILDING STANDARDS CODE; CALIFORNIA HISTORICAL BUILDING CODE; CALIFORNIA EXISTING BUILDING CODE; CALIFORNIA RESIDENTIAL CODE; AND CALIFORNIA REFERENCED STANDARDS CODE; TOGETHER WITH AMENDMENTS AND DELETIONS, AND AMENDING TITLE 15 OF THE TEMECULA MUNICIPAL CODE

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

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

14. Community Development Department Monthly Report
15. Fire Department Monthly Report
16. Public Works Department Monthly Report

ITEMS FOR PLACEMENT CONSIDERATION ON FUTURE CITY COUNCIL AGENDAS

A. Resolution Declaring Temecula a Sanctuary City for Temecula's Unborn (At the Request of Council Member Alexander)

Motion to Not Place on the Agenda (4-1): Motion by Edwards, Second by Schwank. The vote reflected unanimous approval with Alexander opposing.

Motion to Review Topics of Tracking with Legislative Platform, Refer to Subcommittee for Resource Allocation to Nonprofits, and Refer to Public Recognitions Subcommittee for Policy on Resolutions of Principle (4-1): Motion by Edwards, Second by Schwank. The vote reflected unanimous approval with Alexander opposing.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ADJOURNMENT

At 9:25 PM, the City Council meeting was formally adjourned to Tuesday, October 25, 2022, at 4:30 PM for Closed Session, with regular session commencing at 6:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Matt Rahn, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]