

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
FEBRUARY 14, 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 31270 Tommy Lane in the City of Temecula (APN 957-150-005). Specifically, the City seeks to acquire an approximate 31,520 square foot temporary construction easement with a term of 12 months and an approximate 26,957 square foot permanent maintenance and access easement. The negotiating parties are the City of Temecula and the property owners Jose Leonardo Garcia and Mayerling Alida Monteros-Garcia. 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 39280 Deputy Road in the City of Temecula (APN 957-090-019). Specifically, the City seeks to acquire an approximate 29,630 square foot temporary construction easement with a term of 12 months, covenant authorizing the construction of certain permanent improvements in portions of that 29,630 square foot area, an approximate 16,956 square foot permanent maintenance and access easement, and a public utility easement. The negotiating parties are the City of Temecula and the property owners Sohan Singh and Kuldip Kaur Singh. Under negotiations are price and terms of the acquisition of these property interests.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council will meet in closed session pursuant to Government Code Section 54956.8 regarding negotiations for the acquisition of the property interests of Rancon Commerce Center Phases 2, 3, & 4, Inc., a California non-profit mutual benefit corporation in the following parcels in connection with the Overland Drive Extension Project, PW16-06:

(i) Real property owned by the City of Temecula. The subject real property is commonly known as 27499 Commerce Center Drive, City of Temecula, California, and is identified as Riverside County Assessor’s Parcel Number 921-480-031. The negotiating parties are the City of Temecula and the Board of Directors of the Rancon Commerce Center Phases 2, 3, & 4, Inc. Association.

(ii) Real property owned by the City of Temecula. The subject real property is commonly known as 27495 Enterprise Circle West, City of Temecula, California, and is identified as Riverside County Assessor’s Parcel Number 921-480-013. The negotiating parties are the City of Temecula and the Board of Directors of the Rancon Commerce Center Phases 2, 3, & 4, Inc. Association.

(iii) Real property owned by the City of Temecula. The subject real property is commonly known as 27498 Enterprise Circle West, City of Temecula, California, and is identified as Riverside County Assessor's Parcel Number 921-480-020. The negotiating parties are the City of Temecula and the Board of Directors of the Rancon Commerce Center Phases 2, 3, & 4, Inc. Association. The City negotiators for each of these real property interests are Patrick Thomas and Amer Attar. Under negotiation are the price and terms.

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

INVOCATION: Antonio Madrigal of The Eschatologist

FLAG SALUTE: Council Member Curtis Brown

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

PRESENTATIONS

Presentation of Riverside County Sheriff's Department CORE Team
Presentation to 2022 Retired Board and Commission Members

BOARD / COMMISSION REPORTS

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

- Marshall Hamilton
- Slim Killens
- Mick Sobczak
- Derek Kinnison
- Temecula Elementary Student Council
- Laurel Lamont
- Jessica Christopher

The following individual(s) submitted an electronic comment:

- Melissa Bourbonnais

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Dario Bianchi (Item #15 and #17)
- Robert Stack (Item #16)
- Dale Stewert (Item #17)
- Bob Kowell (Item #17)
- Jessica Christopher (Item #15 and #17)

The following individual(s) submitted an electronic comment:

- Rick Reiss (Item #17)

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 Stewart, Second by Alexander. 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 January 24, 2023

Recommendation: That the City Council approve the action minutes of January 24, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-09

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. 2023-02 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. 2023-02

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

5. Approve Fiscal Year 2022-23 Mid-Year Budget Adjustments

Recommendation: That the City Council adopt the following resolutions entitled:

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA, AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING BUDGET

RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING THE CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 2023-27 AND AMENDING THE CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2022-23

6. Approve U.S. House of Representatives District Office Lease Amendment at the Temecula Civic Center

Recommendation: That the City Council approve U.S. House of Representatives District Office Lease Amendment at the Temecula Civic Center in substantially the form as attached.

7. Approve License Agreement with SAFE Alternatives for Everyone, Inc. for Use of City Real Property

Recommendation: That the City Council approve the license agreement between the City of Temecula and SAFE Alternatives for Everyone, Inc. (S.A.F.E.) for use of City Real Property.

8. Approve Second Amendment with San Diego State University Foundation for the Radio Communication Site Lease

Recommendation: That the City Council approve the second amendment with San Diego State University Foundation for the Radio Communication Site Lease extending the annual term for an additional three years, a 3% rent increase and a change in the insurance requirements, for a total contract amount of \$80,982.12.

9. Approve Agreement with Rancon Commerce Center Phases 2, 3 & 4, Inc. in Connection with Overland Drive Extension Project - PW16-06

Recommendation: That the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO. 2023-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING AGREEMENT BETWEEN CITY OF TEMECULA AND RANCON COMMERCE CENTER PHASES 2, 3 & 4, INC. IN CONNECTION WITH OVERLAND DRIVE EXTENSION PROJECT, PW16-06

2. Authorize the City Manager to approve and execute the agreement between City of Temecula and Rancon Commerce Center Phases 2, 3 & 4, Inc. in Connection with Overland Drive Extension Project, PW 16-06 in substantially the form attached to the agenda report, and take all

necessary actions to effectuate the transactions described in the agreement.

10. Approve Mitigation Credit Purchase Agreement and Acknowledgement with RBV Mitigation Credits, LLC for the Santa Gertrudis Creek Trail Phase II - Margarita Road Undercrossing, PW19-04

Recommendation: That the City Council approve the mitigation credit purchase agreement and acknowledgement between RBV Mitigation Credits, LLC and the City of Temecula for the purchase of mitigation credits with Barry Jones Wetland Mitigation Bank, in the amount of \$31,350 for the Santa Gertrudis Creek Trail Phase II - Margarita Road Undercrossing, PW19-04.

11. Award Construction Contract to LDCo, Inc. for the Mary Phillips Senior Center Enhancement and Renovation, PW20-13

Recommendation: That the City Council:

1. Award a construction contract to LDCo, Inc., in the amount of \$1,286,000, for the Mary Phillips Senior Center Enhancement and Renovation, PW20-13; and
2. Authorize the City Manager to approve contract change orders up to 25% of the contract amount, \$321,500; and
3. Make a finding that the Mary Phillips Senior Center Enhancement and Renovation, PW20-13 project is exempt from Multiple Species Habitat Conservation Plan (MSHCP) fees.

12. Accept Improvements and File the Notice of Completion for Ronald Reagan Sports Park Restroom Expansion and Renovation Project, PW18-03

Recommendation: That the City Council:

1. Accept the Design, Fabrication, Purchase and Installation of the Ronald Reagan Sports Park Restroom Expansion and Renovation Project, PW18-03 by Public Restroom Company as complete; and
2. Direct the City Clerk to file and record the Notice of Completion for Public Restroom Company; and
3. Release Public Restroom Company's Labor and Materials Bond seven months after filing the Notice of Completion if no liens have been filed; and
4. Accept the construction of the Ronald Reagan Sports Park Restroom Expansion and Renovation Project, PW18-03; as complete; and

5. Direct the City Clerk to file and record the Notice of Completion for IE General Engineering Inc. and release the performance bond; and
6. Release IE General Engineering Inc.'s Labor and Materials Bond seven months after filing the Notice of Completion if no liens have been filed.

RECESS:

At 6:50 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and Joint Temecula Public Financing Authority and City Council Meeting. At 7:04 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

16. Adopt Resolutions of Necessity for Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes on Assessor's Parcel Numbers 957-150-005 and 957-090-019 in Connection with the Construction of Public Street, Drainage, Access and Related Improvements, and all Uses Necessary or Convenient Thereto for the Proposed Extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road Connection

Recommendation: That the City Council:

1. Consider the following Resolutions, which are Resolutions of Necessity of the City of Temecula, declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof for public use in connection with the construction of public street, drainage, access, public utility and related improvements, and all uses necessary or convenient thereto for the proposed extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road Connection:

RESOLUTION NO. 2023-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF IN CONNECTION WITH THE PUBLIC STREET, DRAINAGE, ACCESS AND RELATED IMPROVEMENTS FOR THE NICOLAS ROAD FROM BUTTERFIELD STAGE ROAD TO THE CALLE GIRASOL/NICOLAS ROAD CONNECTION (CERTAIN PROPERTY INTERESTS ON APN 957-150-005) AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE

RESOLUTION NO. 2023-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF IN CONNECTION WITH THE PUBLIC STREET, DRAINAGE, ACCESS AND RELATED IMPROVEMENTS FOR THE NICOLAS ROAD FROM BUTTERFIELD STAGE ROAD TO THE CALLE GIRASOL/NICOLAS ROAD CONNECTION (CERTAIN PROPERTY INTERESTS ON APN 957-090-019) AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE

2. Open and conduct a hearing on the adoption of the proposed Resolutions of Necessity, receive from City Staff the evidence stated and referred to in this Agenda Report (“Report”), take testimony from any person wishing to be heard on issues A, B, C, and D below, and consider all evidence to determine whether to adopt the proposed Resolutions of Necessity, each of which requires the City Council’s separate consideration and determination.

3. If the City Council finds, based on the evidence contained and referred to in this Report, the testimony and comments submitted to the City Council, that the evidence warrants the necessary findings with respect to the proposed Resolutions of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolutions of Necessity, each of which requires a 4/5ths vote of the entire City Council, authorizing the acquisition by eminent domain of the Subject Property Interests summarized below and described more particularly in the Exhibits to each Resolution of Necessity:

(i) Jose Leonardo Garcia & Mayerling Alida Monteros-Garcia – 31270 Tommy Lane, Temecula (APN 957-150-005 – Garcia Parcel)

·An approximate 26,957 square foot permanent maintenance and access easement described more particularly on ATTACHMENT A and depicted on ATTACHMENT B.

·An approximate 31,520 square foot temporary construction easement with a term of twelve months is described more particularly on ATTACHMENT A-1 and depicted on ATTACHMENT B-1.

The approximate 26,957 square foot permanent maintenance and access easement and the approximate 31,520 square foot temporary construction easement the City seeks to acquire on the Garcia Parcel are referred to below collectively as the “Garcia Property Interests”. The Garcia Property Interests are located on the portions of the Garcia Property within the Long Valley Wash, a natural flood control channel.

(ii) Sohan Singh and Kuldip Kaur Singh – 39280 Deputy Road, Temecula (APN 957-090-019 – Singh Parcel)

·An approximate 16,956 square foot permanent maintenance and access easement described more particularly on ATTACHMENT C and depicted on ATTACHMENT D.

·An approximate 648.59 square foot public utility easement in favor of Southern California Edison described more particularly on ATTACHMENT C-1 and depicted on ATTACHMENT D-1.

·An approximate 29,630 square foot temporary construction easement with a term of twelve months to facilitate the construction of the Project with a covenant that would authorize the construction of certain rip-rap and related improvements to protect the related street and drainage improvements from erosion and flooding and to construct an access driveway to the Nicolas Road improvements described more particularly on ATTACHMENT C-2 and depicted on ATTACHMENT D-2.

The approximate 16,956 square foot permanent maintenance and access easement and the approximate 29,630 square foot temporary construction easement with a term of twelve months with a covenant that would authorize the construction of certain drainage, rip-rap and related improvements to protect the related street and drainage improvements from erosion and flooding and to construct an access driveway to the Nicolas Road improvements, and the approximate 648.59 square foot public utility easement in favor of Southern California Edison on the Singh Parcel are referred to below collectively as “Singh Property

Interests”. The permanent maintenance and access easement and the temporary construction easement are located on the portions of the Singh Parcel within the Long Valley Wash, a natural flood control channel. A rough depiction of the improvements that will be constructed within the Permanent Maintenance and Access Easement and the Temporary Construction Easement is attached as ATTACHMENT E and incorporated herein by this reference.

4. If the City Council adopts the proposed Resolutions of Necessity, authorize the City Attorney’s Office to file and prosecute eminent domain proceedings for the acquisition of the Subject Property Interests by eminent domain.

5. Authorize the City Manager to execute all necessary documents.

6. Authorize the City Clerk to certify the adoption of the Resolutions of Necessity.

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

BUSINESS

17. Consider Term Limits for City Council Members (At the Request of Council Member Kalfus)

Recommendation: That the City Council consider term limits for City Council Members and provide general direction regarding the same.

Motion to approve the placement of term limits on the November 2024 ballot, with a lifetime of three (3) four (4) year terms: (4-1): Motion Kalfus, Second by Alexander. The vote reflected unanimous approval with Schwank opposing.

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

18. City Council Travel/Conference Report

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 7:58 PM, the City Council meeting was formally adjourned to Tuesday, February 28, 2023, at 4:30 PM for Closed Session, with regular session commencing at 6:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Adjourned in Memory of
Richard "Dick" Fox

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]