

ACTION MINUTES

**TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
JULY 25, 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 an approximate 594 square foot permanent easement for public utility and reclaimed water line purposes, and all uses necessary or convenient thereto (Subject Easement) and an approximate 722 square foot temporary construction easement with a term of six months (TCE) on the real property located at 40365 Margarita Road, Temecula, California, and identified as APN 920-080-020 ("Property") in connection with the Santa Gertrudis Creek Phase II Bike Trail Margarita Road Undercrossing Project, PW19-04. The Subject Easement is a small strip located within an existing easement in favor of Rancho California Water District (RCWD), except for a small portion located in a landscaped area on the Property directly adjacent to the RCWD easement. The approximate 722 square foot TCE is located directly adjacent to the Subject Easement and is needed for six months to facilitate the construction of the Project. The Property is owned by Longs Drugs Stores, Inc., a California corporation, and improved with a CVS Drug Store. The negotiating parties are the property owner Longs Drugs Stores, Inc., and the City of Temecula. Property Negotiators for the City are Patrick Thomas, William Becerra, and Melissa Mann, RWA of Epic Land Solutions, Inc. Under negotiations are price and terms of the acquisition of the Subject Easement and TCE.

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 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. This acquisition is 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"). 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. Negotiators for the City are Patrick Thomas and Ron Moreno. Under negotiations are price and terms of the acquisition of these property interests.

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: Dr. Brenda Harper of AACTS International Ministries

FLAG SALUTE: Commissioner Lanae Turley-Trejo

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

BOARD / COMMISSION REPORTS

Planning 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:

- Ian Cherrington
- Teri Sue Parker
- Mick Sobczak
- Lori Trask
- Bob Kowell
- Derek Kinnison
- Dean Vasquez
- Yvette Anthony

CITY COUNCIL REPORTS

CONSENT CALENDAR

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

Approved the Staff Recommendation (4-0, Alexander absent): Motion by Stewart, Second by Kalfus. The vote reflected unanimous approval with Alexander 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 July 11, 2023

Recommendation: That the City Council approve the action minutes of July 11, 2023.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

4. Approve City Treasurer's Report as of April 30, 2023

Recommendation: That the City Council approve and file the City Treasurer's Report as of April 30, 2023.

5. Adopt Resolution to Establish the Amount of the Voter-Approved Measure C Annual Special Tax Levy for Fiscal Year 2023-24

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING THE AMOUNT OF THE SPECIAL TAX LEVY FOR FISCAL YEAR 2023-24 TO PROVIDE FOR RECREATION AND HUMAN SERVICES PROGRAMS AND THE OPERATION, MAINTENANCE AND SERVICING OF PUBLIC PARKS AND RECREATIONAL FACILITIES, MEDIAN LANDSCAPING, AND ARTERIAL STREET LIGHTS AND TRAFFIC SIGNALS

6. Approve First Amendment to the Agreement with Bio Tox Laboratories, Inc. for Toxicology and Lab Services

Recommendation: That the City Council approve the First Amendment to the Agreement with Bio Tox Laboratories, Inc., to increase the payment in the amount of \$195,000 for a total agreement amount of \$445,000 and to extend the term to June 30, 2025.

7. Approve Agreement with Ultra Shine, Inc., for Janitorial Services for City Facilities for Fiscal Year 2023-24

Recommendation: That the City Council:

1. Approve an Agreement with Ultra Shine, Inc., in the amount of \$353,427, to provide Janitorial Services for City Facilities for Fiscal Year 2023-24; and

2. Approve contingency for extra work in the amount of \$35,343, which is approximately 10% of the Agreement amount.

8. Award Construction Contract to Select Electric, Inc., for Traffic Signal - System Upgrade (Protected/Permissive Signal Heads), PW19-09

Recommendation: That the City Council:

1. Award a construction contract to Select Electric, Inc., in the amount of \$497,500 for the Traffic Signal- System Upgrade (Protected/Permissive Signal Heads) Project, PW19-09; and

2. Authorize the City Manager to approve change orders not to exceed the contingency amount of \$49,750, which is equal to 10% of the contract amount; and

3. Approve a transfer of Measure S Funds from the Traffic Signal Equipment Enhancement Program-Citywide Project; to the Traffic Signal – System Upgrade (Protected/Permissive Signal Heads) Project, PW19-09, in the amount of \$130,000; and

4. Make a finding that the Traffic Signal - System Upgrade (Protected/Permissive Signal Heads) Project, PW19-09, is exempt from Multiple Species Habitat Conservation Plan fees.

9. Adopt Resolution Approving Purchase and Sale Agreement for the Purchase of Certain Real Property Interests on Real Property Located at 31249 Indian Summer Road in the City of Temecula (APN 957-090-022) in Connection with the Construction of Off-Site Improvements for the Proposed Extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road Connection

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN LAM NGO & HUYEN LAM TRAN AND THE CITY OF TEMECULA IN CONNECTION WITH THE CALLE GIRASOL/NICOLAS ROAD CONNECTION STREET AND DRAINAGE IMPROVEMENTS (PORTIONS OF APN 957 090 022) 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

RECESS:

At 6:42 PM, the City Council recessed and convened as the Temecula Community Services District and Temecula Public Financing Authority Meetings. At 6:50 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

13. Adopt Weed Abatement Lien Resolution for Fiscal Year 2023-24

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2023-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ORDERING CONFIRMATION OF THE SPECIAL ASSESSMENTS AGAINST PARCELS OF LAND WITHIN THE CITY OF TEMECULA FOR COSTS OF ABATEMENT AND REMOVAL OF HAZARDOUS VEGETATION FOR FISCAL YEAR 2023-24

Approved the Staff Recommendation (4-0, Alexander absent): Motion by Kalfus, Second by Stewart. The vote reflected unanimous approval with Alexander absent.

14. Recommended Adoption of Resolution of Necessity for Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes on Assessor’s Parcel Number 957-090-023 in Connection with the Construction of Public Street, Drainage, 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 take the following actions:

1. Consider the following Resolution, which is Resolution 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, 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. 2023-68

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, AND RELATED IMPROVEMENTS FOR THE NICOLAS ROAD FROM BUTTERFIELD STAGE ROAD TO THE CALLE GIRASOL/NICOLAS ROAD CONNECTION (CERTAIN PROPERTY INTERESTS ON APN 957-090-023) 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 Resolution 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 Resolution of Necessity.

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 Resolution of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolution No. 2023-68 (“Resolution of Necessity”), 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 the Resolution of Necessity

(i) Isaac G. Navejar and Isabel L. Navejar – 39622 Liefer Road, Temecula (APN 957-090-023 – Navejar Parcel)

- An approximate 31,168 square foot temporary construction easement with a term of twelve months on the Navejar Parcel described more particularly on EXHIBIT A and depicted on EXHIBIT B to Resolution No. 2023-68 with a covenant authorizing the construction of certain permanent rip-rap and related drainage improvements in portions of said approximate 31,168 square foot temporary construction easement area shown roughly on EXHIBIT C to Resolution No. 2023-68.

The approximate 31,168 square foot temporary construction easement the City seeks to acquire on the Navejar Parcel with the covenant authorizing the construction of permanent rip-rap and related drainage improvements in portions of said 31,168 square foot area are referred to below collectively as the “Subject Property Interests.” The Subject Property Interests are located on the portions of the Navejar Property within the Long Valley Wash, a natural flood control channel.

4. If the City Council adopts the proposed Resolution of Necessity, authorize the City Attorney’s Office to file and prosecute an eminent domain proceeding 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 Resolution of Necessity.

Approved the Staff Recommendation (4-0, Alexander absent): Motion by Stewart, Second by Kalfus. The vote reflected unanimous approval with Alexander absent.

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

- 15. Fire Department Monthly Report
- 16. Police Department Monthly Report
- 17. Public Works Department Monthly Report

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

The City Council approved the placement of the following topic on a future agenda – City Council Compensation Pursuant to Senate Bill 329.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

The City Attorney announced that with respect to the first closed session item involving 40365 Margarita Road, the City Council approved the appraisal, determined fair market value and authorized the Staff and Consultant to make an offer to the property owner for the acquisition of the required easement. No other actions to report under the Brown Act.

ADJOURNMENT

At 7:09 PM, the City Council meeting was formally adjourned to Tuesday, August 8, 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]