

ACTION MINUTES

TEMECULA CITY COUNCIL REGULAR MEETING COUNCIL CHAMBERS 41000 MAIN STREET TEMECULA, CALIFORNIA OCTOBER 26, 2021 - 7:00 PM

CLOSED SESSION - 6:00 PM

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(1) with respect to one matter of pending litigation: In re National Prescription Opioid Litigation, MDL No. 2804 (Federal District Court N.D. Ohio).

LABOR NEGOTIATIONS — The City Council convened in closed session with its designated representatives to discuss labor negotiations pursuant to Government Code Section 54957.6. The City's designated representatives are City Manager Aaron Adams, City Attorney Peter Thorson, Assistant City Manager Kevin Hawkins, Director of Finance Jennifer Hennessy, Director of Human Resources and Risk Management Isaac Garibay, Deputy City Manager Luke Watson and Senior Human Resources Analyst Becky Obmann. The employee organization is the California Teamsters Public, Professional and Medical Employees Union Local 911.

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)(2) with respect to one matter 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. The City and the owner of the Warehouse at Creekside, Keith Shibou, are involved in a dispute concerning their respective interpretations of the loan documents and the regulatory agreement for the Project that might result in litigation. See Keith Shibou's letter to the City Council of September 23, 2021.

CALL TO ORDER: Mayor Maryann Edwards

INVOCATION: Aaron Adams, City Manager

FLAG SALUTE: Mayor Maryann Edwards

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

PRESENTATIONS - NONE

BOARD / COMMISSION REPORTS

Planning Commission and Race, Equity, Diversity and Inclusion Commission

PUBLIC SAFETY REPORT

Riverside County Sheriff's Department

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council on non-agenda item(s):

- Kristi Necochea
- Bob Kowell
- Mary Ann Tams
- John Roosh
- Bob Quaid

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council on agenda item(s):

- Bob Kowell (Item #17)

The following individual(s) submitted an electronic comment on agenda item(s):

- Martha Howard (Item #18)

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 Schwank, 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 October 12, 2021

Recommendation: That the City Council approve the action minutes of October 12, 2021.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2021-58

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 July 31, 2021

Recommendation: That the City Council approve and file the City Treasurer's Report as of July 31, 2021.

5. Approve Financial Statements for the 4th Quarter Ended June 30, 2021

Recommendation: That the City Council:

1. Receive and file the financial statements for the 4th quarter ended June 30, 2021; and
2. Approve the following Fiscal Year 2021-21 appropriations:
 - a. Increase the Emergency Management budget by \$8,400
 - b. Increase the CIP Administration budget by \$17,500
 - c. Increase the PERS Replacement Benefit budget by \$9,100
3. Appropriate \$2,000,000 of the year-end general fund surplus to the Pension Trust (PARS), in accordance with Budget Policy XII in Fiscal Year 2021-22.

6. Rescind the Current Vehicle Policy and Approve the City Vehicle and Driver Safety Policy

Recommendation: That the City Council:

1. Rescind the existing Vehicle Policy dated October 9, 1990; and
2. Approve the Vehicle and Driver Safety Policy; and
3. Authorize the City Manager, or their designee, to modify the Vehicle and Driver Safety Policy when necessary.

7. Approve Sponsorship Agreement with Trauma Intervention Program of Southwest Riverside County, Inc. for Traumatic Incident Citizen Support

Recommendation: That the City Council approve a sponsorship agreement with Trauma Intervention Program of Southwest Riverside County, Inc., in the amount of \$10,000 for traumatic incident citizen support.

8. Authorize the Purchase of Industrial Switches for the Fiber Optic Communication System Upgrade Project, PW18-05

Recommendation: That the City Council authorize the purchase of industrial switches as part of the Fiber Optic Communication System Upgrade Project, PW18-05, in the amount of \$204,459.50.

9. Approve Agreement with Gosch Ford Temecula for the Purchase of Four (4) 2021 Ford Ranger 4X4 XL Trucks

Recommendation: That the City Council approve an agreement with Gosch Ford Temecula for the purchase of four (4) 2021 Ford Ranger 4X4 XL Trucks, in the amount of \$121,734.76.

10. Award Construction Contract to Atom Engineering Construction, Inc. for the Flood Control Reconstruction and Repair Project, PW11-10

Recommendation: That the City Council:

1. Award a construction contract to Atom Engineering Construction Inc., in the amount of \$998,398, for the Flood Control Reconstruction and Repair Project, PW11-10; and
2. Authorize the City Manager to approve change orders up to \$99,839.80, which is 10% of the contract amount; and
3. Authorize payment of up to \$7,428.84 to the Regional Conservation Authority (RCA) for the project Multiple Species Habitat Conservation Plan (MSHCP) fee.

11. Approve First Amendment to the Minor Maintenance Agreement for Landscape Maintenance Services with Nieves Landscape, Inc.

Recommendation: That the City Council approve the first amendment to the minor maintenance agreement for landscape maintenance services with Nieves Landscape, Inc., in the amount of \$607,225.60 for Fiscal Year 2021-2022, and approve contingency for extra work in the amount of \$121,445, which is approximately 20% of the agreement amount.

12. Receive and File Temporary Street Closures for 2021 Winterfest Events

Recommendation: That the City Council receive and file the temporary closure of certain streets for the following 2021 Winterfest Events:

ROD RUN, PU'ÉSKA MOUNTAIN DAY, SANTA'S ELECTRIC LIGHT PARADE, TEMECULA ON ICE, CHILLED IN THE PARK, NEW YEAR'S EVE GRAPE DROP

RECESS:

At 7:50 PM, the City Council recessed and convened as the Temecula Community Services District Meeting and Successor Agency to the Temecula Redevelopment Agency Meeting. At 8:00 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

BUSINESS

17. Receive and File Report on the Arrive at Rancho Highlands Project (Planning Application Number PA19-1448)

Recommendation: That the City Council receive and file report on the Arrive at Rancho Highlands Project.

Receive and file only, no action.

18. Approve American Rescue Plan Act of 2021 (ARPA) Spending Plan (At the Request of Mayor Edwards and Mayor Pro Tem Rahn)

Recommendation: That the City Council:

1. Establish Fund 108 - American Rescue Plan Act of 2021 (ARPA); and
2. Appropriate \$14,079,507 in ARPA revenue and a corresponding transfer to the General Fund to provide funding for public safety services (\$7,039,753.50 in Fiscal Year 2021-22 and \$7,039,753.50 in Fiscal Year 2022-23); and
2. Establish the COVID-19 Pandemic Community Reinvestment Program and agree upon the funding categories noted below. Appropriate \$7,040,000 in Fiscal Year 2021-22 and recommend \$7,040,000 be programmed for Fiscal Year 2022-23 using available General Fund Balance for various community support grants, in accordance with the attached Exhibit A - COVID-19 Pandemic Community Reinvestment Program; and
3. Authorize the Strategic Fiscal Planning Ad Hoc Subcommittee to work with staff to develop the program criteria, administration and details for each category of funding.

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

DEPARTMENTAL REPORTS (Receive and File)

19. Community Development Department Monthly Report
20. Fire Department Monthly Report
21. Police Department Monthly Report
22. Public Works Department Monthly Report

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

ADJOURNMENT

At 9:26 PM, the City Council meeting was formally adjourned to Tuesday, November 9, 2021, at 5:30 PM for Closed Session, with regular session commencing at 7:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

Maryann Edwards, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]