

City of Yucaipa  
City Council Minutes  
Regular Meeting of January 12, 2009

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A Regular meeting of the City Council of the City of Yucaipa, California was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on January 12, 2009 at 6:00 PM.

**PRESENT:** Dick Riddell, Mayor  
Allan Drusys, D.V.M., Mayor Pro Tem  
Denise Hoyt, Councilmember  
Tom Masner, Councilmember  
Diane Smith, Councilmember  
Ray Casey, City Manager  
Jennifer Shankland, Director of General Services/City Clerk  
Michael Estrada, Interim City Attorney

**ABSENT:** None

**CONVENE CITY COUNCIL**

The meeting was opened with the Pledge of Allegiance led by Captain Gray.

**EMPLOYEE INTRODUCTION**

City Manager Casey introduced Director of Public Works/City Engineer Bill Hemsley.

**CONSENT AGENDA**

Mayor Riddell asked if there were any Consent Agenda items to be removed for discussion. Item No. 3 was removed for discussion by Mayor Pro Tem Drusys.

1. **SUBJECT:** APPROVE COUNCIL MINUTES OF DECEMBER 8, 2008.

**RECOMMENDATION:** That City Council approve City Council Minutes of December 8, 2008.

2. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – INSTALL CITY FURNISHED BASKETBALL COURT COVER- PROJECT NO. 10732.

**RECOMMENDATION:** That City Council:

1. Accept the contract and extension work completed by J R Roberts and Son, Inc. of Hemet, CA in the amount of \$115,723.00; and
2. Authorize the recordation of the Notice of Completion.

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4. **SUBJECT:** RIGHT OF WAY ACQUISITION AND APPRAISAL SERVICES FOR WILDWOOD CREEK BASINS PROJECT.

**RECOMMENDATION:** That City Council:

1. Authorize the City Manager or his designee to commence acquisition of real estate necessary for the construction of the Wildwood Creek Basins Project; and
2. Award and authorize the City Manager to execute a contract with Himes and Himes, Inc. of Covina, CA in the not to exceed amount of \$10,750 to prepare appraisals for eleven (11) partial property acquisitions; and
3. Authorize the City Manager or his designee to administer the terms of the contract.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-0-1 (COUNCILMEMBER MASNER ABSTAINED), TO APPROVE CONSENT AGENDA ITEM NO. 1; CARRIED 5-0 TO APPROVE CONSENT AGENDA ITEMS 2 AND 4.

**ITEM REMOVED FOR DISCUSSION**

3. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – 2008-2009 MICROSURFACING PROGRAM- PROJECT NO. 10740.

**RECOMMENDATION:** That City Council:

1. Accept the contract and extension work completed by Bond Blacktop, Inc. of Union City, CA in the amount of \$184,547.44; and
2. Authorize the recordation of the Notice of Completion.

City Manager Casey provided details of the reduced estimated costs associated with the project. After Council discussion, the following Motion was made:

**ACTION:** MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.

**PUBLIC COMMENT**

Doug Davis, Yucaipa, stated his concern pertaining to the construction taking place during the evening at Yucaipa Boulevard between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.

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Beverly Powell, representing Southern California Edison, provided Council with information regarding the California Alternative Rates for Energy (CARE) Program.

**MAYOR AND COUNCILMEMBER BUSINESS**

**5. SUBJECT: APPOINTMENTS TO VARIOUS COMMISSIONS AND COMMITTEES.**

**RECOMMENDATION:**

1. That Mayor Riddell and Councilmembers Hoyt and Smith each appoint one member to the Parks and Recreation Commission; and
2. That City Council appoint two at-large members, one member recommended and nominated by Mayor Riddell, one member recommended and nominated by Councilmember Hoyt, and one member recommended and nominated by Councilmember Smith to the Planning Commission; and
3. That Mayor Riddell and Councilmembers Hoyt and Smith each appoint one member to the Trails and Open Space Committee, and that City Council appoint four at-large members to the Trails and Open Space Committee; and
4. That City Council appoint five at-large members to the Mobilehome Rent Review Commission.

**DISCUSSION:** Director of General Services/City Clerk Shankland presented the Agenda Report.

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY COUNCILMEMBER SMITH, CARRIED 5-0, TO APPOINT MARIA DE FELICE, SUSAN SHOTTS, CAROLYN CAPE, CYNTHIA FEHLER, AND ERIK SAHAKIAN TO THE MOBILEHOME RENT REVIEW COMMISSION FOR THE FIVE AT-LARGE POSITIONS.**

**ACTION: COUNCILMEMBER HOYT APPOINTED EDWARD CARUBIS TO THE PARKS AND RECREATION COMMISSION.**

**ACTION: COUNCILMEMBER SMITH APPOINTED PAUL BURTON TO THE PARKS AND RECREATION COMMISSION.**

**ACTION: MAYOR RIDDELL APPOINTED TIM CARLISLE TO THE PARKS AND RECREATION COMMISSION.**

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**ACTION: MAYOR RIDDELL RECOMMENDED AND NOMINATED DENISE WORK TO THE PLANNING COMMISSION. NO OPPOSITION WAS STATED.**

**ACTION: COUNCILMEMBER HOYT RECOMMENDED AND NOMINATED KATHRYN FELLEZ TO THE PLANNING COMMISSION. NO OPPOSITION WAS STATED.**

**ACTION: COUNCILMEMBER SMITH RECOMMENDED AND NOMINATED DAVID ALBAN TO THE PLANNING COMMISSION. NO OPPOSITION WAS STATED.**

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPOINT JAMES OTT FOR AN AT-LARGE POSITION TO THE PLANNING COMMISSION.**

**ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPOINT JERRY CAPE FOR AN AT-LARGE POSITION TO THE PLANNING COMMISSION.**

**ACTION: COUNCILMEMBER HOYT APPOINTED DAVID MILLER TO THE TRAILS AND OPEN SPACE COMMITTEE.**

**ACTION: COUNCILMEMBER SMITH APPOINTED BARBARA SISSONS TO THE TRAILS AND OPEN SPACE COMMITTEE.**

**ACTION: MAYOR RIDDELL APPOINTED VIRGINIA PARRISH TO THE TRAILS AND OPEN SPACE COMMITTEE.**

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPOINT KT GATES-WALDRUP, DOTTIE POTTER, HELEN ROBBINS, AND KATHY UTLEY TO THE TRAILS AND OPEN SPACE COMMITTEE FOR THE FOUR AT-LARGE POSITIONS.**

Councilmember Smith commented that the Economic Development Advisory Committee is in the process of reviewing the structure of its membership and may possibly consider increasing the number of at-large positions. It was Council consensus to agendize the consideration of restructuring the Economic Development Advisory Committee before the next Committee meeting.

Councilmember Smith inquired about the Parks and Recreation Commission student member position and requested that staff promote the position.

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6. **SUBJECT:** YAPS REQUEST FOR FUNDING

**RECOMMENDATION:** That City Council:

1. Consider the request from YAPS for:
  - a. \$5,000 to continue the Spay/Neuter Voucher Program.
  - b. \$500 to offset costs to administer the Spay/Neuter Voucher Program.
  - c. Increasing the number of vouchers per household from two to three; and
2. Clarify the issuance of vouchers per household on a continuous basis and determine whether vouchers are to be distributed in equal shares between canines/felines or on a first come, first served basis; and
3. Allocate the amount of \$4,000 from the FY 08/09 Non-Profit Funding Account and \$1,000 from the General Fund Contingency Account for a total of \$5,000 to continue the Spay/Neuter and Rabies Voucher Program.

**DISCUSSION:** Director of General Services/City Clerk Shankland presented the Agenda Report.

Nicole Laffey, YAPS Director, spoke regarding the request from YAPS. Sherri Stanton, YAPS Volunteer Consultant, addressed questions raised by Council.

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION WITH THE ELIMINATION OF THE \$500 TO OFFSET COSTS TO ADMINISTER THE SPAY/NEUTER VOUCHER PROGRAM AND TO LIMIT THE NUMBER OF VOUCHERS PER HOUSEHOLD TO TWO, DIVIDED EVENLY BETWEEN CANINES AND FELINES.

**POSSIBLE ACTION ON PENDING LEGISLATION**

None.

**DEPARTMENT REPORTS**

7. **SUBJECT:** CHANGE ORDER NO. 1B: CHICKEN SPRINGS WASH STORM DRAIN AND STREET IMPROVEMENTS AND YUCAIPA BOULEVARD STORM DRAIN - PROJECT NO'S. 10681 AND 10680.

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**RECOMMENDATION:** That City Council:

1. Approve and authorize the Mayor to execute Change Order No. 1B in the not-to-exceed the amount of \$68,500.00 for the installation of 190 lineal feet of 30-inch ductile iron pipe (DIP) waterline and appurtenances at the 1st Street crossing of Yucaipa Boulevard as part of the Chicken Springs Wash Storm Drain and Street Improvements (Project No. 10681) and Yucaipa Boulevard Storm Drain from 2nd Street to Adams Street (Project No. 10680); and
2. Authorize the City Manager or his designee to administer the terms of the Change Order 1B with Ted Burton Underground Inc, of Beaumont CA.; and
3. Authorize the City Manager to execute an agreement with the Yucaipa Valley Water District to participate in the Chicken Springs Wash Storm Drain and Street Improvements (Project No. 10681) and Yucaipa Boulevard Storm Drain (Project No. 10680) with the City of Yucaipa for a sum not to exceed \$68,500 for the installation of 190 lineal feet of 30-inch DIP waterline and appurtenances at the 1st Street crossing of Yucaipa Boulevard; and
4. Amend the FY 2008-2009 Capital Improvement Program Budget to reflect the additional amount of \$68,500 in Yucaipa Valley Water District funding available for this project.

**DISCUSSION:** Director of Public Works/City Engineer Hemsley presented the Agenda Report.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER MASNER, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

8. **SUBJECT:** COMMUNITY PARK AMPHITHEATER STAGE COVER.

**RECOMMENDATION:** That City Council receive the report regarding the Community Park Amphitheater Stage Cover and

1. Review the options provided by staff to cover the Amphitheater Stage; and
2. Approve an option provided by staff to cover the Amphitheater Stage; and
3. Direct staff to solicit bids for the engineering, design, and construction of the approved Amphitheater Stage Cover.

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**DISCUSSION:** Director of Community Services Copley presented the Agenda Report.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER HOYT, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPROVE OPTION NUMBER 2 WITH THE ADDITION OF RIVER ROCK AT THE BOTTOM OF THE COLUMNS AND THE ADDITION OF SPLIT-FACED BLOCK ON THE REMAINING PORTION OF THE COLUMNS WITHOUT OBSTRUCTING THE VIEW.**

9. **SUBJECT:** CHANGE ORDER NO. 12 AND NO. 13, OAK GLEN CREEK (WILSON II) BASINS PROJECT.

**RECOMMENDATION:** That City Council:

1. Approve contract extension Change Order No. 12 for design contract with David Evans and Associates, Inc. (DEA) for the Oak Glen Creek (Wilson II) Basins project in the amount of \$2,520 for the development of additional public education signage and authorize the Director of Public Works to execute the Change Order; and
2. Approve contract extension Change Order No. 13 for design contract with DEA for revisions to landscaping plans and specifications in the amount of \$4,480; and
3. Authorize the Mayor to execute the Change Orders; and
4. Authorize the City Manager or his designee to administer the terms of the Change Orders with DEA.

**DISCUSSION:** Director of Public Works/City Engineer Hemsley presented the Agenda Report.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION INCLUDING THE ADDITION OF COASTAL REDWOODS AS PART OF THE LANDSCAPE PLAN.**

**PUBLIC HEARING**

The order of Business for the Public Hearing Shall Be:

**A. Open Public Hearing**

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- B. Staff Presentation
- C. Applicant/Representative Presentation (if necessary)
- D. Public Comments
- E. Applicant Rebuttal (if necessary)
- F. Public Hearing Closed
- G. Council Discussion
- H. Council Motion and Vote

**SPEAKERS ARE ENCOURAGED TO BE BRIEF AND REMAIN WITHIN THE ESTABLISHED TIMEFRAME OF THREE (3) MINUTES. ONCE THE PUBLIC HEARING HAS BEEN CLOSED, NO FURTHER TESTIMONY WILL BE TAKEN.**

10. **SUBJECT:** MUNICIPAL CODE AMENDMENT TO ESTABLISH ENHANCED GRAFFITI ABATEMENT.

**RECOMMENDATION:** That City Council conduct a public hearing, and approve first reading, by title only, as read by staff, of Ordinance No. 286, amending Chapter 8.08, "Graffiti Abatement", of Title 8, "Health and Safety", of the Yucaipa Municipal Code, and rescinding Ordinance No. 90-38.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 10. Director of Community Development McMains presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY COUNCILMEMBER MASNER, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION AS AMENDED PURSUANT TO COUNCIL DIRECTION.

**ANNOUNCEMENTS**

Interim City Attorney Estrada announced the Closed Session items.

**CLOSED SESSION**

Conference with Legal Counsel - Existing Litigation [Gov't Code § 54956.9(a)] Town of Apple Valley, et al. v. County of San Bernardino, Second Appellate District, Case No. B 208282; Town of Apple Valley, et al. v. County of San Bernardino, Los Angeles County Superior Court, Case No. KC049711 'J'

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Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN 318-131-08 - City Negotiator: Ray Casey, City Manager

**ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be January 26, 2009 at 6:00 PM.



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DICK RIDDELL, MAYOR

ATTEST:



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JENNIFER SHANKLAND  
CITY CLERK