

City of Yucaipa  
City Council Minutes  
Regular Meeting of February 9, 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 February 9, 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 Chief Shaw.

City Manager Casey requested that Agenda Item No. 2 be withdrawn from the Agenda and stated that staff will return with this item at a future meeting. Council concurred.

**EMPLOYEE INTRODUCTION**

Director of Community Development McMains introduced Code Enforcement Division Office Specialist Kellie Graydon.

**CONSENT AGENDA**

Mayor Riddell asked if there were any Consent Agenda items to be removed for discussion. No items were removed for discussion.

1. **SUBJECT:** APPROVE COUNCIL MINUTES OF JANUARY 26, 2009.

**RECOMMENDATION:** That City Council approve City Council Minutes of January 26, 2009.

3. **SUBJECT:** APPROVAL OF CHANGE ORDER NO. 1 – FURNISH 7<sup>TH</sup> STREET PARK BALLFIELD LIGHTING EQUIPMENT – PROJECT NO. 10707.

**RECOMMENDATION:** That City Council approve and authorize the City Manager to execute Change Order No. 1, and the Director of Public Works/City Engineer or his

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designee to administer the terms of Change Order No. 1 with MUSCO Sports Lighting, LLC of Muscatine, IA, in the amount of \$7,542.50 from funds allocated in the Fiscal Year 2008-2009 Capital Improvement Program for "Ballfield Lighting" for the acquisition of additional lighting to illuminate pool facility.

4. **SUBJECT:** OFFERS OF DEDICATION.

**RECOMMENDATION:** That City Council:

1. Accept an irrevocable Offer of Dedication for Brandon Road from Chapman Heights, LP located in Planning Area 3A within the Chapman Heights Final Development Plan.
2. Accept an irrevocable Offer of Dedication for Park Purposes from Chapman Heights, LP located in Planning Area 3A within the Chapman Heights Final Development Plan.
3. Accept an irrevocable Offer of Dedication for road purposes along Cramer Road from Chapman Heights, LP located in Planning Area 3A within the Chapman Heights Final Development Plan just north of Chapman Heights Road.

5. **SUBJECT:** GRANT APPLICATION SUBMITTAL FOR URBAN FORESTRY GRANT PROGRAM.

**RECOMMENDATION:** That City Council adopt Resolution No. 2009-04, approving the submittal for grant funds from the California Department of Forestry and Fire Protection Urban Forestry Program, authorize the City Manager or his designee to execute the appropriate grant documents and authorize the use of \$5,250 in local matching funds from the Public Works Department Parks and Facilities Maintenance, Professional Service account for fiscal years 2008-09/2009-10.

6. **SUBJECT:** APPROVAL OF FINAL TRACT MAP NO. 16055-1.

**RECOMMENDATION:** That City Council approve Final Tract Map No. 16055-1 and authorize recording of the map from Martin and Linda Ollis.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEM NO. 1 AND ITEM NOS. 3 THROUGH 6.

**PUBLIC COMMENT**

None

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**MAYOR AND COUNCILMEMBER BUSINESS**

Councilmember Smith commended Captain Gray and Lieutenant Marnati for a job well done.

Councilmember Masner announced that Lieutenant Marnati was promoted to Captain and would be relocated to the Colorado River area.

Mayor Riddell announced that Congressman Baca held a second meeting to solicit input regarding the Federal Stimulus Package and reported that he spoke in favor of the Yucaipa project proposals. Mayor Riddell expressed opposition to the Los Angeles Department of Water and Power's proposed construction of high voltage transmission lines within the City and encouraged residents to work together to defeat the project.

7. **SUBJECT:** REQUEST FROM YUCAIPA VALLEY HISTORICAL SOCIETY – AVENUE A FACILITY.

**RECOMMENDATION:** That City Council approve and authorize the allocation of \$5,417.71 as a reimbursement of expenses and \$720 for the reglazing of the windows, for a total allocation of \$6,137.71 from the interest earnings accrued in the Historical Group Trust Fund for the completion of the restoration of the Fire Station Museum, located at 35130 Avenue A.

**DISCUSSION:** Director of Administrative Services Franklin presented the Agenda Report.

Claire Teeters, Yucaipa Valley Historical Society, provided a summary of the facility restoration progress and addressed Council questions.

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY MAYOR RIDDELL, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPROVE AND AUTHORIZE THE ALLOCATION OF \$6,137.71 FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR THE PROJECT.

8. **SUBJECT:** ESTABLISHMENT OF YOUTH ADVISORY COMMITTEE.

**RECOMMENDATION:** That City Council review the information compiled by individual Councilmembers and staff and provide direction regarding the establishment of a Youth Advisory Ad-hoc Committee.

**DISCUSSION:** City Manager Casey presented the Agenda Report. Councilmember Smith provided additional information.

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Marina Serna, Yucaipa, Vice President of Crafton Hills College Academic Affairs, reported that many students and peers have expressed an interest in local politics and commented that this would provide an opportunity for youth to be acknowledged.

Samantha Shaw, Yucaipa, spoke in support of a Youth Advisory Ad-hoc Committee and commented that this would provide youth with an opportunity to present insight about their issues and concerns and to become more involved in politics.

Zachary Miller, Yucaipa, expressed his interest in serving on a Youth Advisory Committee and stated that Rancho Cucamonga has a similar program.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO DIRECT STAFF TO RETURN TO COUNCIL WITH THE RELEVANT INFORMATION NEEDED TO ESTABLISH A YOUTH ADVISORY COMMITTEE.**

**POSSIBLE ACTION ON PENDING LEGISLATION**

Councilmember Masner reported on legislation related to the State budget and stated that there will likely be a vote on the budget by the end of the week.

City Manager Casey informed Council that the League of California Cities is in the process of forming a water resource committee and solicited Councilmember interest in serving on the proposed committee.

**DEPARTMENT REPORTS**

9. **SUBJECT:** AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE OAK GLEN CREEK (WILSON II) BASINS LANDSCAPING AND IRRIGATION.

**RECOMMENDATION:** That City Council:

1. Award and authorize the Mayor to execute a contract in the amount of \$130,791.05 with Lasting Images Landscape of Chino Hills, CA for the construction of the Oak Glen Creek (Wilson II) Basins Landscaping and Irrigation; and
2. Approve \$13,000 in contingencies for the construction project; and
3. Approve \$13,000 in City staff support costs to administer the contract; and

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4. Authorize the City Manager or his designee to administer the terms of the contract; and
5. Approve \$72,000 in additional City staff costs to reflect project administrative costs to date and estimated costs to complete a final project report, an operational plan, a conservation easement, a quality assurance plan and to coordinate with involved agencies to close out the 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.**

10. **SUBJECT:** SETTLEMENT AND RELEASE AGREEMENT: THE CITY OF YUCAIPA VS. COMMUNITIES SOUTHWEST DEVELOPMENT AND CONSTRUCTION COMPANY (CSW) AND YUCAIPA VALLEY ACRES (YVA).

**RECOMMENDATION:** That City Council:

1. Approve and authorize the Mayor to execute a Settlement and Release Agreement between the City of Yucaipa and Communities Southwest Development and Construction Company and Yucaipa Valley Acres; and
2. Allocate the amount of \$360,423.76 from the Unallocated Traffic Facilities Fund balance to accommodate the reimbursement.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**ADJOURN CITY COUNCIL AND CONVENE REDEVELOPMENT AGENCY**

*(RDA proceedings are contained in separate Minutes)*

**CONVENE JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY**

City Council reconvened.

11. **SUBJECT:** AUDIT REPORTS FOR FISCAL YEAR ENDED JUNE 30, 2008.

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**RECOMMENDATION:**

1. That City Council:
  - a. Accept the audit report for the year ended June 30, 2008, as submitted by Teaman, Ramirez and Smith, Inc.; and
  - b. Confirm restricting a portion of the current year General Fund reserves in the amount of \$200,000, and apply it to the 2008-09 Pavement Management Program, and
2. That the Redevelopment Agency accept the audit report for the year ended June 30, 2008, as submitted by Teaman, Ramirez and Smith, Inc.

**DISCUSSION:** Director of Administrative Services Franklin presented the Agenda Report and introduced Greg Fankhanel, Partner with Teaman, Ramirez, and Smith, Inc., who presented an overview of the audit report.

After discussion, the following Motion was made:

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

**ADJOURN THE REDEVELOPMENT AGENCY**

**STUDY SESSIONS**

12. **SUBJECT:** SHORT-TERM, MID-TERM, AND LONG-TERM GOALS/ACTION ITEMS.

**RECOMMENDATION:** That City Council conduct a study session concerning possible short-term, mid-term and long-term goals/action items.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

After discussion, Council prioritized short-term operational and capital project goals.

13. **SUBJECT:** STUDY SESSION TO REVIEW SOLAR ENERGY REQUIREMENTS FOR NEW RESIDENTIAL CONSTRUCTION.

**RECOMMENDATION:** That City Council conduct a study session to review photovoltaic solar energy requirements for new residential construction, and direct staff as appropriate.

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**DISCUSSION:** Director of Community Development McMains presented the Agenda Report.

After Council discussion, staff was directed to return to Council with legal analysis and risk assessment findings for the implementation of photovoltaic solar energy requirements.

**ANNOUNCEMENTS**

Councilmember Smith announced that an employee was involved in a car accident and conveyed her concern. Councilmember Smith thanked Captain Gray for a job well done.

Interim City Attorney Estrada announced the Closed Session items.

**CLOSED SESSION**

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

Liability Claim [Gov't Code §54956.9] 1 item – Liability Claim No. 2009-02, Verizon

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN 301-174-07 - City Negotiator: Ray Casey, City Manager

City Manager Casey reported that City Council rejected Liability Claim Number 2009-02.

**ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be February 23, 2009 at 6:00 PM.

  
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DICK RIDDELL, MAYOR

ATTEST:

  
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JENNIFER SHANKLAND  
CITY CLERK