

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

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 April 13, 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.

SPECIAL PRESENTATION

On behalf of the City Council, Mayor Riddell presented commendations to Fire Captain Skip Miller, Fire Apparatus Engineer and Paramedic Peter Grzeskowiak, Firefighter Apparatus Engineer Eric Peterson, and Paid Call Firefighter David Herrera.

EMPLOYEE INTRODUCTION

Captain Gray introduced Lieutenant Mike Newcombe.

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 MARCH 23, 2009.

RECOMMENDATION: That City Council approve City Council Minutes of March 23, 2009.

2. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – FIRE STATION NO. 3 PRIME CONTRACTOR.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by Gamut Construction Company, Inc., in the final amount of \$3,204,818, which includes credits and change orders, and
2. Authorize the recordation of the Notice of Completion.
3. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – INSTALL CITY FURNISHED 7TH STREET PARK BALLFIELD LIGHTING EQUIPMENT – PROJECT NO. 10754.

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by Brewster Electric, Inc. of Calimesa, CA in the amount of \$42,525.00; and
2. Authorize the recordation of the Notice of Completion.
4. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – 7TH STREET BALLFIELD IRRIGATION – PROJECT NO. 10757.

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by DLS Landscape, Inc. of Redlands, CA in the amount of \$52,985.00; and
2. Authorize the recordation of the Notice of Completion.
5. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – AVENUE H FENCING INSTALLATION FROM 5TH STREET TO 5TH PLACE – PROJECT NO. 10763.

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by Fence Corp, Inc. of Riverside, CA in the amount of \$16,567.29; and
2. Authorize the recordation of the Notice of Completion.
6. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – 7TH STREET PARK CONCRETE CONSTRUCTION BASKETBALL COURT AREA – PROJECT NO. 10731.

RECOMMENDATION: That City Council:

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

1. Accept the contract and extension work completed by D & L Wheeler Enterprises, Inc. of Yucaipa, CA in the amount of \$41,380.00; and
 2. Authorize the recordation of the Notice of Completion.
7. **SUBJECT:** SPECIAL EVENT APPLICATION – YUCAIPA IRIS FESTIVAL ASSOCIATION.

RECOMMENDATION: That City Council:

1. Approve the Special Event Application submitted by the Yucaipa Iris Festival Association to conduct the 2009 Iris Festival at the Yucaipa Community Park and Community Center, subject to the applicant meeting conditions; and
 2. Agree to co-sponsor the event; and
 3. Waive the fee for the Special Event Application; and
 4. Waive the facility use fees for the Flower and Art Shows at the Community Center; and
 5. Waive the facility use fees for use of Community Park facilities for outdoor festival activities; and
 6. Provide and waive fees for Community Services, Police, and Public Works services during festival events; and
 7. Authorize staff to permit collaborating organizations, subject to meeting conditions.
8. **SUBJECT:** AWARD OF CONTRACT – FURNISH 7TH STREET PARK SKATE PARK EQUIPMENT – PROJECT NO. 10772

RECOMMENDATION: That City Council:

1. Approve and authorize the Mayor to execute a contract, and the City Manager or his designee to administer the terms of the contract, with the lowest responsible/qualified bidder, American Ramp Company, of Joplin, MO. in the amount of \$11,999.00; and
2. Authorize a contingency of \$1,900.00 for a total budget of \$13,899.00 to “Furnish 7th Street Park Skate Park Equipment – Project No. 10772”; and
3. Approve the Plans and Specifications for this project.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

9. **SUBJECT:** AWARD OF CONTRACT - 4TH STREET ASPHALT PAVING - PROJECT NO. 10768.

RECOMMENDATION: That City Council:

1. Approve and authorize the Mayor to execute a contract, and the City Manager or his designee to administer the terms of the contract, to the lowest responsible/qualified bidder, International Pavement Solutions, Incorporated (IPS) of Mentone, CA in the amount of \$28,788.00; and
2. Authorize a construction contract contingency of \$1,212 and \$4,000 for staff time for engineering and contract administration in the total amount of \$5,212.00; and
3. Approve the Plans and Specifications for this project.

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 9.

PUBLIC COMMENT

Arnold San Miguel, representing Southern California Associated Governments (SCAG), announced the 2009 SCAG General Assembly meeting to be held May 7-8 and informed Council that SCAG will be opening an office in San Bernardino.

Beverly Powell, Southern California Edison (SCE), informed Council that SCE will be hosting a Homeowner Solar Information session that will be held in Redlands on May 20, 2009.

Carmen Brown, representing Yucaipa Valley Christian School, stated that the school would like to host a fingerprint booth at the upcoming Iris Festival.

MAYOR AND COUNCILMEMBER BUSINESS

10. **SUBJECT:** RENTAL FEE WAIVER FOR USE OF THE YUCAIPA COMMUNITY CENTER - YUCAIPA VALLEY CHAMBER OF COMMERCE MONTHLY MEMBERSHIP LUNCHEONS.

RECOMMENDATION: That City Council consider the request from the Yucaipa Valley Chamber of Commerce to waive all rental fees for the use of the Yucaipa Community Center for monthly membership luncheons.

DISCUSSION: City Manager Casey presented the Agenda Report.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER MASNER, CARRIED 5-0, TO WAIVE ALL RENTAL FEES FOR THE USE OF THE COMMUNITY CENTER FOR MONTHLY MEMBERSHIP LUNCHEONS FOR THE REMAINING FISCAL YEAR AND INCLUDE A LINE ITEM IN THE FISCAL YEAR 2009/2010 BUDGET TO COVER 2009/2010 RENTAL FEES.

POSSIBLE ACTION ON PENDING LEGISLATION

None

DEPARTMENT REPORTS

11. **SUBJECT:** AWARD OF CONTRACT- PROFESSIONAL ENGINEERING SERVICES FOR THE WILSON/OAK GLEN CREEK FEASIBILITY STUDY.

RECOMMENDATION: That City Council:

1. That City Council approve and authorize the Mayor to execute a contract, and the City Manager or his designee to administer the terms of the contract with RBF Consulting to provide Professional Engineering Services in the not to exceed amount of \$68,360 as part of the Wilson/Oak Glen Creek Feasibility Study; and
2. Authorize \$9,600 for Staff time and Contract Administration for a total project cost of \$77,960.

DISCUSSION: Director of Public Works/City Engineer Hemsley presented the Agenda Report. City Manager Casey emphasized information contained in the staff report and reiterated the basis for hiring RBF Consulting without employing an RFP process.

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.

Mayor Pro Tem Drusys requested the Minutes reflect the process engaged is of a time-sensitive nature and under the recommendation of the Army Corps of Engineers the RFP process will not be utilized in this case.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

12. **SUBJECT:** RESOLUTION 2009-11 AFFIRMING THE CITY'S SUPPORT OF THE 2010 UNITED STATES CENSUS AND AUTHORIZING THE FORMATION OF A 2010 CENSUS COMPLETE COUNT COMMITTEE.

RECOMMENDATION: That the City Council approve Resolution 2009-11 affirming the City's support of the 2010 United States Census and authorize the formation of a 2010 Census Complete Count Committee.

DISCUSSION: City Manager Casey presented the Agenda Report.

After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION AND SOLICIT APPLICATIONS FOR THE 2010 CENSUS COMPLETE COUNT COMMITTEE AND RETURN TO COUNCIL TO APPOINT COMMITTEE MEMBERS AND TO CONSIDER THE APPOINTMENT OF A COUNCILMEMBER TO THE COMMITTEE.

13. **SUBJECT:** MUNICIPAL CODE AMENDMENT TO ESTABLISH RESTRICTIONS FOR SEX OFFENDERS.

RECOMMENDATION: That City Council approve first reading, by title only, as read by staff, of Ordinance No. 261, adding Chapter 9.28, "Sex Offenders", to Title 9, "Public Peace and Welfare", of the Yucaipa Municipal Code, to establish citywide location restrictions for sex offenders.

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

After Council discussion, the following Motion was made:

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

14. **SUBJECT:** RELEASE AND SETTLEMENT AGREEMENT – PERCHLORATE FEE LITIGATION.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute the Release and Settlement Agreement, pertaining to the Perchlorate Fee, between the County of San Bernardino and City of Yucaipa.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

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

After Council discussion, the following Motion was made:

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

15. **SUBJECT:** INSTALLATION OF PHOTOVOLTAIC SOLAR ENERGY SYSTEMS IN NEW RESIDENTIAL CONSTRUCTION.

RECOMMENDATION: That City Council approve the proposed Standard Policy designed to facilitate the installation and use of Photovoltaic Solar Energy Systems in all new residential construction.

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

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER HOYT, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 3-2 (COUNCILMEMBERS SMITH AND MASNER VOTED NOE), TO ADOPT THE POLICY AS PRESENTED WITH THE INCLUSION OF "HABITABLE" TO IDENTIFY THE TYPE OF RESIDENTIAL CONSTRUCTION AND TO ALSO INCLUDE "COMMERCIAL CONSTRUCTION".

16. **SUBJECT:** AMERICAN RECOVERY AND REINVESTMENT ACT 2009.

RECOMMENDATION: That City Council:

1. Receive this report regarding the American Recovery and Reinvestment Act of 2009; and
2. Approve Resolution No. 2009-12, authorizing the submittal of grant applications to various agencies under the Stimulus Bill; and
3. Authorize the City Manager or his designee, to submit grant applications to authorized agencies under the Stimulus Bill; and
4. Direct the City Manager to return to the City Council to accept awarded grants.

City of Yucaipa
City Council Minutes
Regular Meeting of April 13, 2009

DISCUSSION: City Manager Casey presented the Agenda Report.

After Council discussion, the following Motion was made:

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

ANNOUNCEMENTS

Interim City Attorney Estrada announced the Closed Session items.

CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation [Gov't Code §54956.9(c)] 1 item

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN Nos. 301-051-42, 301-051-50, 301-051-54, 301-051-63, 318-013-07, 318-013-08 - City Negotiator: Ray Casey, City Manager

ADJOURNMENT

The meeting adjourned. The next regularly scheduled meeting will be April 27, 2009 at 6:00 PM.



DICK RIDDELL, MAYOR

ATTEST:



JENNIFER SHANKLAND
CITY CLERK