

City of Yucaipa
City Council Minutes
Regular Meeting of January 25, 2010

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 25, 2010 at 6:00 PM.

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

ABSENT: Tom Masner, Councilmember

CONVENE CITY COUNCIL

The meeting was opened with the Pledge of Allegiance led by Chief Shaw.

City Manager Casey requested that Study Session Item No. 8 be considered after Public Comment in response to the public turn out for this item. Council concurred.

City Manager Casey requested that Council consider placing an Urgency Item on the Agenda relating to the ratification of the City of Yucaipa City Manager Disaster Proclamation due to the flood and snow storm in the City of Yucaipa. City Manager Casey confirmed that in order for Council to consider this Urgency Item, it would take a four-fifths vote in order to add it to the Agenda.

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE ADDING AN URGENCY ITEM ON THE AGENDA AFTER ITEM NUMBER 7.

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 11, 2010.

RECOMMENDATION: That City Council approve City Council Minutes of January 11, 2010.

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2. **SUBJECT:** EXTEND DECLARATION OF LOCAL EMERGENCY DUE TO FIRES IN THE CITY OF YUCAIPA.

RECOMMENDATION: That City Council extend the declaration of a local emergency approved on September 4, 2009, thereby recognizing the continued existence of perilous conditions in the aftermath of the Pendleton Fire.

ACTION: MOTION BY COUNCILMEMBER HOYT, SECOND BY COUNCILMEMBER SMITH, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 2.

PUBLIC COMMENT

None

STUDY SESSION

8. **SUBJECT:** REVIEW OF POTENTIAL HEALTH RISKS CAUSED BY WIRELESS COMMUNICATIONS BASE STATION.

RECOMMENDATION: That City Council conduct a study session and

1. Review the written analysis prepared by Asher Sheppard, PhD pertaining to the potential for adverse health effects caused by Wireless Communication Facilities; and
2. Direct staff, as appropriate.

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

Asher Sheppard, PhD, Asher Sheppard Consulting, presented his report and addressed questions raised by Council.

Patti Spitzer, Yucaipa, stated her concerns with the proposed cell tower and reiterated her belief that the tower will present long-term health risks for our school children. Ms. Spitzer urged Council to adopt the "precautionary principle," and consider choosing a different site for the tower.

Paul Bolock, Yucaipa, stated that he hopes Council will be transparent in regards to any transmitting device located in the City and emphasized the need for the City to develop a cell tower master plan. Mr. Bolock asked Council to consider moving the site for the tower because of a lack of proof that its microwaves are harmless.

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Julie Bolock, Yucaipa, stated that she has researched this item and raised her concerns pertaining to the City following its own General Plan and commented that it appears the City has been inconsistent in following its own code.

Marla Kirk, Yucaipa, stated her concerns with the proposed cell tower and requested that Council take precautionary measures in its decision. Ms. Kirk cited various articles that support the possibility of adverse health effects caused by cell towers and urged Council to locate towers out of schools, parks, and residential zones.

Dr. Sheppard responded to concerns raised during public comment.

Director of Community Development McMains provided clarification regarding local policy as it pertains to the regulation of cell towers and addressed questions relative to the General Plan and the cell tower application process.

After discussion, it was Council consensus to direct staff to review the possibility of an additional requirement through the City's CUP/lease agreement process that would mandate that cell tower companies perform on-going tests to ensure that the towers stay within regulations and to review policies and regulations implemented by other cities.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

None

POSSIBLE ACTION ON PENDING LEGISLATION

None

DEPARTMENT REPORTS

3. **SUBJECT:** PUBLIC NUISANCE ABATEMENT AT 12199 BRYANT ST. AND 13691 CALIMESA BLVD.

RECOMMENDATION: That City Council approve, and authorize the City Manager to execute, an Agreement for Contractor Services with Pacific Cascade Construction for public nuisance abatement services at 12199 Bryant Street (Harvey Ashton) and 13691 Calimesa Boulevard (Edwin Banta).

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

Edwin Banta, 13691 Calimesa Boulevard property owner, requested clarification regarding the violations and requested additional time to comply.

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After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE STAFF RECOMMENDATION.

Mayor Pro Tem Drusys requested that the Minutes reflect that the cost of the abatement services assessed to the property owners will be based on how much material is removed from the property.

4. **SUBJECT:** AWARD OF CONTRACT – YUCAIPA BOULEVARD IMPROVEMENTS, 12TH STREET TO 15TH STREET, PHASE II - PROJECT NO. 10702.

RECOMMENDATION: That City Council:

1. Award 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 bidder, Vance Corporation of Rialto, CA in the amount \$562,817.40 for the Yucaipa Boulevard Improvements (Phase II, base bid only), from 12th to 15th Street, Project No 10702; and
2. Authorize a construction contract contingency amount of \$84,000 and construction administration, construction inspection, monitoring, and surveying in the amount of \$110,000 for a total project construction budget of \$756,817; and
3. Amend the Fiscal Year 2009/2010 Capital Improvement Program (CIP) to include the \$555,491.86 in SANBAG Local Stimulus Program funding for this project; and
4. Accept a grant of easement for highway and road purposes and a grant of easement for sidewalk purposes (APN 301-051-64) for right of way located at 32575 Yucaipa Boulevard for an amount not-to-exceed \$90,000, and design, construction and administration staff time for the relocation of the front portion of the existing building for an amount not-to-exceed \$35,000; and
5. Accept a grant of easement for highway and road purposes (APN 301-051-54) for right of way located at 32525 Yucaipa Boulevard for an amount not-to-exceed \$8,094, and compensation to patch and slurry seal the existing parking lot for an amount not to-exceed \$2,000; and
6. Approve \$3,000 for closing/acquisition costs associated with the offers of dedication; and

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7. Authorize the City Manager to execute the necessary documents to complete the acquisition process; and
8. Approve the plans and specifications prepared for this project.

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

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE STAFF RECOMMENDATION.

ADJOURN CITY COUNCIL AND CONVENE REDEVELOPMENT AGENCY

City Council adjourned. Redevelopment Agency convened. (RDA proceedings are contained in separate Minutes)

CONVENE JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY

City Council reconvened.

5. **SUBJECT:** AWARD OF CONTRACT – CONSTRUCTION MANAGEMENT, COORDINATION, AND INSPECTION FOR THE UPTOWN STREETScape PROJECT.

RECOMMENDATION:

That the City Council:

- a) Amend the 2009/2010 CIP to include an additional \$100,000 in PMP funds for Phase 2a of the Uptown Streetscape project from unallocated PMP funds.

That the Redevelopment Agency Board:

- a) Award and authorize the Executive Director to execute a contract and his designee to administer the terms of the contract with Vali Cooper, Inc. in an amount not-to-exceed \$99,898 for Construction Management, Coordination, and Inspection of Phase 2a of the Uptown Streetscape project; and
- b) Review the alternate streetscape design components and direct staff as to which components, if any, to include or eliminate as part of the scope of construction; and
- c) Direct staff to develop listing of eligible RDA projects for Agency prioritization; and

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- d) Direct staff to develop overall RDA funding options for agency consideration and approval

DISCUSSION: Planning Manager Toomey presented the Agenda Report.

After discussion, the following Motions were made:

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY MAYOR RIDDELL, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE THE CITY COUNCIL PORTION OF STAFF RECOMMENDATION AND TO RETURN TO COUNCIL WITH INFORMATION PERTAINING TO ROUNDABOUTS.

ACTION: MOTION BY AGENCY MEMBER DRUSYS, SECOND BY AGENCY MEMBER RIDDELL, CARRIED 4-0-1-0 (AGENCY VICE-CHAIRPERSON MASNER ABSENT), TO APPROVE THE REDEVELOPMENT AGENCY PORTION OF STAFF RECOMMENDATION.

6. **SUBJECT:** 2009-10 MID-YEAR BUDGET REPORT.

RECOMMENDATION:

1. That City Council receive the 2009-10 Mid-Year Budget report and take the following actions:
 - A. Review the revenue and expense accounts of the General Fund and:
 1. Adjust the revenue estimates for the Triple Flip and Vehicle License Fee Swap accounts by the amounts of (\$113,327) and (\$104,229), respectively, for a total adjustment to these revenue accounts in the net amount of (\$217,556); and
 2. Adjust the revenue estimates for Property Taxes, Sales Taxes, and Interest by the amounts of (\$96,000), (\$150,000) and (\$250,000) to reflect the anticipated level of activity, respectively; and
 3. Adjust the estimate for interfund transfers by the amount of \$405,000, to reflect the anticipated level of activity and interest earnings on development funds; and
 4. Adjust the revenue estimates in the Community Services Department by the amount of \$16,250 to reflect an increase in sports field usage fees; and

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5. Adjust the expense estimates by the amount of (\$280,000), as outlined in this report, to reflect anticipated savings in departmental expenses to offset the reduction in revenue; and
6. Authorize the allocation of \$12,306 from proceeds received through the Proposition 1A Securitization Program; and

B. Review the City's 2009-10 Capital Improvement Program and:

1. Amend the CIP to reflect available carryover balances in development impact fee accounts by the following amounts; Drainage--\$57,795, Fire Facilities--\$13,342, Park Facilities--\$6,454, Public Facilities--\$35,652 and Traffic Facilities--\$239,250, and
 2. Transfer the net amount of \$339,447 from the Gas Tax Fund (\$48,884), Traffic Congestion Relief Program (\$439,013), and Measure I Fund -\$148,850 to the Street Capital Projects Fund, and allocate the total amount of \$339,447 to the 2009-10 Pavement Management Program.
2. That the Board of Directors of the Redevelopment Agency approve and authorize the allocation of \$439,683 from the carryover balance in the RDA Capital Projects Fund to cover the Agency's share of the ERAF shift for fiscal year 2009-10, if required, pending the outcome of the opposition lawsuit filed by the CRA.

DISCUSSION: City Manager Casey and Director of Administrative Services Franklin presented the Agenda Report.

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER SMITH, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE THE CITY COUNCIL PORTION OF STAFF RECOMMENDATION.

ACTION: MOTION BY AGENCY MEMBER DRUSYS, SECOND BY AGENCY MEMBER RIDDELL, CARRIED 4-0-1-0 (AGENCY VICE-CHAIRPERSON MASNER ABSENT), TO APPROVE THE REDEVELOPMENT AGENCY PORTION OF STAFF RECOMMENDATION.

ADJOURN THE REDEVELOPMENT AGENCY

Redevelopment Agency adjourned.

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Amended – Item
No. 7 Action

PUBLIC HEARING

7. **SUBJECT:** ANNUAL REVIEW OF CAPITAL FACILITIES ACCOUNTS FOR FISCAL YEAR 2008-2009.

RECOMMENDATION: That City Council conduct a public hearing and review and accept the report on Capital Facilities Accounts for Fiscal Year 2008-2009.

DISCUSSION: Mayor Riddell opened the Public Hearing Item No. 7. Director of Community Development McMains presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

ACTION: MOTION BY COUNCILMEMBER HOYT, SECOND BY MAYOR RIDDELL, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE STAFF RECOMMENDATION.

URGENCY ITEM

SUBJECT: RATIFICATION OF THE CITY OF YUCAIPA CITY MANAGER DISASTER PROCLAMATION DUE TO FLOOD AND SNOW STORM IN THE CITY OF YUCAIPA.

RECOMMENDATION: That City Council adopt Resolution No. 2010-04, ratifying the Proclamation of the existence of a local emergency by the City Manager.

DISCUSSION: City Manager Casey presented the Agenda Report.

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (COUNCILMEMBER MASNER ABSENT), TO APPROVE STAFF RECOMMENDATION.

ANNOUNCEMENTS

Interim City Attorney Estrada announced the Closed Session items.

CLOSED SESSION

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No(s). 0301-052-66, 0301-052-67 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Smith, Crawford, Madrid - Under Negotiation: Price and Terms of Payments

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 319-061-05, - City Negotiator: Ray Casey, City Manager - Negotiating Party: County of San Bernardino - Under Negotiation: Price and Terms of Payments

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ADJOURNMENT

The meeting adjourned. The next regularly scheduled meeting will be February 8, 2010 at 6:00 PM.


DICK RIDDELL, MAYOR

ATTEST:


JENNIFER SHANKLAND
CITY CLERK