

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 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 May 27, 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**

Outgoing Police Captain Bart Gray introduced incoming Police Captain Lee Hamblin. On behalf of City Council, Mayor Riddell presented Captain Gray with a Proclamation.

**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 MAY 11, 2009.

**RECOMMENDATION:** That City Council approve City Council Minutes of May 11, 2009.

2. **SUBJECT:** SPECIAL EVENT APPLICATION – CALIMESA LIONS CLUB PICNIC IN THE PARK.

**RECOMMENDATION:** That City Council approve the Special Event Application submitted by the Calimesa Lions Club to conduct a picnic on Saturday, June 6, 2009 at the Yucaipa Community Park.

3. **SUBJECT:** SPECIAL EVENT APPLICATION – HIGH SCHOOL GRADUATION AND FIREWORKS DISPLAY.

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

**RECOMMENDATION:** That City Council:

1. Approve the Special Event Application submitted by the Yucaipa High School to conduct graduation ceremonies and a fireworks display on Wednesday, June 10, 2009 at the Yucaipa High School; and
  2. Authorize temporary street and lane closures; and
  3. Agree to co-sponsor the event by waiving the Special Event Application fee.
4. **SUBJECT:** SPECIAL EVENT APPLICATION – U.S.A. RED/WHITE SHORT COURSE SWIM MEET.

**RECOMMENDATION:** That City Council:

1. Approve the Special Event Application submitted by the Yucaipa Swim Team to conduct a USA Red/White Short Course Swim Meet on Friday, June 19 and Saturday, June 20, 2009 at the 7<sup>th</sup> Street Park swimming pool; and
  2. Agree to co-sponsor the event by waiving the Special Event Application fee.
5. **SUBJECT:** DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IMPLEMENTATION AGREEMENT.

**RECOMMENDATION:** That City Council adopt Resolution No. 2009-17 approving and adopting the California Department of Transportation's (Caltrans) Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies and authorizing the City Engineer to execute the Agreement.

6. **SUBJECT:** AWARD OF CONTRACTS: 1) DEMOLITION AND SITE GRADING OF EXISTING RESTROOM FACILITY AT AVENUE I PARK- PROJECT NO. 10775; 2) AVENUE "I" PARK RESTROOM CONSTRUCTION- PROJECT NO. 10758.

**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, Wreck Age Demolition, Inc., of Chino Hills, CA in the amount of \$5,650.00; and
2. Authorize a contingency of \$565.00 for a total budget of \$6,215.00 for the "Demolition and Site Grading of Existing Restroom Facility At Avenue I Park- Project No. 10775"; and

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

3. 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, Woodburn Construction, of Arcadia, CA in the amount of \$124,888.00; and
4. Authorize a contingency of \$12,488.00 for a total budget of \$137,376.00 for the "Avenue "I" Park Restroom Construction- Project No. 10758"; and
5. Approve the Plans and Specifications for these projects.
7. **SUBJECT:** AWARD OF CONTRACT- FURNISH HDPE 2 RAIL FENCING MATERIAL- PROJECT NO. 10774.

**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, Innovative Equine Systems of Minden, NV in the amount of \$19,938.00 to "Furnish HDPE 2 Rail Fencing Material- Project No. 10774"; and
2. Approve the Plans and Specifications for this project.
8. **SUBJECT:** AUTHORIZE THE SALE OF SURPLUS ITEMS.  
**RECOMMENDATION:** That City Council authorize the sale/disposal of surplus items from the City parks storage facilities.
- 8A. **SUBJECT:** DECLARING SEVERE FISCAL HARDSHIP IF THE STATE SEIZES LOCAL PROPERTY TAX FUNDS

**RECOMMENDATION:** That City Council adopt Resolution No. 2009-19, declaring a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-1 (COUNCILMEMBER MASNER VOTED NOE), TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 8A.

**PUBLIC COMMENT**

None.

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

**MAYOR AND COUNCILMEMBER BUSINESS**

Mayor Riddell noted that Yucaipa High School student Trevor Hoyt earned the 37th Ken Hubbs Award and the Yucaipa High School Male Athlete of the Year award.

9. **SUBJECT:** ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP.

**RECOMMENDATION:** That City Council confirm the appointment of Clinton Brown as the representative, and Peter Bouzos as the alternate, for the Public-At-Large, and Greg Bogh as the representative, and Richard Siegmund as the alternate, for the Local Developer on the Economic Development Advisory Committee.

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

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

**POSSIBLE ACTION ON PENDING LEGISLATION**

Councilmember Masner reported that the State filed notice that it will appeal the recent Sacramento Superior Court decision concerning the California Redevelopment Association and provided a brief summary of the May revised proposals released by the Governor.

City Manager Casey noted that the City continues to work on grant opportunities and provided an update regarding the status of a recent Federal Stimulus Grant submitted by the City.

Mayor Riddell announced that a Ribbon-Cutting Ceremony marking the completion of the Interstate 10/Live Oak Canyon Road Interchange reconstruction project will be held on May 28<sup>th</sup> at 10:00 AM.

**DEPARTMENT REPORTS**

10. **SUBJECT:** AWARD OF CONTRACT –YUCAIPA BLVD WIDENING & SIDEWALK SOUTH SIDE, FROM 5<sup>TH</sup> TO 12<sup>TH</sup> STREETS, PHASE I, PROJECT NO. 10663, ACCEPT A GRANT OF EASEMENT.

**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, International Paving Solutions, Inc., (IPS) of San Bernardino, CA for the Yucaipa

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

Blvd. South Side Widening and Sidewalk From 5<sup>th</sup> to 12<sup>th</sup> Streets, Phase 2, Project No. 10663 in the amount \$528,385.00 for the base bid and \$103,271.00 for the Additive Alternate for a total contract amount of \$631,656.00; and

2. Authorize a contingency amount of \$125,000; and
3. Accept Grant of Easement from Michael and Lucille Landavazo for right of way along Yucaipa Blvd.

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

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

**PUBLIC HEARING**

The order of Business for the Public Hearing Shall Be:

- A. Open Public Hearing
- B. Staff Presentation
- C. Applicant Representatives Presentations
- D. Public Comments
- E. Applicant Representatives Rebuttals
- 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.**

11. **SUBJECT:** GRANDVIEW WEST APPEAL OF DECISION OF THE MOBILEHOME RENT REVIEW COMMISSION.

**RECOMMENDATION:** That the City Council conduct a Public Hearing and:

1. Adopt a Motion to affirm that the Commission's decision as set forth in Resolution No. 2009-10 is supported by substantial evidence, and the Commission proceeded in accordance with the Ordinance and applicable law; and
2. Adopt a Motion to deny Claims No. 1 through 9 of Grandview West's appeal; and

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

3. Adopt a Motion to deny Claims No. 1 and 2 of YMRA's appeal; and
4. Adopt a Motion authorizing the City Council's legal counsel to prepare a written Resolution memorializing its findings and decisions.

**DISCUSSION:** Mayor Riddell provided an overview of the Hearing process and explained that each appellant would be allotted 20 minutes to present argument and 10 minutes to present rebuttal; however, attorneys for both appellants had agreed that 20 minutes to present arguments would be sufficient. Mayor Riddell announced that the choice to present argument first or second would be determined by the winner of a coin toss and further explained that whoever presents first will have a three-minute rebuttal; the one who presents second will have no rebuttal. Interim City Attorney Estrada announced that the coin toss was held prior to the meeting and that Mr. Alpert would be presenting first. Mayor Riddell opened the Public Hearing Item No. 11.

Director of General Services/City Clerk/Rent Administrator Shankland and City Staff Attorney Don Lincoln, Endeman, Lincoln, Turek & Heater, LLP, presented the Agenda Report and addressed Council questions.

The following persons deferred their three-minute time limit to speaker Sharon Nove: Ruetta Jones, Pauline Boatright, and Cathy Brown.

Sharon Nove, Grandview West resident, stated concerns with the Park Owner's application, questioned specific expenses listed in the application, and claimed that the Park Owners did not meet their burden of proof for an increase.

The following persons deferred their three-minute time limit to speaker Mary Wambsganss: Andy Anderson, JoAnn Anderson, Jim Theuber, Bob Kamara, Judy Johnson, and Grace Greco.

Mary Wambsganss, Grandview West resident, stated concerns with the Park Owner's application, commented on several expenses listed in the application, and claimed that any increase would negatively impact the residents.

The following person deferred her three-minute time limit to speaker William Wambsganss: Elizabeth Turton.

William Wambsganss, Grandview West resident, questioned the validity of the expenses in the application and asserted that the Park Owner's should not be allowed an increase based on the application submitted.

Council directed questions to staff at the conclusion of public comment. Staff addressed Council questions.

City of Yucaipa  
City Council Minutes  
Regular Meeting of May 27, 2009

---

Mark Alpert, of Hart, King & Coldren, 200 E. Sandpoint, Suite 400, Santa Ana, CA 92707, attorney representing Grandview West Mobilehome Park, provided testimony on behalf of the Applicant and addressed Council questions.

Joseph McGinley, Esq., 30021 Tomas Street, Suite 300, Rancho Santa Margarita, CA 92688, attorney representing YMRA, provided testimony on behalf of the residents of Grandview Mobilehome Park.

Mark Alpert, attorney representing Valley Breeze Mobilehome Park, provided rebuttal on behalf of the Applicant.

Mayor Riddell closed the Public Hearing at 8:29 p.m. Council recessed and reconvened at 8:40 p.m.

After Council deliberation, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 4-1 (COUNCILMEMBER MASNER VOTED NOE), TO DENY THE COMMISSION'S DECISION AS SET FORTH IN RESOLUTION NO. 2009-10, DENY THAT THE GRANDVIEW WEST NOI/FAIR RETURN APPLICATION IS SUPPORTED BY SUBSTANTIAL EVIDENCE, DENY CLAIMS 1 THROUGH 9 OF GRANDVIEW WEST'S APPEAL, AFFIRM CLAIMS NO. 1 AND 2 OF YMRA'S APPEAL, AND TO DIRECT THE CITY ATTORNEY TO PREPARE A WRITTEN RESOLUTION MEMORIALIZING ITS FINDINGS AND DECISIONS.**

**ANNOUNCEMENTS**

None.

**ADJOURN CITY COUNCIL AND CONVENE REDEVELOPMENT AGENCY**

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

The next regularly scheduled meeting will be June 8, 2009 at 6:00 PM.

  
\_\_\_\_\_  
DICK RIDDELL, MAYOR

ATTEST:

  
\_\_\_\_\_  
JENNIFER SHANKLAND  
CITY CLERK