

City of Yucaipa  
City Council Minutes  
Regular Meeting of June 22, 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 June 22, 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 Hamblin.

**CONSENT AGENDA**

Mayor Riddell asked if there were any Consent Agenda items to be removed for discussion. Item No. 4 was removed for discussion by Councilmember Smith. Item No. 5 was removed for discussion by Mayor Pro Tem Drusys.

1. **SUBJECT:** APPROVE COUNCIL MINUTES OF JUNE 8, 2009.

**RECOMMENDATION:** That City Council approve City Council Minutes of June 8, 2009.

2. **SUBJECT:** SPECIAL EVENT APPLICATION – YUCAIPA JUNIOR ALL AMERICAN FOOTBALL “KICK OFF NIGHT”.

**RECOMMENDATION:** That the City Council approve the Special Event Application submitted by Yucaipa Junior All American Football to conduct their “Kick Off Night” event on Wednesday, July 15, 2009 at the Yucaipa Community Park.

3. **SUBJECT:** SPECIAL EVENT APPLICATION – VISION QUEST “ART ON THE BOULEVARD”.

**RECOMMENDATION:** That the City Council:

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1. Approve the Special Event Application submitted by Vision Quest to conduct an "Art on the Boulevard" event on Saturday, June 27, 2009 at the John Tooker Civic Park; and
2. Waive the Special Event Application fee; and
3. Allow the applicant to utilize the City Hall restrooms; and
4. Authorize City staff to set additional conditions including fees as deemed necessary.

6. **SUBJECT:** LIMITED TERM POSITION – ACCOUNTING TECHNICIAN.

**RECOMMENDATION:** That City Council:

1. Approve the extension of the limited term Accounting Technician position through June 30, 2010; and
2. Authorize staff to include the limited term position within the 2009-2010 Budget.

7. **SUBJECT:** APPROVAL OF REVISED CONTRACT FOR THE PASS-THROUGH OF HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE FUNDS, PROJECT NUMBER B-06-SP-CA-0113, RECEIVED BY THE CITY TO SAN BERNARDINO COUNTY FOR THE DESIGN AND CONSTRUCTION OF THE YUCAIPA REGIONAL PARK SPORTS COMPLEX SPORTS LIGHTING PROJECT.

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute a revised contract, and the City Manager or his designee to administer the terms of the revised contract, with San Bernardino County for the pass through of U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects Grant Funds, Project Number B-06-SP-CA-0113 received by the City to San Bernardino County for the design and construction of the Yucaipa Regional Park Sports Complex Soccer Lighting Project in an amount not to exceed \$346,500.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER MASNER, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 3 AND AGENDA ITEMS NO. 6 THROUGH 7.

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**ITEMS REMOVED FOR DISCUSSION**

4. **SUBJECT:** RESOLUTION NO. 2009-29 – LITIGATION OVER UNCONSTITUTIONAL DIVERSION OF LOCAL SHARE OF MOTOR FUEL (GAS) TAX.

**RECOMMENDATION:** That City Council adopt Resolution No. 2009-29 challenging the constitutionality of any seizure by state government of the City's street maintenance funds.

After discussion, the following Motion was made:

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

5. **SUBJECT:** ANIMAL CARE AND CONTROL AGREEMENT.

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute an extension to the agreement with the County of San Bernardino for the provision of animal care, control and canvassing services in an amount not to exceed \$450,275.

After discussion, the following Motion was made:

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

**PUBLIC COMMENT**

Jessica Wilcox, Yucaipa, stated that she is thankful for the new skate park at 7<sup>th</sup> Street and noted that she has observed children using the skate park without wearing safety helmets and has also observed children smoking cigarettes. Ms. Wilcox expressed her concerns with these issues and commented on the enforcement of the City's park rules and regulations.

Bill McEwen, Yucaipa, spoke regarding low-income non-profit mobilehome parks within the City and commented that the park managers are doing a good job maintaining the parks.

**MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)**

None

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**POSSIBLE ACTION ON PENDING LEGISLATION**

None

**DEPARTMENT REPORTS**

8. **SUBJECT:** NEIGHBORHOOD STABILIZATION PROGRAM 2 GRANT APPLICATION.

**RECOMMENDATION:** That the City Council direct staff to proceed with the preparation of the application, and subsequent submittal, for a grant from the Federal Government for neighborhood stabilization and revitalization.

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

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

9. **SUBJECT:** IMPLEMENTATION OF A COMPREHENSIVE LAND MANAGEMENT SOFTWARE SYSTEM.

**RECOMMENDATION:** That City Council:

1. Approve, and authorize the City Manager to execute, Project Change Order # 2009-02 authorizing additional CityView programming modifications and on-site training from Municipal Software Corporation, in an amount not to exceed \$60,000; and
2. Authorize the allocation of \$60,000 from the Planning Division's current Professional Services Account to fund Project Change Order # 2009-02.

**DISCUSSION:** Director of Community Development McMains 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.**

10. **SUBJECT:** WATER AGENCY CONSOLIDATION.

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**RECOMMENDATION:** That City Council authorize the Mayor to sign a letter objecting to the proposed merger of Yucaipa Valley Water District and the Beaumont Cherry Valley Water District.

**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 SMITH, CARRIED 4-1 (COUNCILMEMBER MASNER VOTED NOE), TO APPROVE STAFF RECOMMENDATION AND TO AMEND THE LETTER TO EMPHASIZE A STRONGER OBJECTION TO THE MERGER AND TO ADD LANGUAGE THAT THE DECISION IS THE ACTION OF THE ENTIRE CITY COUNCIL.

11. **SUBJECT:** ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS – AMERICAN RECOVERY AND REINVESTMENT ACT.

**RECOMMENDATION:** That the City Council review and approve an application for \$439,100 in formula funding from the American Recovery and Reinvestment Act to offset the cost of energy efficiency measures and the installation of a PV Solar Energy system for the City's public facilities.

**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.

12. **SUBJECT:** IMPLEMENTATION OF GASB STATEMENT NO. 45.

**RECOMMENDATION:** That City Council:

1. Review the provisions of GASB Statement No. 45; and
2. Direct staff to create an Internal Service Fund within the City's General Ledger for the sole purpose of accounting for the Unfunded Actuarial Accrued Liability, relative to the City's Other Post Employment Benefit obligations; and

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3. Authorize an allocation in the amount of \$468,320 from the General Fund Undesignated Fund Balance to the Internal Service Fund to encumber the amount equal to the Unfunded Actuarial Accrued Liability.

**DISCUSSION:** Director of Administrative Services Franklin 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.

**CONVENE JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY**

Redevelopment Agency convened.

13. **SUBJECT:** FISCAL YEAR 2009-2010 BUDGET AND CAPITAL IMPROVEMENT PROGRAM.

**RECOMMENDATION:**

That City Council:

1. Adopt Resolution No. 2009-23 approving fiscal year 2009-2010 Budgets for the City of Yucaipa General Fund, Special Revenue funds, Capital Projects funds, the Internal Service Fund, and the 2009-2010 Capital Improvement Program; and
2. Adopt Resolution No. 2009-24, adjusting the Appropriations Limit for fiscal year 2009-2010; and
3. Adopt Resolution No. 2009-25, adopting the Measure I, Five-Year Capital Improvement Program; and
4. Adopt Resolution No. 2009-26, authorizing a loan in the amount of \$1,455,000 from the City's General Fund reserves to the Yucaipa Redevelopment Agency; and

That the Redevelopment Agency:

1. Adopt Resolution No. 2009-27, approving the 2009-2010 Redevelopment Agency Budget and the 2009-2010 Capital Improvement Program; and

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2. Adopt Resolution No. 2009-28, approving a loan in the amount of \$1,455,000 from the City's General Fund to fund the 2009-2010 RDA operations.

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

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE THE CITY COUNCIL ACTION ITEMS.

**ACTION:** MOTION BY AGENCY MEMBER SMITH, SECOND BY AGENCY MEMBER DRUSYS, CARRIED 5-0, TO APPROVE THE REDEVELOPMENT AGENCY ACTION ITEMS.

**ADJOURN CITY COUNCIL**

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

**ADJOURN THE REDEVELOPMENT AGENCY AND CONVENE CITY COUNCIL**

Redevelopment Agency adjourned. City Council reconvened.

**PUBLIC HEARINGS**

The order of Business for the Public Hearing Shall Be:

- A. Open Public Hearing
- 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.**

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14. **SUBJECT:** RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY INTERESTS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY'S PROPOSED YUCAIPA BOULEVARD SOUTH SIDE WIDENING PROJECT FROM 5TH TO 12TH STREETS.

**RECOMMENDATION:** That City Council:

1. Adopt Resolution No. 2009-22 attached hereto and incorporated herein (including exhibits) by reference, Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisitions Thereof in Connection with the City's Proposed Yucaipa Boulevard South Side Widening Project from 5th to 12th Streets; and
2. Conduct a public hearing on the adoption of the proposed Resolution of Necessity; and
3. Find, based on the evidence contained and referred to in this Report, the testimony and comments received at this hearing, and all written testimony submitted to the City Council, that the evidence warrants the necessary findings with respect to Resolution Nos. 2009-22, (which requires a 4/5 vote of the entire Council); and
4. Authorize the City Attorney's office and City staff to file and prosecute an eminent domain proceeding to acquire the real property interests identified in the Resolution of Necessity and to take all necessary steps to deposit with the Court the amount of probable compensation required by law for issuance of an Order for Possession; and
5. Authorize the City Manager to execute all necessary documents.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 14. Director of Public Works/City Engineer Hemsley presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

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

15. **SUBJECT:** CITY OF YUCAIPA (CASE NO. 09-063/DCA); DEVELOPMENT CODE AMENDMENT TO PROVIDE STANDARDS FOR THE CONVERSION OF SENIOR-ONLY MOBILE HOME PARKS TO ALL-AGE MOBILE HOME PARKS.

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**RECOMMENDATION:** That Council continue the public hearing on this item to the next regularly scheduled City Council meeting on July 13, 2009.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 15. Director of Community Development McMains presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

**ACTION: MOTION BY COUNCILMEMBER MASNER, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO CONTINUE THE PUBLIC HEARING ON THIS ITEM TO THE JULY 13, 2009 CITY COUNCIL MEETING.**

**ANNOUNCEMENTS**

Mayor Pro Tem Drusys spoke regarding the status of the proposed taxation structure for the State of California relative to the budget crisis.

Councilmember Masner provided commentary regarding the budget crisis.

Interim City Attorney Estrada announced the Closed Session items.

**CLOSED SESSION**

Conference with Labor Negotiator [Gov't Code §54957.6] 1 item - Agency Negotiator: Ray Casey, City Manager; Unrepresented Management, Supervisory and Confidential Employees.

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 - Statements in letter from MHET (dated June 3, 2009)

**ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be July 13, 2009 at 6:00 PM.

  
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DICK RIDDELL, MAYOR

ATTEST:

  
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JENNIFER SHANKLAND  
CITY CLERK