

City of Yucaipa  
City Council Minutes  
Regular Meeting of July 27, 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 July 27, 2009 at 6:00 PM.

**PRESENT:** Dick Riddell, Mayor  
Allan Drusys, D.V.M., Mayor Pro Tem (arrived at 6:11 PM)  
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:** Allan Drusys, D.V.M., Mayor Pro Tem (arrived at 6:11 PM)

**CONVENE CITY COUNCIL**

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

**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 JULY 13, 2009.

**RECOMMENDATION:** That City Council approve City Council Minutes of July 13, 2009.

2. **SUBJECT:** CANCELLATION OF AUGUST 24, 2009 COUNCIL MEETING.

**RECOMMENDATION:** That City Council cancel its regularly scheduled meeting of August 24, 2009.

3. **SUBJECT:** LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 98-1 OF THE CITY OF YUCAIPA (CHAPMAN HEIGHTS) FOR FISCAL YEAR 2009-2010.

**RECOMMENDATION:** That City Council adopt Resolution No. 2009-40 authorizing the levy of special taxes within Community Facilities District No. 98-1 of the City of Yucaipa (Chapman Heights) for Fiscal Year 2009-2010.

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4. **SUBJECT:** SPECIAL ASSESSMENT FOR YUCAIPA PARAMEDIC PROGRAM.

**RECOMMENDATION:** That City Council adopt Resolution Number 2009-42, fixing the Special Tax for fiscal year 2009-2010 for the Yucaipa Paramedic Program at the following rates:

Residential Dwelling Unit	\$ 52
Small Commercial Unit	\$ 78
Large Commercial Unit (>10,000 sq. ft.)	\$156
Residential Care Facility	\$ 78 plus \$3 per bed over 26

5. **SUBJECT:** PROPERTY AND BUSINESS IMPROVEMENT DISTRICT.

**RECOMMENDATION:** That City Council receive and file the Annual Fiscal Report prepared by the Advisory Board of the Yucaipa Village Square Management District #1.

6. **SUBJECT:** AGREEMENT FOR YUCAIPA VALLEY WATER DISTRICT PROVIDING NON-POTABLE WATER TO THE OAK GLEN CREEK DETENTION BASIN.

**RECOMMENDATION:** That City Council:

1. Approve and authorize the Mayor to execute an agreement with Yucaipa Valley Water District to provide non-potable water to the Oak Glen Creek Detention Basin ; and
2. Authorize the City Manager or his designee to administer the terms of the agreement.

7. **SUBJECT:** OAK GLEN CREEK (WILSON II) BASINS – ENDOWMENT AGREEMENT WITH INLAND EMPIRE RESOURCE CONSERVATION DISTRICT.

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute an Endowment Funding Agreement with the Inland Resource Conservation District (IERCD) for the Oak Glen Creek/Wilson II Basins project.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR RIDDELL, CARRIED 4-0-1-0 (MAYOR PRO TEM DRUSYS ABSENT), TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 7.

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**PUBLIC COMMENT**

None.

**MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)**

8. **SUBJECT:** ACA 8 – RESOLUTION TO PROPOSE TO THE PEOPLE RELATING TO MEETINGS OF THE LEGISLATURE.

**RECOMMENDATION:** That City Council consider and direct staff as appropriate regarding Assembly Constitutional Amendment (ACA) No. 8.

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

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (MAYOR PRO TEM DRUSYS ABSENT), TO SEND A LETTER IN SUPPORT OF ACA NO. 8 AND SIGNED BY CITY COUNCILMEMBERS.

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

**RECOMMENDATION:** That City Council:

1. Approve Linda La Pierre Ortiz as the representative for public utilities; and
2. Receive a report on the implementation of the goals and objectives of the Economic Development Advisory Committee; and
3. Direct staff as appropriate.

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

After Council discussion, the following Motions were made:

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0 TO APPROVE THE APPOINTMENT OF LINDA LA PIERRE ORTIZ TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.

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**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 3-2 (COUNCILMEMBERS SMITH AND MASNER VOTED NOE) TO REQUEST THE CITY MANAGER TO SEND A LETTER TO GLORIA MACIAS-HARRISON, CRAFTON HILLS COLLEGE PRESIDENT, TO DETERMINE THE CONTINUATION OF THE COLLEGE'S MEMBERSHIP ON THE COMMITTEE.**

It was Council consensus that the EDAC move forward with a general marketing program for Council consideration as detailed in item numbers 3, 4, 5, 6, 7 and 8 of the staff report.

**ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO DIRECT STAFF TO RETURN TO COUNCIL WITH AN AMENDED RESOLUTION REFLECTING A CHANGE IN THE EDAC COMMITTEE'S REGULAR MEETING SCHEDULE.**

**POSSIBLE ACTION ON PENDING LEGISLATION**

None

**DEPARTMENT REPORTS**

10. **SUBJECT: AWARD OF CONTRACTS -- AVENUE E INTERSECTIONS ROAD IMPROVEMENT DESIGN.**

**RECOMMENDATION: That City Council:**

1. Award and authorize the City Manager to execute a contract and his designee to administer the terms of the contracts with AEI-Casc Consulting in the not-to-exceed amount of \$90,000; and
2. Approve \$4,000 for contract contingencies and \$4,000 for staff time and contract administration for a total Avenue E Intersections Road Improvement Design budget of \$98,000.

**DISCUSSION: Director of Public Works/City Engineer Hemsley 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.**

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11. **SUBJECT:** AWARD OF DESIGN AND ENGINEERING CONTRACT FOR THE EQUESTRIAN CENTER/NEIGHBORHOOD PARK RETROFIT PROJECT AND TO CONDUCT A FEASIBILITY STUDY FOR A BMX FACILITY.

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute a contract with Moore, Iacofano, Goltsman, Inc., in the amount of \$104,580, to perform Design and Engineering Services for the Equestrian Center/Neighborhood Park Retrofit Project and to conduct a Feasibility Study for a BMX Facility.

**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 SMITH, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.

**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.**

12. **SUBJECT:** FORWARDING CERTIFIED SOLID WASTE LIEN LIST TO THE COUNTY OF SAN BERNARDINO FOR ADDITION TO THE PROPERTY TAX ROLLS.

**RECOMMENDATION:** That City Council conduct a Public Hearing and subsequently adopt Resolution No. 2009-41 forwarding amounts remaining unpaid on the Certified Solid Waste Lien List to the County of San Bernardino for addition to the 2009-2010 Property Tax Rolls as a Special Assessment.

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**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 12. Director of Administrative Services Franklin presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

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

13. **SUBJECT:** ESTABLISHMENT OF LIENS FOR THE COLLECTION OF UNPAID CIVIL FINES AND PENALTIES.

**RECOMMENDATION:** That City Council conduct a public hearing and subsequently adopt Resolution No. 2009-39, to forward the amounts remaining unpaid on the Certified Record of Delinquent Code Enforcement Civil Fines and Penalties to the County of San Bernardino Recorder for recordation as a lien against the subject property.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 13. Director of Community Development McMains presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

**ACTION:** MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO REDUCE THE FINES ASSESSED TO PROPERTY OWNER GAY TO \$200 AND TO FORGIVE THE REMAINING AMOUNT ASSESSED SUBJECT TO COMPLETION OF THE DEDICATION AND PAYMENT OF THE \$200 WITHIN 12 MONTHS. IF THE PROPERTY REMAINS ON THE LIEN LIST NEXT YEAR, THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE ORIGINAL FINE PLUS 10% INTEREST.

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

14. **SUBJECT:** ORDERING CONFIRMATION OF ANNUAL ASSESSMENTS FOR THE CITY OF YUCAIPA LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1.

**RECOMMENDATION:** That City Council:

1. Conduct a Public Hearing and subsequently Adopt Resolution 2009-43, Ordering Confirmation of Assessment for City of Yucaipa Landscaping and Lighting Maintenance District No. 1, and

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2. Approve the application of 5% rate adjustments to LLMD zones B and S through ZZ, and
3. Approve the credit of funds as an offset against the 2009-2010 assessments for zones A, H, J, K, V, W, X, Y, FF, GG and PP in the amount of \$39,879.62, and
4. Amend the 2009-2010 Adopted LLMD Budget to reflect the updated zone chart; and
5. Authorize the allocation of \$802 from the 2008-09 General Fund LLMD Contingency Account to cover the accumulated deficits in Zones L98 and AA.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 14. Director of Administrative Services Franklin presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

**ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 4-1 (COUNCILMEMBER MASNER VOTED NOE), TO APPROVE STAFF RECOMMENDATION.**

15. **SUBJECT: AB 811 ENERGY INDEPENDENCE PROGRAM.**

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

1. Adopt Resolution No. 2009-44 of the City Council of the City of Yucaipa:
  - A. Approving the City's Energy Independence Program (EIP) Report in connection with the proposed establishment of a contractual assessment program pursuant to Declaring Its Intention to Finance Distributed Generation Renewable Energy Sources and Energy Efficiency Improvements; and
  - B. Establishing a program to finance distributed generation renewable energy sources and energy efficiency improvements; and
  - C. Appropriating moneys from the General Fund to fund the program; and
  - D. Confirming assessment to be levied within the parameters of the report; and
2. Amend the Fiscal Year 2009-2010 Adopted Budget by creating an EIP Fund for the specific purpose of accounting for the EIP Loans and transferring the amount of \$2,500,000, in two equal phases, from the General Fund Undesignated Fund Balance to the EIP Fund.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 15. Director of Administrative Services Franklin presented the Agenda Report.

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Mayor Riddell closed the Public Hearing.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER SMITH, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION INCLUDING AUTHORIZATION TO FILE VALIDATION ACTION.**

**ANNOUNCEMENTS**

City Manager Casey reported that the current version of the State budget process includes the preservation of gas tax and the possible take of Proposition 1A and RDA funding and noted that staff will return to Council on August 10<sup>th</sup> to address impacts of the State budget.

Interim City Attorney Estrada announced the Closed Session items.

**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.

**CLOSED SESSION**

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN Nos. 319-351-03, 319-351-04 - Agency Negotiator: Ray Casey, City Manager - Negotiating Parties: Shared Equity Investments, Inc. - Under Negotiation: Price and Terms of Payments

**ADJOURN REDEVELOPMENT AGENCY**

Redevelopment Agency adjourned.

**CLOSED SESSION**

Liability Claim [Gov't Code §54956.9] 1 item – Liability Claim No. 2009-16, Wilkinson

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No(s). 1242-201-03 & 1242-351-12 - City Negotiator: Ray Casey, City Manager

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Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Grand View West Mobilehome Park

Public Employee Performance Evaluation [Gov't Code §54957] - City Manager

City Manager Casey reported that City Council authorized settlement terms regarding Liability Claim Number 2009-16.

**ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be August 10, 2009 at 6:00 PM.

  
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DICK RIDDELL, MAYOR

ATTEST:

  
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JENNIFER SHANKLAND  
CITY CLERK