

City of Yucaipa
City Council Minutes
Regular Meeting of October 26, 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 October 26, 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 Chief Shaw.

City Manager Casey requested that Council consider adding an item on the Agenda related to extending the declaration of a local emergency due to fires in the City of Yucaipa.

ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER SMITH, CARRIED 5-0 TO APPROVE ADDING AN URGENCY ITEM ON THE AGENDA.

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.

DISCUSSION: City Manager Casey presented the Agenda Report.

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

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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 OCTOBER 12, 2009.

RECOMMENDATION: That City Council approve City Council Minutes of October 12, 2009.

2. **SUBJECT:** SPECIAL EVENT APPLICATION – VFW/AMERICAN LEGION VETERANS DAY OBSERVANCE.

RECOMMENDATION: That City Council approve the Special Event Application submitted by the Yucaipa Valley Posts of the VFW and American Legion to conduct a Veterans Day Observance on Wednesday, November 11, 2009 at the Yucaipa Community Park Amphitheater subject to the applicant meeting conditions.

3. **SUBJECT:** REVOCATION OF THE LAND USE ENTITLEMENTS FOR THE OAK HILLS MARKETPLACE.

RECOMMENDATION: That City Council waive further reading and adopt Ordinance No. 292, repealing Ordinance No. 268, and amending the Official Land Use Plan and Zoning Ordinance of the City of Yucaipa to reflect the repeal of Ordinance No. 268.

4. **SUBJECT:** CITYWIDE RECORDS RETENTION SCHEDULE.

RECOMMENDATION: That City Council adopt Resolution No. 2009-66, adopting a Citywide Records Retention Schedule, authorizing the destruction of certain City records in accordance with the provisions of the Records Retention Schedule, and rescinding Resolution No. 95-48.

5. **SUBJECT:** AWARD OF CONTRACT- 2009-2010 STREET REHABILITATION-PROJECT NO. 10783.

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, Match Corporation in the amount of \$1,126,268.00; and

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2. Authorize a project contingency of \$56,314.00 (5%) and \$33,788.00 (3%) for project management for a total construction cost of \$1,216,370.00 for the 2009-2010 Street Rehabilitation Program- Project No. 10783.; and
3. Approve the Plans and Specifications for this project.

ACTION: MOTION BY COUNCILMEMBER SMITH, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 5.

PUBLIC COMMENT

Bill McEwen, Yucaipa, spoke in favor of the City acquiring over 300 acres of land and hillside areas and cited positive benefits regarding the creation of greenbelts and the preservation of the hillsides.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

Councilmember Hoyt commented on the positive aspects of various community projects that took place as part of the recent "Make a Difference Day" event and thanked all of those involved.

Mayor Pro Tem Drusys reported on the Solid Waste Task Force meeting and stated that there is consensus to move forward with increased recycling efforts and the development of programs for the mobilehome parks.

6. **SUBJECT: PLANNING COMMISSION APPOINTMENT.**

RECOMMENDATION: That City Council appoint one member recommended and nominated by Mayor Pro Tem Drusys to the Planning Commission.

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

ACTION: MAYOR PRO TEM DRUSYS RECOMMENDED AND NOMINATED JEFFREY LOJESKI TO THE PLANNING COMMISSION. NO OPPOSITION WAS STATED.

Jeffrey Lojeski, Yucaipa, provided Council with a self- introduction and a brief summary of his background and qualifications.

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POSSIBLE ACTION ON PENDING LEGISLATION

Councilmember Masner reported that the California Redevelopment Association recently filed a lawsuit challenging the constitutionality of the state's seizure of redevelopment funds for the state budget. Councilmember Masner also reported that the "Local Taxpayer, Public Safety and Transportation Protection Act" ballot measure initiative was filed with the California Attorney General's office and that a coalition is working to have the measure placed on the statewide ballot for November 2010.

City Manager Casey reported on various grant funding opportunities that the City is pursuing and provided an update on the status of grant applications that have been submitted.

DEPARTMENT REPORTS

7. **SUBJECT:** AUTHORIZE FUNDING FOR THE YUCAIPA VALLEY HISTORICAL SOCIETY AVENUE A HISTORICAL FIRE STATION FACILITY FLOORING.

RECOMMENDATION: That City Council approve and authorize the allocation of \$7,310.00 from the Historical Group Trust Fund (principal balance) for the installation of wood plank flooring at the Avenue A- Historical Fire Station Facility.

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

Claire Teeters, Yucaipa, encouraged City Council approval of this item and stated that the Yucaipa Valley Historical Society intends to fundraise to replace funds used for this project.

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 WITH AN ADDITIONAL ALLOCATION OF \$1,000 FROM THE HISTORICAL GROUP TRUST FUND (PRINCIPLE BALANCE) FOR THE INSTALLATION OF THE HVAC SYSTEM, AND THANKED HUDCO FOR THE DONATION OF THE HVAC SYSTEM.

8. **SUBJECT:** PROPOSITION 1 A LOAN SECURITIZATION PROGRAM.

RECOMMENDATION: That City Council adopt Resolution No. 2009-68, a resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1 A

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receivable from the state; and directing and authorizing certain other actions in connection therewith.

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

After Council discussion, the following Motion was made:

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

9. **SUBJECT:** WIRELESS COMMUNICATIONS FACILITY.

RECOMMENDATION: That City Council consider directing staff to initiate negotiations with Clearwire regarding a lease agreement for wireless communications facilities, which will provide advanced high-speed broadband internet service at Bryant Glen Sports Park, and return to Council with a proposed lease.

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

Patti Spitzer, Yucaipa, stated that she lives and works in the proposed project area and noted that the location is between two schools. Ms. Spitzer stated her opposition and concerns with the proposed cell tower, cited possible health risks the students may be exposed to, and requested that Council consider placing the tower in an unpopulated area.

Mark Berlin, Clearwire representative, referred to the Telecommunications Act of 1996 and stated that the proposed cell tower is generally considered a low power facility.

After Council discussion, the following Motion was made:

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

10. **SUBJECT:** ACQUISITION OF PROPERTY – APN'S 0321-111-03-0-00 AND 0321-121-44.

RECOMMENDATION: That City Council:

1. Approve the acquisition of approximately 334 acres located generally north of Oak Glen Road, south of the extension of the Carter Street alignment and east of the city boundary further defined as APN 0321-111-03-0-000 and 0321-121-44

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for a commitment to complete certain improvements and maintain the property as a permanent open space park/habitat mitigation bank; and

2. Allocate \$30,000 from the One-Time Capital Projects Account for the grant deed preparation, closing costs, annexation costs, inspection and Phase One assessment costs; and
3. Direct staff to proceed with the process of annexing the referenced property into the City including the associated environmental review; and
4. Authorize the City Manager to execute the necessary documents to complete the acquisition process.

DISCUSSION: City Manager Casey presented the Agenda Report.

After Council discussion, the following Motion was made:

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

ANNOUNCEMENTS

Interim City Attorney Estrada announced the Closed Session items.

CLOSED SESSION

Liability Claim [Gov't Code §54956.9] 1 item – Liability Claim No. 2009-20, Velda Poll

Conference with Legal Counsel - Existing Litigation [Gov't Code § 54956.9(a)]:

Case No. SBSC CIVSS 806832 - City of Yucaipa v. The Katzman Family Revocable Living Trust

Case No. SBSC CIVSS 708513 - Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa

Case No. SBSC CIVDS 911161 - Rudrich Family Management v. City of Yucaipa, et al.

Case No. SBSC CIVDS 909561 - City of Yucaipa v. Newell Properties et al

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No(s). 0301-201-10, 0301-201-12, 0301-201-16, 0301-211-05, 0318-071-10, - City Negotiator:

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Ray Casey, City Manager - Negotiating Parties: Robinson Properties, Palmer General Corp., Robinson Ranch-North - Under Negotiation: Price and Terms of Payments

City Manager Casey reported that City Council rejected Liability Claim Number 2009-20.

ADJOURNMENT

The meeting adjourned. The next regularly scheduled meeting will be November 9, 2009 at 6:00 PM.



DICK RIDDELL, MAYOR

ATTEST:



JENNIFER SHANKLAND
CITY CLERK