

City of Yucaipa
City Council Minutes
Regular Meeting of November 9, 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 November 9, 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.

EMPLOYEE INTRODUCTION

(This item was presented following the Consent Agenda) Police Sergeant Dave Caddell introduced Deputy Sheriff Grant Ward.

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 26, 2009.

RECOMMENDATION: That City Council approve City Council Minutes of October 26, 2009.

2. **SUBJECT:** SPECIAL EVENT PERMIT APPLICATION – YUCAIPA CHRISTMAS TREE LIGHTING CEREMONY.

RECOMMENDATION: That City Council approve the Special Event Application submitted by the Yucaipa Christian Church to conduct a Christmas Tree Lighting Ceremony on Friday, December 4, 2009 at the John Tooker Civic Park subject to the applicant meeting conditions.

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3. **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.

4. **SUBJECT:** OAK GLEN CREEK (WILSON II) BASINS – TRANSFER OF LAND TO SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT.

RECOMMENDATION: That City Council approve and authorize the City Manager to transfer lands acquired by the City for the Oak Glen Creek Basins project to the San Bernardino County Flood Control District (SBCFCD) including APNs 0321-311-18, 19, 21, 23 and 25.

5. **SUBJECT:** AWARD OF DESIGN AND ENGINEERING CONTRACT FOR THE 7TH STREET PARK MUNICIPAL SWIMMING POOL IMPROVEMENT PROJECT.

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager to execute a contract and his designee to administer the terms of the contract with Arch Pac, Aquatics in the amount of \$79,900; and
2. Approve \$4,000 for contract contingencies and \$4,000 for staff time and contract administration for a total 7th Street Park Municipal Swimming Pool Improvement design and engineering budget of \$87,900.

ACTION: MOTION BY COUNCILMEMBER HOYT, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 5.

PUBLIC COMMENT

Chas Kelley, Field Representative for County of San Bernardino Supervisor Neil Derry, presented the City with a Resolution in honor of the City of Yucaipa's 20-year anniversary.

Patti Spitzer, Yucaipa, spoke in opposition of the proposed cell tower location and requested that Council reconsider the location, notify the proper people, and reschedule another public hearing on this subject.

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Verlon Strauss, Yucaipa, addressed his concerns pertaining to the sequence and timing of the signal light, the lack of left-turn lanes, and the transition of traffic at the intersection of Calimesa Boulevard and Oak Glen Road.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

Councilmember Hoyt extended thanks to the City staff and community volunteers that helped to make the 20-year celebration a success.

Councilmember Masner requested the meeting be adjourned in honor of the Fort Hood, Texas victims who lost their lives last week.

POSSIBLE ACTION ON PENDING LEGISLATION

City Manager Casey reported that the Legislature approved a package of five bills (SB X7 1, SB X7 2, SB X7 6, SB X7 7, SB X7 8) designed to address water issues facing the state and noted that the package is financed through an \$11.4 billion bond that will be placed on the November 2010 ballot if signed by the Governor.

DEPARTMENT REPORTS

6. **SUBJECT:** ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM
– GRANT APPLICATION.

RECOMMENDATION: That City Council:

1. Adopt Resolution No. 2009-70 approving the application submittal for grant funds in the amount of \$250,000 from the Environmental Enhancement and Mitigation Program (EEMP) under Section 164.56 of the Streets & Highways Code for the restroom and public access improvements for the Five Winds Restroom and Public Parking Project; and
2. Allocate \$100,000 from the One-Time Capital Projects Account for the local match funding contribution for the project.

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 4-1 (COUNCILMEMBER MASNER VOTED NOE), TO APPROVE STAFF RECOMMENDATION.

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7. **SUBJECT:** PENDLETON FIRE/OAK GLEN FIRE UPCOMING STORM SEASON PREPARATION.

RECOMMENDATION: That City Council:

1. Authorize the allocation of \$25,000 from the PMP Storm Drain Replacement fund in the FY 2009/2010 Capital Improvement Program budget for consulting staff time and operational expenses to perform staff and contract storm season preparation and maintenance for the upcoming storm season as it relates to the recent burn areas; and
2. Allocate \$75,000 from the PMP Storm Drain Replacement fund in the FY 2009/2010 Capital Improvement Program budget to remove and replace under-capacity storm drains at several locations below the Pendleton Fire burn area, for a total project allocation of \$100,000.

DISCUSSION: Director of Public Works/City Engineer Hemsley presented the Agenda Report. City Manager Casey provided additional information pertaining to this item.

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

8. **SUBJECT:** UPDATED RESOLUTION FOR THE URBAN FORESTRY GRANT PROGRAM- EDUCATION GRANT FUNDING CYCLE 2008/2009.

RECOMMENDATION: That City Council adopt updated Resolution No. 2009-69, approving the submittal for grant funds from the California Department of Forestry and Fire Protection Urban Forestry Program.

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

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

9. **SUBJECT:** WILDWOOD CREEK BASIN PROJECT HABITAT MITIGATION AND MONITORING PLAN.

RECOMMENDATION: That City Council:

1. Authorize additional contingency in an amount not-to-exceed \$15,000 for expanded work by Albert A. Webb Associates for the development of a Habitat Mitigation and Monitoring Plan for the Wildwood Creek Basins; and

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2. Authorize the Mayor to execute a contract amendment with Albert A. Webb Associates in an amount not-to-exceed \$15,000 for the expanded work.

DISCUSSION: Director of Public Works/City Engineer Hemsley presented the Agenda Report. City Manager Casey provided additional information pertaining to this item.

ACTION: MOTION BY MAYOR RIDDELL, SECOND BY COUNCILMEMBER SMITH, CARRIED 5-0, 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.

PUBLIC HEARING

10. **SUBJECT:** AFFORDABLE HOUSING AGREEMENT – HORIZON SENIOR HOUSING PROJECT.

RECOMMENDATION: That City Council/Redevelopment Agency Board conduct a Public Hearing and subsequently:

That City Council:

1. Adopt Resolution No. 2009-71, rescinding Resolution No. 2009-46, and consenting to the approval by the Yucaipa Redevelopment Agency of an Affordable Housing Agreement by and between the Agency and 00539 Yucaipa, L.P., a California Limited Partnership, and
2. Approve and authorize the City Manager to execute the Affordability Restriction Notice.

That the Redevelopment Agency Board:

1. Adopt Resolution No. 2009-72, rescinding Resolution No. 2009-47, and approving an Affordable Housing Agreement by and between the Agency and 00539 Yucaipa, L.P., a California Limited Partnership, and
2. Approve and authorize the Executive Director to execute the Affordable Housing Agreement.

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DISCUSSION: Mayor Riddell opened the Public Hearing Item No. 10. Planning Manager Toomey presented the Agenda Report. City Manager Casey presented additional information pertaining to this item.

Mark Irving, Urban Housing Communities (UHC), provided information relating to the tax allocation process and stated that UHC is prepared to resubmit the application for a second round of tax credit allocations.

Mayor Riddell closed the Public Hearing.

After discussion, the following Motions were made:

Mayor Riddell motioned to approve staff recommendation; Councilmember Smith seconded the motion. The motion was withdrawn in order to allow separate actions for the City Council and RDA items.

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

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

ADJOURN THE REDEVELOPMENT AGENCY

Redevelopment Agency adjourned.

PUBLIC HEARING

11. SUBJECT: ANNUAL ADJUSTMENT OF DEVELOPMENT IMPACT FEES.

RECOMMENDATION: That City Council conduct a public hearing and adopt Resolution No. 2009-67, rescinding Resolution No. 2008-47, and amending Resolution No. 93-39, establishing a schedule of revised Development Impact Fees.

DISCUSSION: Mayor Riddell opened the Public Hearing Item No. 11. Director of Community Development McMains presented the Agenda Report.

Mayor Riddell closed the Public Hearing.

After Council discussion, the following Motion was made:

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

ANNOUNCEMENTS

Mayor Pro Tem Drusys reminded those in attendance of the 20th anniversary of the fall of the Berlin Wall and noted that the City's 20th anniversary was well-attended and appreciated by the residents. Mayor Pro Tem Drusys recognized employees who have worked for the City since incorporation and extended appreciation for their dedication to the City.

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). 0318-013-07, 0318-013-08, - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Katzman - Under Negotiation: Price and Terms of Payments

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

ADJOURNMENT

The meeting adjourned in honor of the Fort Hood, Texas victims. The next regularly scheduled meeting will be November 23, 2009 at 6:00 PM.



DICK RIDDELL, MAYOR

ATTEST:



JENNIFER SHANKLAND
CITY CLERK