



**AMENDED AGENDA ITEM NO. 12
(RECOMMENDATION)
Regular City Council
Meeting Agenda**

February 22, 2016 - 6:00 PM

City Council Chambers - Yucaipa City Hall
34272 Yucaipa Blvd., Yucaipa, California

THE CITY OF YUCAIPA COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT OF 1990. IF YOU REQUIRE SPECIAL ASSISTANCE TO ATTEND OR PARTICIPATE IN THIS MEETING, PLEASE CALL THE CITY CLERK'S DEPARTMENT AT (909) 797-2489 AT LEAST 48-HOURS PRIOR TO THE MEETING.

ANY PUBLIC WRITINGS DISTRIBUTED BY THE CITY TO AT LEAST A MAJORITY OF THE COUNCILMEMBERS REGARDING ANY ITEM ON THIS REGULAR MEETING AGENDA WILL BE MADE AVAILABLE AT THE PUBLIC RECEPTION COUNTER AT CITY HALL, LOCATED AT 34272 YUCAIPA BOULEVARD, DURING NORMAL BUSINESS HOURS.

IF YOU WISH TO ADDRESS THE COUNCIL DURING THE MEETING, PLEASE COMPLETE A SPEAKERS FORM AND RETURN IT TO THE CITY CLERK PRIOR TO THE BEGINNING OF THE MEETING. THERE IS A THREE-MINUTE TIME LIMIT FOR SPEAKING.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (ITEM NOS. 1 THROUGH 4)

The following Consent Agenda items are expected to be routine and non-controversial. Council will act upon them, at one time, without discussion. Any Councilmember or staff member may request removal of an item from the Consent Agenda for discussion.

The title is deemed to be read and further reading waived on any ordinance listed on the Consent Agenda for second reading and adoption.

P. 7 **1. SUBJECT: APPROVE COUNCIL MINUTES OF FEBRUARY 8, 2016**

RECOMMENDATION: That City Council approve City Council Minutes of February 8, 2016.

P. 17 2. **SUBJECT:** FACILITY USE AGREEMENTS BETWEEN THE CITY OF YUCAIPA AND YUCAIPA VALLEY AMERICAN LITTLE LEAGUE AND YUCAIPA YOUTH BASKETBALL, INC.

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager to execute a Facility Use Agreement between the City and the Yucaipa Valley American Little League, for use of facilities; and
2. Ratify the executed Facility Use Agreement between the City and Yucaipa Youth Basketball, Inc., for use of facilities; and
3. Authorize the City Manager or his designee to administer the terms of the Agreements.

P. 117 3. **SUBJECT:** ENVIRONMENTAL REVIEW AND RIGHT-OF-WAY ACQUISITION AT VARIOUS ROUNDABOUT INTERSECTIONS

RECOMMENDATION: That City Council:

1. Authorize staff to proceed with the right-of-way acquisition necessary for the roundabout intersections improvements at the Avenue E intersections with Bryant Street, 2nd Street, 3rd Street, 4th Street and 5th Street, and the intersections of Yucaipa Boulevard at Bryant Street; and
2. Authorize the City Manager to execute the necessary documents to complete the right-of-way acquisition process; and
3. Find that the construction of roundabouts and acquisition of property related to facilitate roundabout construction at the Avenue E intersections with Bryant Street, 2nd Street, 3rd Street, 4th Street and 5th Street, and the intersections of Yucaipa Boulevard at Bryant Street is Categorically Exempt pursuant to Section 15301(c) of the CEQA guidelines, and direct staff to file a Notice of Exemption.

P. 127 4. **SUBJECT:** AGREEMENT WITH DAVID TURCH AND ASSOCIATES

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager to execute an agreement with David Turch and Associates for the not to exceed amount of \$16,000 for the period of time between March 1, 2016 and June 30, 2016; and
2. Direct staff to include the funding necessary in the FY2016/2017 General Fund Budget to extend the contract through next fiscal year.

PUBLIC COMMENT

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

- P. 145 5. **SUBJECT:** LEAGUE OF CALIFORNIA CITIES VOLUNTARY LITIGATION SURCHARGE

RECOMMENDATION: That City Council:

1. Consider an optional voluntary litigation surcharge, as requested by the League of California Cities, in an amount equal to \$671.04, or four percent of the annual League dues and, if approved; and
2. Allocate the amount of \$671.04 from the General Fund Contingency Account to cover the surcharge.

- P. 151 6. **SUBJECT:** SB876

RECOMMENDATION: That City Council consider SB 876; and if appropriate, direct staff to write a Notice of Opposition to the California State Senate.

POSSIBLE ACTION ON PENDING LEGISLATION

DEPARTMENT REPORTS

- P. 159 7. **SUBJECT:** REJECT BIDS – YUCAIPA PERFORMING ARTS CENTER, CATEGORY 5

RECOMMENDATION: That City Council:

1. Reject the bid for the Yucaipa Performing Arts Center, Category 5, Structural and Miscellaneous Steel; and
2. Approve an amendment to the Professional Services contract with JSFA to include structural engineering and an increase in the amount of \$73,000, including a contingency of \$6,000; and
3. Direct staff to revise the plans and specifications for the Project to reflect conventional steel construction and re-advertise the Project for construction bids.

- P. 163 8. **SUBJECT:** UPTOWN BANNER REPLACEMENT

RECOMMENDATION: That City Council authorize staff to purchase and have installed 102 replacement Historic Uptown banners for a cost not to exceed \$4,000 including a contingency amount of \$400 from the General Fund Contingency Account.

- P. 166 9. **SUBJECT:** AMERICANS WITH DISABILITIES ACT TRANSITION PLAN UPDATE

RECOMMENDATION: That City Council:

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1. Receive the City of Yucaipa's ADA Assessment of City Facilities and Curb Ramps; and
 2. Adopt the City of Yucaipa's Americans with Disabilities Act Transition Plan Update.

P. 188 **10.** **SUBJECT:** PURCHASE HVAC EQUIPMENT - 35058 YUCAIPA BLVD. BUILDING IMPROVEMENTS, PHASE I, PROJECT NO. 11014

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager to execute a purchase order and administer the acquisition of two Carrier HVAC units from LA Air-Conditioning in the amount of \$16,038 for the 35058 Yucaipa Blvd. Building Improvements, Phase I, Project No. 11014; and
2. Approve and authorize the City Manager to amend Contract Change Order No. 2 to the contract with Torga Electrical of San Bernardino, CA for the 35058 Yucaipa Blvd. Building Improvements, Phase I, Project No. 11014 to install the HVAC from the amount of \$6,000 to the amount of \$10,000; and
3. Approve and authorize the City Manager to amend the terms of the lease agreement with Brewcaipa, LLC to reflect a lease payment credit of up to \$13,000 for tenant improvements identified as the City's responsibility.

P. 192 **11.** **SUBJECT:** SPECIAL EVENT PERMIT APPLICATION – WALTER BROTHERS CIRCUS

RECOMMENDATION: That the City Council approve the Special Event Permit Application submitted by Walter Brothers Circus to conduct circus performances on Thursday, March 10, 2016 thru Sunday, March 13, 2016 at the site of the future Yucaipa Performing Arts Center (California St. and Yucaipa Blvd.).

P. 210 **12.** **SUBJECT:** YUCAIPA MUSIC AND ARTS FESTIVAL UPDATE

RECOMMENDATION: That City Council:

1. Confirm The Romantics to replace Howard Jones as the opening headline entertainment for the 2016 Yucaipa Music Arts Festival; and
2. Authorize the City Manager to execute a contract with the selected opening headline entertainment artist; and
3. Authorize the City Manager, or his designee, to administer the terms of the contract; and
4. Review and approve the proposed 2016 Yucaipa Music and Arts Festival entertainment, event schedule and activities; and
5. Approve the proposed 2016 YMAF Budget.

P. 215 **13. SUBJECT: FLOOD CORRIDOR GRANT PROGRAM - ACQUISITION OF PROPERTY APN'S 321-141-10, 321-141-11 AND 321-142-17**

RECOMMENDATION: That City Council:

1. Approve the acquisition of approximately 7.31 acres of land located at 11492 Pendleton Avenue, further defined as a portion of APN's 321-141-10 & 11 for an amount not to exceed \$212,750; and
2. Approve the acquisition of approximately 2.48 acres of land located at 11473 Pendleton Avenue, further defined as a portion of APN 321-142-17, for an amount not to exceed \$105,050; and
3. Approve the expenditure of up to \$20,000 for closing costs and other miscellaneous costs associated with the acquisition of the properties; and
4. Authorize the City Manager to execute the necessary documents to complete the acquisition process.

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.

P. 291 **14. SUBJECT: PRIORITIZATION OF FISCAL YEAR 2016-17 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS/PROGRAMS**

RECOMMENDATION: That City Council conduct a public hearing and prioritize eligible project proposals for submission to the San Bernardino County Board of Supervisors for Community Development Block Grant funding consideration.

P. 446 **15. SUBJECT: OAK VALLEY CHURCH (CASE NO. 15-041/REV/CUP); CITY COUNCIL CALL-UP OF A PLANNING COMMISSION ACTION TO APPROVE A REVISION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT. THE PROJECT PROPOSAL**

INCLUDES A REVISION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (12-055/CUP) TO CONVERT AN EXISTING 60,000 SQUARE FOOT INDUSTRIAL/MANUFACTURING USE TO AN INSTITUTIONAL/CHURCH USE THROUGH THE REMODELING OF THE EXISTING WAREHOUSE/OFFICE SPACE TO PROVIDE A VARIETY OF ACTIVITY AREAS, INCLUDING AN AUDITORIUM AREA, ENTRY LOBBY, RAISED STAGE, RESTROOMS, CLASSROOMS, CHURCH OFFICES, AND PARTIAL REMOVAL OF THE ROOF; ON 6.01 ACRES LOCATED AT 13553 CALIMESA BOULEVARD, AT THE NORTHEAST CORNER OF THE INTERSECTION OF AVENUE I AND CALIMESA BOULEVARD, WITHIN THE CITY OF YUCAIPA; ASSESSOR'S PARCEL NUMBER: 0318-231-48

RECOMMENDATION: That City Council conduct a public hearing, and:

1. Approve the Revision to the previously approved Conditional Use Permit (12-055/CUP), subject to the attached Conditions of Approval (as amended); and
2. Adopt the Findings as contained in the Agenda Report; and
3. Find that the Revision to the previously approved Conditional Use Permit is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines and direct Staff to file a Notice of Exemption.

ANNOUNCEMENTS

CLOSED SESSION

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: APN No's. 0321-411-08 & 0321-181-22 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: San Bernardino County Flood Control District - Under Negotiation: Price and Terms of Payments

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Parcel No(s). 1, 2 of Parcel Map No. 3621 (formerly identified as APN No(s). 0318-013-07, 0318-013-08) - City Negotiator: Ray Casey, City Manager - Negotiating Parties: City of Yucaipa - Under Negotiation: Price and Terms of Payments

ADJOURNMENT