



Regular City Council Meeting Agenda

August 14, 2017 - 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 8)

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. 8 1. **SUBJECT:** APPROVE COUNCIL MINUTES OF JULY 10, 2017

RECOMMENDATION: That City Council approve City Council Minutes of July 10, 2017.

P. 16 2. **SUBJECT:** FACILITY USE AGREEMENTS – THUNDERBIRD WATER POLO CLUB INC., AND YUCAIPA SWIM TEAM

RECOMMENDATION: That the City Council:

1. Approve and authorize the City Manager to execute a Facility Use Agreement between the City and the Thunderbird Water Polo Club, Inc. for the operation of a water polo club at the Crafton Hills Aquatic Center and use of the 7th Street Pool; and
2. Approve and authorize the City Manager to execute a Facility Use Agreement between the City and Yucaipa Swim Team for the operation of a swim team at Crafton Hills Aquatic Center and use of the 7th Street Pool; and
3. Authorize the City Manager, or his designee, to administer the terms of the Agreements.

P. 124 **3.** **SUBJECT:** SAN MANUEL BAND OF MISSION INDIANS CHARITABLE GIVING GRANT ACCEPTANCE FOR FISCAL YEAR 2017-2018

RECOMMENDATION: That City Council:

1. Accept the 2017 San Manuel Band of Mission Indians Charitable Giving Grant in the amount of \$30,000; and
2. Approve the allocation of the grant funds to the Community Event Series in the amount of \$30,000 to be utilized in the following increments: 2017 Autumnfest (\$5,000), 2017 Winterfest (\$2,000), 2018 Yucaipa Music and Arts Festival (\$19,000), and the 2018 Community Services Nights/Healthy Yucaipa Outreach (\$4,000).

P. 131 **4.** **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – 2015-2016 & 2016-2017 SLURRY SEAL PROGRAMS- PROJECT NO. 11042

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by Pavement Coatings Company in the amount of \$456,263.59 for the 2015-2016 & 2016-2017 Slurry Seal Programs- Project No. 11042; and
2. Approve the final payment for the project; and
3. Authorize the recordation of the Notice of Completion for the project.

P. 136 **5.** **SUBJECT:** PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

RECOMMENDATION: That City Council receive and file the Annual Fiscal Reports prepared by the Property Owner's Association Board of Directors of the Yucaipa Village Square Management Districts #1 and #2.

P. 146 **6.** **SUBJECT:** KAISER FOUNDATION HOSPITALS GRANT ACCEPTANCE FOR FISCAL YEAR 2017/2018

RECOMMENDATION: That City Council:

-
1. Accept the 2017 Kaiser Foundation Hospitals Grant in the amount of \$10,000; and
 2. Approve the allocation of the grant funds in the amount of \$10,000 to be utilized in the following increments: Recreation Swim Programs (\$7,000) and Healthy Yucaipa Initiative (\$3,000).

P. 153 **7. SUBJECT: AGREEMENT EXTENSION – CITY FACILITIES JANITORIAL SERVICES**

RECOMMENDATION: That City Council approve and authorize the Mayor to execute a one year extension to the contract, and the City Manager or his designee to administer the terms of the contract extension with Quinmar Janitorial, Inc. to perform janitorial services for City Hall, the Police Station and the Yucaipa Business Incubator Center at a cost in the amount of \$45,980.19.

P. 157 **8. SUBJECT: YUCAIPA SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY**

RECOMMENDATION: That the City Council designate the City Manager as the City’s representative and City Engineer as the City’s alternate representative to the Yucaipa Sub-Basin Groundwater Sustainability Agency Governing Board.

PUBLIC COMMENT

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

P. 159 **9. SUBJECT: FIVE WINDS RANCH IMPROVEMENT ADVISORY COMMITTEE**

RECOMMENDATION: That City Council:

1. Adopt Resolution No. 2017-37 establishing the Five Winds Ranch Improvement Advisory Committee of the City of Yucaipa; and
2. Affirm the appointment of the following to the Five Winds Ranch Improvement Advisory Committee:

Dick Riddell, Mayor
David Avila, Councilmember
Kristine Mohler, Trails and Open Space Committee representative
Taylor TerBest, Youth Advisory Committee representative
Vanessa Register, Planning Commission representative
Tom Potter, Economic Development Advisory Committee representative
Tim Carlisle, Parks & Recreation Commission representative

P. 166 **10. SUBJECT: LEAGUE OF CALIFORNIA CITIES 2017 ANNUAL CONFERENCE RESOLUTIONS PACKET**

RECOMMENDATION: That City Council consider the following resolutions introduced by the League of California Cities and determine a City position that the voting delegate can represent at the Annual Business Meeting:

-
1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW.
 2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS.

P. 205 **11.** **SUBJECT:** APPOINTMENT TO THE HEALTHY YUCAIPA COMMITTEE

RECOMMENDATION: That City Council appoint Nadia Blaser to the Healthy Yucaipa Committee.

P. 208 **12.** **SUBJECT:** FISCAL YEAR 2017/2018 IN-KIND COMMUNITY ACTIVITY GRANT REQUESTS

RECOMMENDATION: That City Council:

1. Review and consider the FY 2017/2018 Community Activity Grant Application submitted by Inland Leaders Charter School (ILCS) requesting \$2,977.50 for in-kind support to waive the rental fees for the Yucaipa Community Center Gymnasium and Community Park fields; and
2. Review and consider the FY 2017/2018 Community Activity Grant Application submitted by Yucaipa Vision Quest Center for Creativity (Vision Quest) requesting \$2,002.60 for in-kind support to waive rental fees for the Yucaipa Community Center Banquet Room; and
3. Review and consider the FY 2017/2018 Community Activity Grant Application submitted by Taking Off Pounds Sensibly (TOPS) requesting \$2,125 for in-kind support to waive rental fees for the Yucaipa Senior Center Banquet Room.

POSSIBLE ACTION ON PENDING LEGISLATION

DEPARTMENT REPORTS

P. 242 **13.** **SUBJECT:** YUCAIPA VALLEY WATER DISTRICT PAVING AGREEMENT – 2016-2017 & 2017-2018 STREET REHABILITATION PROGRAM- PROJECT NO. 11050

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager, or his designee, to execute and administer the terms of the agreement with the Yucaipa Valley Water District (YVWD) to reimburse the

City of Yucaipa the amount of \$29,500 to offset a portion of the costs to rehabilitate the asphalt on segments of Rodeo Road and Rancho Road; and

2. Amend the FY2017/2018 Capital Improvement Program by:
 - a) Increasing the budget for the 2017-2018 Street Rehabilitation Program by the amount of \$67,850; and
 - b) Identifying the amount of \$29,500 in funding from the YVWD for the 2017-2018 Street Rehabilitation Program; and
 - c) Allocating the amount of \$38,350 in Unallocated Pavement Management Program funds to the 2017-2018 Street Rehabilitation Program; and
3. Approve an increase to the construction contract contingency for the 2016-2017 and 2017-2018 Street Rehabilitation Program in the amount of \$38,350 for a total construction contract contingency in the amount of \$159,850.

P. 246 **14. SUBJECT: 2017 YUCAIPA MUSIC AND ARTS FESTIVAL – EVENT WRAP-UP**

RECOMMENDATION: That City Council receive and file the 2017 Yucaipa Music and Arts Festival event wrap-up.

P. 252 **15. SUBJECT: SPECIAL EVENT PERMIT APPLICATION – LIVE OAK PUMPKIN PATCH**

RECOMMENDATION: That City Council:

1. Approve the Special Event Permit Application submitted by The Pumpkin Factory, L.L.C. to expand current operations at the Live Oak Pumpkin Patch and Christmas Tree Farm located at 32335 Live Oak Canyon Road; and
2. Authorize the use of private traffic control services for traffic control on Live Oak Canyon Road between Outer Highway 10 and the entrance to the Live Oak Pumpkin Patch and Christmas Tree Farm.

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. 261 **16. SUBJECT:** CONTINUATION OF USER FEE UPDATE FOR THE COMMUNITY SERVICES DEPARTMENT

RECOMMENDATION: That City Council continue the noticed Public Hearing for the User Fee Update for the Community Services Department to the meeting of August 28, 2017.

P. 262 **17. SUBJECT:** ADOPTION OF RESOLUTION NO. 2017-36, RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF A PERMANENT SLOPE EASEMENT FROM THE PROPERTY IDENTIFIED AS SAN BERNARDINO COUNTY ASSESSOR'S PARCEL NUMBER 0321-411-12 FOR THE PENDLETON AVENUE AT OAK GLEN CREEK LOW WATER CROSSING REPLACEMENT PROJECT

RECOMMENDATION: That City Council:

1. Conduct a public hearing to consider the adoption of Resolution No. 2017-36, a Resolution of Necessity, declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof, in connection with the Pendleton Avenue at Oak Glen Creek Low Water Crossing Replacement Project; and
2. Receive from City staff the evidence stated and referred to in this Agenda Report (Report), take testimony from any person wishing to be heard on issues A, B, C, and D below with respect to the proposed Resolution of Necessity, and consider all evidence to determine whether to adopt the proposed Resolution of Necessity; and
3. If the City Council finds, based upon the evidence contained and referred to in this Report, the testimony and comments received at the hearing, and all written testimony submitted to the City Council, that the evidence warrants the necessary findings with respect to the proposed Resolution of Necessity, then City staff recommends that the City Council, in the exercise of its discretion, adopt the above-referenced Resolution of Necessity, with the Resolution of Necessity requiring a 4/5ths vote of the entire City Council; and
4. If the City Council approves the Resolution of Necessity, then City staff recommends that the City Council authorize the City Attorney's office and City staff to take all necessary steps to acquire the real property interest identified in the Resolution of Necessity and to take all necessary steps to deposit with the State Treasurer's Office the probable compensation required by law for issuance of an Order for Pre-Judgment Possession; and
5. Authorize the City Manager to execute all necessary documents.

ANNOUNCEMENTS

CLOSED SESSION

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: (Portion of) APN No(s). 303-273-36, 322-022-13, and 319-063-41 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Michelle Jackson Bradley- Under Negotiation: Price and Terms of Payments

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: APN No. 319-012-20 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Ruben & Maria Villegas - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: APN No. 319-101-01 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: D. John Sisk - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: APN No. 318-143-12 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Delbert Kerber & Debora Cervantes - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 319-101-43 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Raymond & Patricia Baugh - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 318-173-39 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Roberto & Leticia Gomez - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 319-012-37 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Victor & Elizabeth King - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 319-031-77 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Yucaipa Valley Presbyterian Church - Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN No. 319-031-78 - City Negotiator: Ray Casey, City Manager - Negotiating Parties: Waikoon Chareonda & Chanunporn Chandrasen - Under Negotiation: Price and Terms of Payment

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (d)(2) of Govt. Code Section 54956.9 – 1 Item (A letter threatening litigation related to this matter is available for public inspection in the Office of the City Clerk, City Hall, 34272 Yucaipa Boulevard)

Conference with Labor Negotiator [Govt. Code §54957.6] 1 item – Agency Negotiators: Mayor and Mayor Pro-Tem; Unrepresented City Manager

ADJOURNMENT