



Regular City Council Meeting Agenda

August 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

SPECIAL PRESENTATIONS

Dr. Wei Zhou, President of Crafton Hills College

Military Banner Retirement Banners

EMPLOYEE INTRODUCTION

CONSENT AGENDA (ITEM NOS. 1 THROUGH 7)

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. 9 1. **SUBJECT:** APPROVE COUNCIL MINUTES OF AUGUST 8, 2016

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

P. 23 2. **SUBJECT:** AWARD OF CONTRACT – 2016-2017 CRACK SEALING PROGRAM-PROJECT NO. 11033

RECOMMENDATION: That City Council:

1. Award 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 bidder, American Asphalt South in the amount of \$62,250 for the 2016-2017 Crack Sealing Program- Project No. 11033; and
2. Authorize \$8,000 for contingency and \$4,000 for construction contract administration, staff time and inspection, for a total project budget amount of \$74,250; and
3. Approve the plans and specifications prepared for this project.

P. 31 3. **SUBJECT:** AWARD OF CONTRACTS –SOILS AND MATERIAL TESTING SERVICES FOR VARIOUS PROJECTS

RECOMMENDATION: That City Council award and authorize the City Manager to execute contracts, and his designee to administer the terms of the contracts with CHJ, Inc. in the not-to-exceed amount of \$170,000, Hilltop Geotechnical in the not-to-exceed amount of \$100,000, Leighton Consulting Inc. in the not-to-exceed amount of \$80,000 and RMA Group in the not to exceed amount of \$80,000 for a total amount of \$430,000 for providing on-call Professional Soils and Material Testing Services for Various Projects for FY2016/2017 and FY2017/2018.

P. 242 4. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – BRYANT STREET EMBANKMENT REPAIR – PROJECT NO. 11026

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by Three Peaks Corporation of Calimesa, CA. for the Bryant Street Embankment Repair - Project No. 11026 in the amount of \$22,000; and
2. Approve the final payment for the project; and
3. Authorize the recordation of the Notice of Completion.

P. 245 5. **SUBJECT:** TERMINATION OF CONTRACT - 5TH STREET IMPROVEMENTS, YUCAIPA BLVD TO AVENUE E, PHASE I PROJECT NO. 10903

RECOMMENDATION: That City Council:

1. Terminate the contract with KAD Paving Company of Yucaipa, CA. for the 5th Street Improvements, Yucaipa Blvd to Avenue E, Phase I – Project No. 10903; and

2. Direct staff to re-advertise the project for construction bids.

P. 248 **6.** **SUBJECT:** TERMINATION OF CONTRACT - 2015/2016 STREET REHABILITATION PROGRAM- PROJECT NO. 11003

RECOMMENDATION: That City Council:

1. Terminate the contract with KAD Paving Company of Yucaipa, CA. for the 2015/2016 Street Rehabilitation Program – 11003; and
2. Direct staff to complete the outstanding items of work as indicated in the plans and specifications for the program.

P. 250 **7.** **SUBJECT:** AUTHORIZATION TO PROCEED AND ADOPTION OF A RESOLUTION OF INTENTION FOR THE PROPOSED VACATION OF A PORTION OF POPLAR STREET AND AVENUE J RIGHT OF WAY

RECOMMENDATION: That City Council:

1. Authorize the City Engineer to proceed with the proposed vacation of a portion of Poplar Street and Avenue J right of way; and
2. Approve the Site Plan No. 52287 depicting the proposed vacation; and
3. Adopt Resolution No. 2016-40, declaring the intention to order the vacation of a portion of Poplar Street and Avenue J right of way.

PUBLIC COMMENT

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

P. 256 **8.** **SUBJECT:** APPOINTMENT TO THE HEALTHY YUCAIPA COMMITTEE

RECOMMENDATION: That Councilmember Avila appoint Keely Niemeyer to the Healthy Yucaipa Committee

P. 259 **9.** **SUBJECT:** COMMUNITY ACTIVITY GRANT ACCOUNTABILITY REPORTS FOR FISCAL YEAR 2015/2016 GRANT CYCLE AND FISCAL YEAR 2016/2017 IN-KIND GRANT REQUESTS FROM THE GIRL SCOUT TROOP #2106 AND YUCAIPA POLICE CITIZEN PATROL PROGRAM

RECOMMENDATION: That City Council:

1. Receive the FY 2015/2016 Community Activity Grant Accountability Report and deem the program requirements complete for Girl Scout Troop #2106 – Meetings and Events, Vision Quest – Taste of Creativity, and Yucaipa Valley Lions Club – Dining in the Dark; and
2. Review and consider the FY 2016/2017 Community Activity Grant Application submitted by Girl Scout of San Gorgonio Troop #2106 requesting \$3,562.50 for in-kind support; and

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3. Review and consider the FY 2016/2017 Community Activity Grant Application submitted by Yucaipa Police Citizen Patrol Program requesting \$740 for in-kind support.

POSSIBLE ACTION ON PENDING LEGISLATION

DEPARTMENT REPORTS

P. 290 **10.** **SUBJECT:** POLICE DEPARTMENT 2016 SEMI-ANNUAL REPORT

RECOMMENDATION: That City Council review and approve the Police Department's Semi-Annual Report for 2016

P. 307 **11.** **SUBJECT:** FIRE DEPARTMENT 2016 SEMI-ANNUAL REPORT

RECOMMENDATION: That City Council review and approve the Fire Department's Semi-Annual Report for January 1 through June 30, 2016.

P. 315 **12.** **SUBJECT:** DESIGN OF THE UPTOWN URBAN PARK AND A CONSTRUCTION COST UPDATE ON THE YUCAIPA PERFORMING ARTS CENTER

RECOMMENDATION: That City Council:

1. Receive the report updating the cost of the Yucaipa Performing Arts Center (YPAC) construction, review the proposed YPAC construction budget, and provide direction as appropriate; and
2. Review and approve the proposed Uptown Urban Park design; and
3. Approve the deferral of the construction of the shade structure in the Uptown Urban Park to a future phase; and
4. Approve an amendment to the 2016-2017 Adopted Budget and Capital Improvement Program to allocate funds to the YPAC project budget by the total amount of \$3,539,841 by:
 - a. Reallocating the amount of \$733,594 from funds received as a result of the Waste Disposal Agreement; and
 - b. Allocating the amount of \$293,416 from anticipated 2015-2016 General Fund revenues over expenses; and
 - c. Deferring the implementation of 2016-2017 Service Level Options to Mid-Year 2016-2017, as follows:
 - i. Five Winds Ranch Park Design in the amount of \$150,000; and
 - ii. GeoFence Expansion in the amount of \$100,000; and
 - iii. City Cameras Phase V in the amount of \$100,000; and
 - iv. Private Security—Uptown in the amount of \$10,000; and transferring those amounts to the YPAC project budget; and

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- d. Reallocating the amount of \$400,000 from General Fund resources to the YPAC project, previously allocated to the Oak Hills Arterial project by:
 - i. Allocating 2015-2016 PAA Reimbursement in the amount of \$133,058 to the Oak Hills Arterial project; and
 - ii. Allocating currently unallocated Traffic Fees in the amount of \$160,809 to the Oak Hills Arterial project; and
 - iii. Transferring Traffic Facility funds currently allocated to the County Line Road Improvement Project in the amount of \$106,133 to the Oak Hills Arterial project; and
 - e. Reallocating the amount of \$450,000 from the General Fund amount set aside for the Economic Development Initiative by:
 - i. Transferring funds currently allocated to the Yucaipa Boulevard, 2nd Street to 5th Street Improvement Project in the amount of \$450,000 to the YPAC project; and
 - ii. Transferring \$450,000 in Traffic Facilities Funds currently allocated to the County Line Road Improvement Project to the Yucaipa Boulevard, 2nd Street to 5th Street Improvement Project; and
 - f. Reallocating other General Fund encumbrances to the YPAC as follows:
 - i. Cultural Arts Design \$515,000
 - ii. RDA Residual \$151,077
 - iii. Equestrian Center/Neighborhood Park \$100,000
 - iv. RDA Loan Repayment \$536,754; and
 5. Approve a Reallocation of costs in the amount of \$761,000 from the YPAC budget to the City's Lease Fund to account for the portion of the YPAC property that has been identified for commercial purposes.

P. 328 **13.** **SUBJECT:** WILDWOOD CANYON ROAD AT I-10 FREEWAY INTERCHANGE PROJECT FEASIBILITY STUDY

RECOMMENDATION: That the City Council:

1. Review and approve Wildwood Canyon Road at I-10 Freeway Interchange Feasibility Study; and
2. Direct staff to submit the Feasibility Study to Caltrans for review and approval; and
3. Direct staff to return to Council with a recommendation to amend the Circulation Element of the General Plan and adjust the City's Development Impact Fee Program accordingly, based on the results of the Feasibility Study.

P. 391 **14.** **SUBJECT:** COMMUNITY DEVELOPMENT/DEVELOPMENT SERVICES DEPARTMENT REORGANIZATIONS

RECOMMENDATION: That City Council approve a reorganization of the Community Development and the Development Services Departments; and

1. Adopt Resolution No. 2016-39, amending Resolution No. 2016-23, amending the Management, Supervisory and Confidential Salary, Benefit and Classification Plan effective with the pay period beginning on September 2, 2016 by:
 - a. Reallocating the position of Director of Community Development, from Salary Range 52 (\$105,145-\$131,312) to Salary Range 55 (\$113,230-\$141,410); and
 - b. Eliminating the position of Director of Development Services, Salary Range 55 (\$113,230-\$141,410); and
 - c. Amending the FY 2016-2017 Adopted Budget by updating the Departmental salary line items to be consistent with the approved staffing changes and referenced share of allocated staffing level.
2. Adopt Resolution No. 2016-41, amending Resolution No. 2016-24, amending the General Unit Salary, Benefit and Classification Plan effective with the pay period beginning on September 2, 2016 by:
 - a. Reallocating the position of Assistant Planner, from Salary Range 31 (\$60,523-\$75,585) to Associate Planner, Salary Range 35 (\$66,806-\$83,432); and
 - b. Amending the FY 2016-2017 Adopted Budget by updating the Departmental salary line items to be consistent with the approved staffing changes and referenced share of allocated staffing level.

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. 399 **15. SUBJECT:** CITY OF YUCAIPA (CASE NO. 16-076/DCA); DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 345) INITIATED BY THE CITY TO AMEND VOLUME II (DEVELOPMENT CODE) OF THE YUCAIPA MUNICIPAL CODE AS PART OF IMPLEMENTATION OF THE 2016 GENERAL PLAN TO UPDATE THE DEFINITIONS OF

SOCIAL CARE FACILITY, BOARDING HOUSE, SINGLE-FAMILY HOUSEKEEPING UNIT, AND OTHER RELATED DEFINITIONS, AND UPDATING REGULATIONS AND ALLOWABLE LAND USES RELATED TO LARGE AND SMALL RESIDENTIAL CARE FACILITIES, PAROLEE HOMES, BED AND BREAKFAST LODGES, BOARDING HOUSES, AND ADDITIONAL USES IN THE RL, RS, RM, AND PD LAND USE DISTRICTS.

RECOMMENDATION: That City Council conduct a Public Hearing and:

- A. Approve first reading, by title only, as read by staff, of Ordinance No. 345 initiated by the City to amend Volume II (Development Code) of the Yucaipa Municipal Code as part of implementation of the 2016 General Plan to update the definitions of social care facility, boarding house, single-family housekeeping unit, and other related definitions, and updating regulations and allowable land uses related to large and small residential care facilities, parolee homes, bed and breakfast lodges, boarding houses, and additional uses in the RL, RS, RM, and PD Land Use Districts; and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Find that the ordinance is exempt from Environmental Review pursuant to Section 15061(b)(3) of the CEQA Guidelines.

P. 923 **16.** **SUBJECT:** CONSIDERATION OF A DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 346) INITIATED BY THE CITY AMENDING VOLUME II (DEVELOPMENT CODE) OF THE YUCAIPA MUNICIPAL CODE TO AMEND CHAPTER 3, "LAND USE DISTRICTS," OF DIVISION 4, "LAND USES," ESTABLISHING THE PARK (P) LAND USE DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS FOR THAT DISTRICT.

RECOMMENDATION: That City Council conduct a Public Hearing and

- A. Approve first reading, by title only, as read by staff, of Ordinance No. 346 initiated by the City to amend Chapter 3, "Land Use Districts," of Division 4, "Land Uses," establishing the Park (P) Land Use District and establishing Development Standards for that District; and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Find that the adoption of the ordinance is within the scope of the General Plan Environmental Impact Report (EIR) pursuant to Section 15183 of the CEQA Guidelines in that the General Plan and General Plan EIR analyzed the impacts associated with the potential land uses and ultimate development contemplated by the Parks Land Use District; and
- D. Direct Staff to file a Notice of Determination subsequent to adoption of the Ordinance.

P. 934 **17.** **SUBJECT:** CONSIDERATION OF A DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 349) INITIATED BY THE CITY AMENDING VOLUME II (DEVELOPMENT CODE) OF THE YUCAIPA MUNICIPAL CODE TO AMEND CHAPTER 3 (RESOURCE PRESERVATION) OF DIVISION 5 (OVERLAY DISTRICTS) TO ESTABLISH A HILLSIDE OVERLAY DISTRICT AND AMENDING CHAPTER 11

(REGULATION OF HILLSIDE AND/OR RIDGELINE DEVELOPMENTS) OF DIVISION 7
(GENERAL DESIGN STANDARDS).

RECOMMENDATION: That City Council conduct a Public Hearing and:

- A. Approve first reading, by title only, as read by staff, of Ordinance No. 349 initiated by the City to amend Chapter 3 (Resource Preservation) of Division 5 (Overlay Districts) to establish a Hillside Overlay District And Amending Chapter 11 (Regulation Of Hillside and/or Ridgeline Developments) of Division 7 (General Design Standards); and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Find that the adoption of the ordinance is within the scope of the General Plan Environmental Impact Report (EIR) pursuant to Section 15183 of the CEQA Guidelines in that the General Plan and General Plan EIR analyzed the impacts associated with the ultimate development contemplated by the Hillside Overlay District; and
- D. Direct Staff to file a Notice of Determination subsequent to adoption of the Ordinance.

ANNOUNCEMENTS

CLOSED SESSION

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

Conference with Legal Counsel - Existing Litigation [Gov't Code § 54956.9(a)] 1 item - Case No. CIVDS 1613180 – SoCal Environmental Justice Alliance v. City of Yucaipa and Yucaipa City Council

Conference with Legal Council

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in litigation.

Anticipation of Litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – 1 Item - Correspondence has been received by the City regarding City regulations and matters to be under consideration by the City Council.

ADJOURNMENT