

City of Yucaipa
City Council Minutes
Regular Meeting of November 22, 2021

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 22, 2021, at 6:00 PM.

PRESENT: Greg Bogh, Mayor
Bobby Duncan, Mayor Pro Tem
David Avila, Councilmember
Ray Casey, City Manager
Jennifer Crawford, Assistant City Manager/City Clerk
David Snow, City Attorney

ABSENT: Justin Beaver, Councilmember
Jon Thorp, Councilmember

CONVENE CITY COUNCIL

The meeting was opened with the Pledge of Allegiance led by Captain Williams.

SPECIAL PRESENTATIONS

City Manager Casey introduced American Public Works Association (APWA) Chapter President Bill Hemsley. Mr. Hemsley stated the mission of the APWA and the criteria used to evaluate projects for recognition and announced that the City of Yucaipa won the 2021 Project of the Year award from the APWA for the Yucaipa Boulevard Widening Project. Mr. Hemsley presented the award to the City and cited the reasons the APWA recognized this project for the award.

Third District Supervisor Dawn Rowe presented a Certificate of Recognition to the City of Yucaipa for receiving the 2021 Project of the Year award from the APWA for the Yucaipa Boulevard Widening Project and congratulated the City on a job well done.

Tim Hansen, Yucaipa BMX, presented the Yucaipa BMX Top Ten Track Award, cited the Yucaipa BMX statistics and thanked the City for their partnership over the years.

EMPLOYEE INTRODUCTION

Planning Manager/City Planner Matlock introduced Code Enforcement Officer Leander Rodriguez. Mr. Rodriguez thanked Planning Manager/City Planner Matlock and the Code Enforcement staff for giving him the opportunity to work as a Code Enforcement Officer and stated that it has been a privilege to be able to learn and better himself from the other Code Enforcement Officers. Mr. Rodriguez stated that code enforcement is more than just issuing citations, it's an opportunity to positively impact our citizens by doing our part in keeping the community safe and healthy and to keep the highest quality of life possible.

Mayor Bogh thanked APWA Chapter President Bill Hemsley and Third District Supervisor Dawn Rowe for presenting the City with the award and the recognition and thanked Yucaipa BMX for their presentation.

PUBLIC COMMENT

Richard Frost, Yucaipa, stated that a resident that lives at the northwest corner of 3rd Street and Avenue E has a five-foot fence and was wondering why the City won't allow her to have a six-foot fence to help keep her dogs in the yard.

Caecilia Johns, Yucaipa, stated that she attempted to drop off toys at the 13th Street Fire Station and that both drives were blocked off with cones. Ms. Johns stated her concerns pertaining to the fire department staff responding to emergencies and having to move the cones in order to get out of the driveway.

City Manager Casey reminded Council that with two Councilmembers absent, there are several items that will require a unanimous vote. City Manager Casey also requested that (due to the absence of the Successor Agency and Housing Authority Chairs) Council consider selecting an Interim Chair for the Successor Agency and Housing Authority and to continue these Agenda items until the December 13, 2021, meeting to ensure a full quorum of the Boards can participate in those actions.

City Manager Casey announced that changes to the agreement for Agenda Item No. 13 was distributed to Council and made available to the public.

ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER AVILA, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP ABSENT), TO APPROVE THE CHANGES TO THE AGENDA AND TO SELECT COUNCILMEMBER AVILA AS THE INTERIM CHAIRPERSON FOR THE SUCCESSOR AGENCY AND THE HOUSING AUTHORITY.

CONSENT AGENDA

Mayor Bogh 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 NOVEMBER 8, 2021

RECOMMENDATION: That City Council approve City Council Minutes of November 8, 2021.

2. **SUBJECT:** ACCEPTANCE OF WORK – AVENUE E & 15TH STREET SIDEWALKS PROJECT, PHASE 1 – PROJECT NO. 11086

RECOMMENDATION: That City Council:

1. Accept the contract work completed by Three Peaks Corporation of Calimesa CA. in the amount of \$367,608.60 for the Avenue E & 15th Street Sidewalks Project, Phase

- 1 – Project No. 11086; and
 2. Approve the final payment for the Project; and
 3. Authorize the recordation of the Notice of Completion for the Project; and
 4. Authorize payment in the amount of \$40,851.65 to Western Heights Water Company for required utility relocations for the project.
3. **SUBJECT:** MONTHLY TREASURER’S REPORT: OCTOBER 2021
- RECOMMENDATION:** That City Council receive and file the Monthly Treasurer’s Report for October 2021.
4. **SUBJECT:** APPROVAL OF FINAL PARCEL MAP NO. 20421
- RECOMMENDATION:** That City Council:
1. Approve Final Parcel Map No. 20421; and
 2. Authorize the recordation of the map from Desiree Dawn Taylor.
5. **SUBJECT:** CANCELLATION OF THE DECEMBER 27, 2021, CITY COUNCIL MEETING
- RECOMMENDATION:** That City Council cancel its regularly scheduled meeting of December 27, 2021.
6. **SUBJECT:** RESOLUTION ADOPTING CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL CHAPTER 10 REGARDING SELECTION OF ARCHITECTURAL AND ENGINEERING CONSULTANTS
- RECOMMENDATION:** That City Council Adopt Resolution No. 2021-72 Adopting Caltrans Local Assistance Procedures Manual Chapter 10 regarding selection of architectural and engineering consultants.
7. **SUBJECT:** PROPOSITION 68 PER CAPITA GRANT PROGRAM – RESOLUTION NO. 2021-71
- RECOMMENDATION:** That City Council adopt Resolution No. 2021-71 amending Resolution No. 2019-42, amending the grant application requesting Proposition 68 Per Capita Grant funding through the California Department of Parks and Recreation.
8. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE EL DORADO FIRE
- RECOMMENDATION:** That City Council review the need to continue the local emergency, thereby recognizing the continued existence of perilous conditions as a result of the El Dorado Fire, and direct staff as deemed appropriate.
- ACTION:** MOTION BY COUNCILMEMBER AVILA, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND

THORP ABSENT), TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 8.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

Councilmember Avila reported that he and City Manager Casey recently attended the Cal Cities Installation Banquet.

9. **SUBJECT:** CITY COUNCIL REORGANIZATION

RECOMMENDATION: That City Council choose one of its members as Mayor and another of its members as Mayor Pro Tempore.

Due to the absence of two Councilmembers, Mayor Pro Tem Duncan requested that this item be continued to the December 13, 2021, City Council meeting.:

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER AVILA, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP ABSENT), TO WAIVE SECTION 3.1(B) OF THE CITY COUNCIL RULES AND PROCEDURES (RESOLUTION NO. 2018-46) AND TO CONTINUE THIS ITEM TO THE DECEMBER 13, 2021, CITY COUNCIL MEETING.

POSSIBLE ACTION ON PENDING LEGISLATION

10. **SUBJECT:** ASSEMBLY CONSTITUTIONAL AMENDMENT 7 (MURATSUCHI) AND THE BRAND-HUANG-MENDOZA TRIPARTISAN LAND USE INITIATIVE (INITIATIVE 21-0016A1)

RECOMMENDATION: That City Council:

1. Review and approve a Letter of Support for California Assembly Constitutional Amendment 7 (ACA 7-Muratsuchi) to amend Section 7 of Article XI of the California Constitution; and
2. Review and approve a Resolution No. 2021-74 for the Brand-Huang-Mendoza Tripartisan Land Use Initiative (Initiative 21-0016A1) to amend Section 7 of Article XI of the California Constitution.

DISCUSSION: City Manager Casey presented the Agenda Report.

After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER AVILA, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP ABSENT), TO APPROVE STAFF RECOMMENDATION.

DEPARTMENT REPORTS

11. **SUBJECT:** AWARD OF CONTRACT – PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF THE SENSITIVE PLANT SPECIES MITIGATION PLAN (PHASE II) – PROJECT NO. 10879 FOR THE WILSON III BASIN PROJECT

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute a Professional Services contract with Dudek of Encinitas CA, in the not-to-exceed amount of \$72,725 for Professional Services for the Implementation of the Sensitive Plant Species Mitigation Plan (Phase II) – Project No. 10879 for the Wilson III Basin project; and
2. Approve a contract contingency amount of \$6,500 and the amount of \$5,000 for staff time, contract administration and project coordination for a total Professional Services contract cost in the amount of \$84,225 for the project; and
3. Authorize the City Manager or his designee to administer the terms of the contract; and
4. Find that the public interest will not be best served by a formal proposal process, waive the formal solicitation of proposals/qualifications, and award the Professional Services contract to Dudek.

DISCUSSION: Director of Development Services/City Engineer Preciado presented the Agenda Report.

After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER AVILA, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP ABSENT), TO APPROVE STAFF RECOMMENDATION.

12. **SUBJECT:** 2021 AUTUMNFEST – EVENT WRAP-UP

RECOMMENDATION: That City Council receive and file the wrap-up report for the 2021 Autumnfest.

DISCUSSION: Community Services Supervisor Mary Johnson presented the Agenda Report.

After discussion, it was Council consensus to receive and file the wrap-up report for the 2021 Autumnfest.

13. **SUBJECT:** YUCAIPA EQUESTRIAN ARENA COMMITTEE RODEO UPDATES

RECOMMENDATION: That City Council:

1. Receive and file the 2021 rodeo wrap-up report; and

2. Determine the Amendment needed for the Facility Use Agreement between the City of Yucaipa and the Yucaipa Equestrian Arena Committee:
 - a. (Option 1) Accept \$40,000 of the net proceeds from the 2021 rodeo and amend the agreement to include the following language “The net proceeds from the 2022 Rodeo (less startup costs for ensuring the Rodeo) will be paid to the City to offset the costs for the purchase and installation of lighting.
 - b. (Option 2) Accept no money for the 2021 rodeo and amend the current agreement to include “The net proceeds from the 2022 and 2023 Rodeo (less startup costs for ensuring the Rodeo) will be paid to the City to offset the costs for the purchase and installation of lighting.
 - c. (Option 3) YEAC will pay off the balance of the Dottie Potter Arena Cover in the amount of \$25,000 and an amendment to the Facility Use Agreement will be made. The amendment will read: “The net proceeds from the 2022 and 2023 Rodeo (less startup costs for ensuring the Rodeo) will be paid to the City to offset the costs for the purchase and installation of lighting”; and
3. Approve the Special Event Permit Application submitted by the Yucaipa Equestrian Arena Rodeo Committee to conduct the 2022 Yucaipa Rodeo on Friday, April 1, 2022, and Saturday, April 2, 2022; and
4. Approve the City’s Co-sponsorship for the 2022 Yucaipa Rodeo to include use of City owned equipment and provide City, Police and Fire personnel; and
5. Waive the Special Event Permit Application fee of \$16.25; and
6. Award and authorize the City Manager to execute and administer the terms of the contract with Alex Hauser in the amount of \$57,695; and
7. Amend the Fiscal Year 2021/2022 Budget to increase expenses and revenues by \$21,695; and
8. Authorize the Yucaipa Equestrian Arena Committee to use the City-owned vacant lot directly across California Street for parking; and
9. Approve a temporary four-way stop at the intersection of California Street and Avenue G, to improve pedestrian access; and
10. Review and approve the 2022 Rodeo layout and associated street closures; and
11. Waive the provisions of Yucaipa Municipal Code Section 12.06.030(A) and (D), regarding overnight camping, for the duration of the event.

DISCUSSION: Director of Community Services Wolfe presented the Agenda Report.

Jim Butler, Yucaipa Equestrian Arena Committee (YEAC) President, stated that the YEAC would like to honor the commitment made to the City and would prefer to select Option 1 as listed under Staff Recommendation No. 2 (a).

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER AVILA, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP

ABSENT), TO APPROVE STAFF RECOMMENDATION WITH THE AMENDMENT TO THE AGREEMENT AND TO SELECT OPTION 1 AS LISTED UNDER STAFF RECOMMENDATION NO. 2 (A).

14. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE COVID-19 PANDEMIC

RECOMMENDATION: That City Council review the need to continue the local emergency, thereby recognizing the continued existence of perilous conditions as a result of the COVID-19 pandemic, and direct staff as deemed appropriate.

DISCUSSION: City Manager Casey presented the Agenda Report.

Supervisor Rowe stated that the County of San Bernardino is continuing the Declaration, which allows the County the ability to seek federal reimbursement and to have the ability to have those funds available and allows higher purchasing levels for equipment. Supervisor Rowe advised the Council to err on the side of caution and to defer questions to the County Office of Emergency Services.

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER AVILA, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-0-2-0 (COUNCILMEMBERS BEAVER AND THORP ABSENT), TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE COVID-19 PANDEMIC AND TO DIRECT STAFF TO CONTACT THE COUNTY OFFICE OF EMERGENCY SERVICES FOR INPUT ON REIMBURSEMENT POTENTIAL.

ADJOURN CITY COUNCIL AND CONVENE SUCCESSOR AGENCY

City Council adjourned. Successor Agency convened. (Successor Agency proceedings are contained in separate Minutes)

ADJOURN THE SUCCESSOR AGENCY AND CONVENE HOUSING AUTHORITY

Successor Agency adjourned. Housing Authority convened. (Housing Authority proceedings are contained in separate Minutes)

ADJOURN THE HOUSING AUTHORITY AND CONVENE CITY COUNCIL

Housing Authority adjourned. City Council reconvened.

STUDY SESSION

15. **SUBJECT:** WILDWOOD CANYON ROAD AND INTERSTATE 10 FREEWAY INTERCHANGE PROJECT UPDATE

RECOMMENDATION: That City Council receive and file a report regarding the Wildwood Canyon Road and Interstate 10 Freeway Interchange Project Update.

DISCUSSION: Assistant City Engineer Kern presented the Agenda Report.

Mark Hager, HDR Consulting, provided a project update regarding the Phases, highlighted the five alternatives analyzed and the benefits of the alternatives, and highlighted the next steps for the current Project Approval and Environmental Document Phase.

City Manager Casey provided information pertaining to the location of the rest area.

After discussion, it was Council consensus to receive and file the report.

ANNOUNCEMENTS

Mayor Pro Tem Duncan stated that there were 35 days left to utilize the skating rink and encouraged everyone to come out and enjoy the rink.

On behalf of the City Council, Councilmember Avila wished everyone a happy Thanksgiving.

City Attorney Snow announced the Closed Session items.

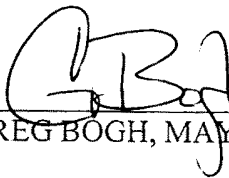
CLOSED SESSION

Conference with Legal Counsel – Pending Litigation – [Gov't Code §54956.9(d)(1)] – 1 item - National Prescription Opioid Litigation, MDL No. 2804 (Federal District Court N.D. Ohio).

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: APN No. 318-143-12, 12494 5th Street - City Negotiator: Ray Casey, City Manager – Negotiating Parties: Delbert R. Kerber, Jr., and Debora J. Cervantes- Under Negotiation: Price and Terms of Payment.

ADJOURNMENT

The meeting adjourned. The next regularly scheduled meeting will be December 13, 2021, at 6:00 PM.



GREG BOGH, MAYOR

~~ATTEST:~~



JENNIFER CRAWFORD
CITY CLERK