

City of Yucaipa
City Council/Successor Agency/Housing Authority Minutes
Regular Meeting of December 11, 2023
City Hall Council Chambers
34272 Yucaipa Blvd., Yucaipa, CA 92399

CLOSED SESSION – 5:00 PM

CALL TO ORDER

Mayor Beaver called the Closed Session meeting to order at 5:01 p.m.

CITY COUNCIL ROLL CALL

PRESENT: Justin Beaver, Mayor
Bobby Duncan, Mayor Pro Tem
Matt Garner, Councilmember
Jon Thorp, Councilmember
Chris Venable, Councilmember

ABSENT: None

PUBLIC COMMENT

There were no comments.

CLOSED SESSION – 5:00 PM

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Paragraph (1) of subdivision (d) of Section 54956.9) Yucaipa Preservation Society v. City of Yucaipa, et al. San Bernardino Superior Court Case No. CIVSB2308052

- B. CONFERENCE WITH LEGAL COUNSEL - CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 032110101
Agency negotiator: City Manager
Negotiating parties: Mike Kooyman
Under negotiation: Price and Terms of Payment

The City Council entered Closed Session at 5:01 p.m.

OPEN SESSION – 6:00 PM

CALL TO ORDER

Mayor Beaver called to order the Regular Meeting of the City Council/Successor Agency/Housing Authority at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Lieutenant Scovel.

CITY COUNCIL ROLL CALL

PRESENT: Justin Beaver, Mayor
Bobby Duncan, Mayor Pro Tem
Matt Garner, Councilmember
Jon Thorp, Councilmember
Chris Venable, Councilmember

ABSENT: None

STAFF

PRESENT: Chris Mann, City Manager
Jennifer Crawford, Assistant City Manager
Steven Graham, City Attorney
Ana Sauseda, Director of General Services/City Clerk

CLOSED SESSION REPORT

City Attorney Steven Graham indicated that there was no reportable action out of Closed Session. The City Council did however add a significant exposure to litigation item by a vote of 5-0.

CHANGES TO THE AGENDA

City Manager Chris Mann indicated that there were no changes to the agenda.

SPECIAL PRESENTATION

YAPS Dog of the Month was presented by Krista Dunlop.

Mayor Beaver presented a Certificate of Recognition to Susan Walker. Public comment was received from Mr. Joél Vincent.

EMS Transportation Update was given by Chief Malinowski.

PUBLIC COMMENT

The following members of the public spoke:

- Kevin Miskin
- Martha Glubka
- Richard Frost
- Kathy Sellers
- Cesar Roldan
- Teri Boon
- Amy Simmons
- Hansen Wang
- Colleen Wang
- Caecilia Johns

CITY COUNCIL REORGANIZATION

Selection of Mayor

City Clerk Sauseda was the Presiding Officer for the City Council Reorganization portion of the meeting.

The following members of the public spoke:

- Hansen Wang
- Joel McCabe
- George Sardeson
- Colleen Wang

City Clerk Sauseda declared the nomination period open for the office of Mayor.

Councilmember Garner nominated Councilmember Duncan for the office of Mayor.

Councilmember Thorp nominated Councilmember Beaver for the office of Mayor.

Councilmember Venable nominated Councilmember Beaver for the office of Mayor.

City Clerk Sauseda closed nominations for the office of Mayor and called for affirmative votes.

Councilmember Duncan was nominated but not selected to the office of Mayor with Councilmembers Duncan and Garner voting aye and Councilmembers Beaver, Thorp, and Venable voting no.

Councilmember Beaver was nominated and selected to the office of Mayor with Councilmembers Beaver, Thorp, and Venable voting aye and Councilmembers Duncan and Garner voting no.

Selection of Mayor Pro Tem

City Clerk Sauseda declared the nomination period open for the office of Mayor pro Tem.

Councilmember Duncan nominated Councilmember Venable for the office of Mayor Pro Tem.

Councilmember Thorp nominated Councilmember Venable for the office of Mayor Pro Tem.

City Clerk Sauseda closed nominations for the office of Mayor and called for affirmative votes.

Councilmember Venable was nominated and selected to the office of Mayor Pro Tem by a unanimous vote.

Mayor Beaver called for a recess at 7:00 p.m.

RECESS

The meeting reconvened at 7:12 p.m.

CONSENT AGENDA

Mayor Beaver asked if there were any Consent Agenda items to be removed for discussion. No items were removed for discussion.

1. **SUBJECT:** APPROVE THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY MINUTES OF NOVEMBER 27, 2023

RECOMMENDATION: That the City Council approve the City Council/Successor Agency/Housing Authority Minutes of November 27, 2023, as presented.

2. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2022 SEPTEMBER STORM EVENT

RECOMMENDATION: That the City Council extend the declaration of a local emergency as a result of the 2022 September Storm Event.

3. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO TROPICAL STORM HILARY

RECOMMENDATION: That the City Council extend the declaration of a local emergency as a result of Tropical Storm Hilary.

4. **SUBJECT:** FISCAL YEAR 2023-24 BUDGET ADJUSTMENT REPORT – DECEMBER 2023

RECOMMENDATION: That the City Council receive and file the Fiscal Year 2023-24 Budget Adjustment Report for December 2023.

5. **SUBJECT:** ADOPTION OF RESOLUTION NO. 2023-59, SETTING THE 2024 CITY COUNCIL MEETING SCHEDULE

RECOMMENDATION: That the City Council adopt Resolution No. 2023-59, setting the 2024 City Council meeting schedule.

6. **SUBJECT:** RESOLUTION NO. 2023-60, ADOPTING, AFFIRMING, AND INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST PROVISIONS OF CALIFORNIA CODE OF REGULATIONS TITLE 2, SECTION 18730 AND AMENDING APPENDIX I AND II, TO ACCOUNT FOR THE ADDITION, DELETION AND MODIFICATION OF POSITIONS LISTED AS "DESIGNATED POSITIONS" TO THE CONFLICT-OF-INTEREST CODE OF THE CITY OF YUCAIPA

RECOMMENDATION: That the City Council adopt Resolution No. 2023-60, approving an amended Conflict of Interest Code, Appendix I and II, to account for the addition, deletion and modification of positions listed as "designated positions."

7. **SUBJECT:** AWARD OF PROFESSIONAL SERVICES AGREEMENT – DEVELOPMENT CODE UPDATE

RECOMMENDATION: That the City Council:

1. Approve and authorize the City Manager to execute an Agreement with RRM Design Group, of San Juan Capistrano, CA in an amount not to exceed \$150,000 for providing professional services in the preparation of the Citywide Design Guidelines; and
2. Authorize the City Manager or his designee to administer the terms of the Agreement.

8. **SUBJECT:** CONTRACT AMENDMENT NO. 5 (FOR WILSON III BASIN EMERGENCY REPAIR WORK) –CONSTRUCTION MANAGEMENT SERVICES, INSPECTION, AND PROJECT ENGINEERING SERVICES FOR VARIOUS PUBLIC WORKS PROJECTS

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute Contract Amendment No. 5 to the contract with B&R Consulting Engineers, Inc. in the not-to-exceed amount of \$200,000 for providing Construction Management Services, Inspection, and Project Engineering Services for Various Public Works Projects.

9. **SUBJECT:** SPECIAL EVENT PERMIT APPLICATION – YUCAIPA EQUESTRIAN ARENA RODEO COMMITTEE 2024 RODEO

RECOMMENDATION: That City Council:

1. Approve the Special Event Permit Application submitted by the Yucaipa Equestrian Arena Rodeo Committee to conduct the 2024 Yucaipa Rodeo on Friday, April 5, 2024, and Saturday, April 6, 2024; and
2. Approve the City's Co-sponsorship for the 2024 Yucaipa Rodeo to include use of City owned equipment, City-owned vacant lot directly across the street, and City personnel

including Public Works, Community Services, Police and Fire personnel with an estimated in-kind contribution of \$20,000; and

3. Waive the Special Event Permit Application fee of \$200; and
4. Review and approve the street closures identified in the agenda report; and
5. Waive the provisions of Yucaipa Municipal Code Section 12.06.030, regarding overnight camping, for the duration of the event.

ACTION: MOTION BY COUNCILMEMBER THORP, SECOND BY MAYOR PRO TEM VENABLE, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 9.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

Councilmember Thorp and Mayor Beaver encouraged everyone to attend the upcoming Dueling Pianos Black Tie fundraiser hosted by the Yucaipa Community Foundation.

Councilmember Duncan thanked and Rotary Club and City staff for an outstanding Christmas parade.

10. SUBJECT: TRAILS & OPEN SPACE COMMITTEE APPOINTMENT

RECOMMENDATION:

1. That Councilmember Garner review the attached Citizens Service Applications and nominate one (1) applicant for membership to the Trails and Open Space Committee; and
2. That the City Council vote on the appointment of Councilmember Garner's nominated applicant.

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

ACTION: MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM VENABLE, CARRIED 5-0, TO APPOINT DOUGLAS LEACH TO THE TRAILS AND OPEN SPACE COMMITTEE.

DEPARTMENT REPORTS

11. SUBJECT: 2024 REGIONAL COMMITTEE ASSIGNMENTS

RECOMMENDATION: That the City Council review and appoint Councilmembers to the various regional committees and direct the City Clerk to notify respective agencies of any changes and post the FPPC Form 806 to the City's website.

DISCUSSION: Director of General Services/City Clerk Sauseda presented the Agenda Report.

After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM VENABLE, SECOND BY MAYOR BEAVER, CARRIED 5-0, TO APPROVE THE FOLLOWING APPOINTMENTS:

- Crafton Hills Open Space Conservancy –
Member/Justin Beaver, Alternate/Chris Venable
- OMNITRANS –
Member/Bobby Duncan, Alternate/Matt Garner
- San Bernardino County Transportation Authority (SBCTA) –
Member/Bobby Duncan, Alternate/Matt Garner
- Solid Waste Advisory Task Force –
Member/Justin Beaver, Alternate/Ana V. Sauseda

12. SUBJECT: FIVE WINDS COUNTRY MUSIC FESTIVAL WRAP-UP

RECOMMENDATION: That the City Council:

1. Approve the 2023 Five Winds Country Music Festival Wrap-Up Report; and
2. Direct staff to move forward with planning the 2024 Five Winds Country Music Festival.

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

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER THORP, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, TO APPROVE STAFF'S RECOMMENDATION.

13. SUBJECT: ADOPTION OF RESOLUTION NO. 2023-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT WITH KOY BUILDERS, INC., IN THE AMOUNT OF \$4,500,000 AT 7% INTEREST FOR A TERM OF 3-YEARS SECURED BY A DEED OF TRUST ON 80 ACRES OF VACANT LAND IN THE CITY OF YUCAIPA (APN 0321-101-01) LOCATED GENERALLY NORTH OF OAK GLEN ROAD WEST OF FIVE WINDS RANCH AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPTION TO PURCHASE AGREEMENT IN THE AMOUNT OF \$5,475,000 FOR SAID PROPERTY

RECOMMENDATION: That the City Council adopt Resolution No. 2023-61, authorizing the City Manager to Execute a Loan Agreement with Koy Builders, Inc., in the amount of \$4,500,000 at 7% interest for a term of 3-years secured by a deed of trust on 80 acres of vacant land in the City of Yucaipa (APN 0321-101-01) located generally north of Oak Glen Road west of Five Winds Ranch and authorizing the City Manager to execute an option to purchase agreement in the amount of \$5,475,000 for said property.

DISCUSSION: City Manager Mann presented the Agenda Report.

The following members of the public spoke:

- Hansen Wang
- Denise Work
- Dr. Tim Krantz
- Teri Boon

After Council discussion, the following Motion was made:

ACTION: MOTION BY MAYOR PRO TEM VENABLE, SECOND BY MAYOR BEAVER, CARRIED 5-0, TO APPROVE STAFF'S RECOMMENDATION.

PUBLIC HEARING

14. **SUBJECT:** PREMIUM LAND DEVELOPMENT ON BEHALF OF THE MOSS FAMILY FOUNDATION (CASE NO 21-191/GPA/LUCR/DBA): A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DISTRICT FROM RM-10M (MULTIPLE RESIDENTIAL) TO RM-24 (HIGH DENSITY MULTIPLE RESIDENTIAL), AND A LAND USE COMPLIANCE REVIEW TO DEVELOP A THREE (3) STORY, 144 UNIT HOUSING PROJECT WITH ARCHITECTURAL REVIEW AND A DENSITY BONUS REQUEST TO INCREASE THE BASE DENSITY BY 20 PERCENT THAT PROVIDES TWELVE (12) UNITS, OR TEN (10) PERCENT OF THE BASE DENSITY ALLOWED, AT THE LOW INCOME AFFORDABLE LEVEL. THE PROJECT IS LOCATED ACROSS FOUR PARCELS TOTALING 5.12 ACRES AT 12249 14TH STREET. A LOT MERGER WILL ALSO BE PROCESSED TO CONSOLIDATE ALL FOUR PARCELS INTO A SINGLE LOT. APNS 0301-051-29, -30, -48 & 49

RECOMMENDATION: That the City Council conduct a public hearing and consider the Planning Commission's recommendation to:

1. Adopt Resolution No. 2023-57, approving the minor General Plan Amendment/Land Use District Change of a property from RM-10M (Multiple Residential, 10,000 square foot minimum lot size) to the land use designation of RM-24 (High Density Multiple Residential); and
2. Approve first reading, by the title only, as read by staff, of Ordinance No. 437, amending Ordinance No. 343, amending the Official Land Use Plan and Zoning Ordinance as adopted by the City of Yucaipa; and

3. Approve the Density Bonus Agreement Request and Land Use Compliance Review (Case No. 21-191), subject to the Conditions of Approval as contained in this Agenda Report; and
4. Adopt the Findings as contained in this Agenda Report; and
5. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, finding the mitigation measures and standard measures and procedures will reduce the potential level of environmental impact to less than significant; and
6. Direct staff to file a Notice of Determination; and
7. Review, and if it is considered acceptable, approve the architectural design and conceptual landscaping for the proposed Project.

- Public Hearing Opened

Mayor Beaver opened the Public Hearing for Item No. 14 at 8:04 p.m.

- Staff Presentation

Deputy Director of Community Development / City Planner Ben Matlock presented the agenda report.

- Applicant Presentation

Travis Heaps of Premium Land Development.

- Public Comments

The following members of the public spoke:

- Hansen Wang
- Lloyd Rekstad

- Applicant Rebuttal

Craig Heaps of Premium Land Development spoke.

- Public Hearing Closed

Mayor Beaver closed the Public Hearing at 8:38 p.m.

Mayor Beaver asked each Councilmember to disclose any ex parte communications on the project.

Councilmember Duncan announced that he knows the Moss family personally but has no financial interest in this project.

After Council discussion, the following Motion was made:


ACTION: MOTION BY MAYOR PRO TEM VENABLE, SECOND BY COUNCILMEMBER THORP, CARRIED 4-1 (MAYOR BEAVER VOTED NO), TO APPROVE STAFF'S RECOMMENDATION.

ANNOUNCEMENTS

Councilmember Thorp encouraged the Council to participate in the upcoming Dueling Pianos Black Tie fundraiser hosted by the Yucaipa Community Foundation. The next regularly scheduled meeting will be January 8, 2024 at 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:44 p.m.


Justin Beaver, Mayor

ATTEST:



Ana V. Sauseda, CMC
Director of General Services/City Clerk