City of Yucaipa
City Council/Successor Agency/Housing Authority Minutes
Regular Meeting of March 11, 2024
City Hall Council Chambers
34272 Yucaipa Blvd., Yucaipa, CA 92399

CLOSED SESSION – 4:30 PM

CALL TO ORDER

Mayor Beaver called the Closed Session meeting to order at 4:30 p.m.

CITY COUNCIL ROLL CALL

PRESENT: Justin Beaver, Mayor
Bobby Duncan, Councilmember
Matt Garner, Councilmember
Jon Thorp, Councilmember

ABSENT: Chris Venable, Mayor Pro Tem

PUBLIC COMMENT

The following member of the public spoke:

- James Penman

CLOSED SESSION – 4:30 PM

A. CONFERENCE WITH LEGAL COUNSEL – PURSUANT TO GOVT. CODE SECTION 54957 – Public Employment; Annual Public Employee Performance Evaluation - City Manager

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)
Ana Sauseda v. George Sardeson, et al
San Bernardino Superior Court Case No. CIVSB2310343

The City Council entered Closed Session at 4:34 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 6:03 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Captain Walker.

CITY COUNCIL ROLL CALL

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

ABSENT:

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 announced that the City Council would return to closed session at the end of the meeting to continue their evaluation of the City Manager. In regard to Item B, the City Council by consensus gave direction to file a notice of appeal. The Council also took under advisement the settlement offer that was presented at the beginning of Closed Session and will consider it in the future.

City Clerk Sauseda read a statement regarding the litigation item on the Closed Session agenda. Special Counsel Attorney Brad Hertz of the Sutton Law Firm provided additional details on the litigation.

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.

PUBLIC COMMENT

Mayor Beaver asked the public to be respectful of others.

The following members of the public spoke:

- Melanie Martindale
- Richard Frost
- Colleen Wang

- Hansen Wang
- Ray Snodgrass

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 FEBRUARY 26, 2024.

   RECOMMENDATION: That the City Council approve the City Council/Successor Agency/Housing Authority minutes of February 26, 2024.

2. **SUBJECT**: SECOND READING OF ORDINANCE NO. 440

   RECOMMENDATION: That the City Council approve the second reading of Ordinance No. 440, an Ordinance of the City Council of the City of Yucaipa, California, adding Section 1.08.070 to the Yucaipa Municipal Code Establishing No Campaign Contribution Limits.

3. **SUBJECT**: SECOND READING OF ORDINANCE NO. 442

   RECOMMENDATION: That the City Council approve the second reading of Ordinance No. 442, an Ordinance of the City Council of the City of Yucaipa, California, rescinding ordinance number 335 and adopting an amended development agreement between the city of Yucaipa and ACAA, a limited liability partnership, to enable the continued development of a unified commercial center at the southwest corner of Oak Glen Road and 14th street, with the new agreement memorializing changes to the site design and utility improvement responsibility.

4. **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.

5. **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.

6. **SUBJECT**: MONTHLY TREASURER'S REPORT JANUARY 2024

   RECOMMENDATION: That the City Council receive and file the Monthly Treasurer's Report for January 2024.

7. **SUBJECT**: ALTERNATIVE COMPLIANCE EXAMINATION ENGAGEMENT FOR FISCAL YEAR ENDED JUNE 30, 2023

RECOMMENDATION: That the City Council receive and file the Alternative Compliance Examination Engagement for Fiscal Year Ended June 30, 2023.

8. **SUBJECT**: AWARD OF CONTRACT – 13TH STREET SPORTS COMPLEX FACILITY PARKING LOT LIGHTING PHASE I – PROJECT NO. 11189

RECOMMENDATION: That the City Council:

1. Award and authorize the City Manager to execute a contract, and the City Manager or his designee administer the terms of the contract to the lowest responsive bidder, Quality Light and Electrical of Bloomington, CA, in the amount of $58,805 for the 13th Street Sports Complex Facility Parking Lot Lighting Phase I – Project No. 11189 (Project); and

2. Approve the amounts of $5,800 for construction contract contingency and $3,000 for construction contract administration, staff time, and inspection, for a total construction budget in the amount of $67,605; and

3. Authorize the City Manager or his designee to administer the distribution of the contract contingency; and

4. Approve the plans and specifications prepared for this Project.

9. **SUBJECT**: RATIFICATION OF THE RESTRICTED GRANT AGREEMENT BETWEEN THE SAN MANUEL BAND OF MISSION INDIANS AND THE CITY OF YUCAIPA, COMMUNITY LIBRARY

RECOMMENDATION: That the City Council ratify the Restricted Grant Agreement Between the San Manuel Band of Mission Indians and the City of Yucaipa, Community Library signed by the City Manager accepting grant funding not-to-exceed $1 million.

10. **SUBJECT**: RESOLUTION NO. 2024-05 DECLARING CITY OWNED PROPERTY [PORTION OF ASSESSOR'S PARCEL NUMBER 0303-181-28] AS EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTIONS 54221 (F)(1)(C) AND 54221 (F)(1)(D), FINDING THE DECLARATION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TAKING RELATED ACTIONS

RECOMMENDATION: That the City Council:

1. Adopt Resolution No.2024-05 declaring, pursuant to Government Code Section 54221, that real property owned by the City [0.33-acre portion of Assessor's Parcel Number 0303-181-28] is exempt surplus land and not necessary for the City's use; and

2. Find that such declaration is exempt from environmental review pursuant to section 15062(b)(3) under the California Environmental Quality Act and direct staff to file a Notice of Exemption; and

3. Approve the related actions in the resolution.

11. **SUBJECT**: 2022 HOMELAND SECURITY GRANT ACCEPTANCE – POLICE & FIRE DEPARTMENT

RECOMMENDATION: That the City Council approve an amendment to the Fiscal Year 2023-24 budget for the 2022 Department of Homeland Security Grant, with an increase in the revenue and expenditure budgets in the amount of $17,994 for the Police Department and $15,675 for the Fire Department.

ACTION: MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM VENABLE, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 11.

DISCUSSION ITEMS

12. **SUBJECT**: ADOPTION OF RESOLUTION OPPOSING INITIATIVE NO. 21-0042A1 AND JOINING THE "STOP THE TAXPAYER DECEPTION ACT" COALITION

RECOMMENDATION: That the City Council adopt Resolution No. 2024-06, Opposing Initiative No. 21-0042A1 and Joining the "Stop the Taxpayer Deception Act" Coalition.

DISCUSSION: Director of Government Affairs/PIO Pradetto presented the Agenda Report.

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

13. **SUBJECT**: WILDWOOD CANYON ROAD ENGINEERING STUDY AND TRAFFIC ANALYSIS

RECOMMENDATION: That the City Council receive an update regarding a traffic analysis completed along Wildwood Canyon Road and provide direction to staff regarding optional traffic improvements.

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

The following members of the public spoke:

- Kathy Barton
- Denise Work

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER THORP TO APPROVE BOTH THE RECTANGULAR RAPID FLASHING BEACON (CANYON DRIVE INTERSECTION) FOR $40,000 AND THE ROADWAY WIDENING IMPROVEMENTS (OAK VIEW ROAD INTERSECTION) FOR $350,000 FAILED DUE TO A LACK OF A SECOND.

ACTION: MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR BEAVER, CARRIED 5-0, TO APPROVE THE RECTANGULAR RAPID FLASHING BEACON (CANYON DRIVE INTERSECTION) FOR $40,000.

14. **SUBJECT**: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 444 REGARDING SIDEWALK VENDORS AND THE REGULATION OF FOOD TRUCKS

RECOMMENDATION: That the City Council approve the Introduction and First Reading of Ordinance No. 444, an Ordinance of the City Council of the City of Yucaipa, California, Repealing Title 5, Chapter 5.12 of the Yucaipa Municipal Code Concerning the Regulation of Peddlers, Hawkers, and Itinerant Vendors and Replacing it with a New Chapter 5.12 Concerning the Regulation of Sidewalk Vendors and Adding Chapter 5.13 Concerning the Regulation of Food Trucks.

DISCUSSION: City Attorney Graham presented the Agenda Report.

After Council discussion, the following Motion was made:

ACTION: MOTION BY COUNCILMEMBER DUNCAN, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, TO APPROVE THE INTRODUCTION AND FIRST READING OF ORDINANCE NO. 444, WITH AN AMENDMENT TO SECTION 513.090 (G), INCREASING THE NUMBER OF HOURS A FOOD TRUCK MAY OPERATE IN THE PUBLIC RIGHT OF WAY TO SIX (6).

15. **SUBJECT**: ADOPTION OF RESPONSE TO THE 2023 CIVIL GRAND JURY FINAL REPORT

RECOMMENDATION: That the City Council adopt the proposed response to the 2023 San Bernardino County Civil Grand Jury Final Report and direct that the response be filed with the Presiding Judge of the Superior Court and with the Clerk of the Board of Supervisors.

DISCUSSION: City Manager Mann presented the Agenda Report.

The following members of the public spoke:

- Ray Snodgrass

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

COUNCILMEMBER REPORTS

Mayor Pro Tem Venable announced several upcoming community events. Councilmember Duncan announced the upcoming Rodeo. Mayor Beaver announced the upcoming Trail Cleaning Day and wished his daughter a Happy Birthday.

ANNOUNCEMENTS

The next regularly scheduled meeting will be March 25, 2024 at 6:00 p.m.

ADJOURNMENT

The open session meeting adjourned and the Council reconvened to Closed Session at 8:12 p.m.

The City Council returned from Closed Session and, in Mayor Beaver's absence, Mayor Pro Tem Venable called the meeting to order at 8:40 p.m.

City Attorney Graham indicated that there was nothing to report out of Closed Session.

The meeting was adjourned at 8:40 p.m.

Chris Venable, Mayor Pro Tem

ATTEST:

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