



City Council Meeting Agenda

March 13, 2023 – 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 NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING (PURSUANT TO 28 CFR 35.102.35.104 ADA TITLE II), PLEASE CALL THE CITY CLERK'S DEPARTMENT AT (909) 797-2489 AT LEAST 48-HOURS PRIOR TO THE MEETING.

UNLESS STATED OTHERWISE ON THE AGENDA, EVERY ITEM ON THE AGENDA IS EXEMPT FROM CEQA GUIDELINES SECTIONS 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 AND/OR PUBLIC RESOURCE CODE SECTION 21065.

PURSUANT TO GOVERNMENT CODE SECTION 54957.5, ANY DISCLOSABLE PUBLIC RECORDS RELATED TO AN OPEN SESSION ITEM ON A REGULAR MEETING AGENDA AND DISTRIBUTED BY THE CITY OF YUCAIPA TO ALL OR A MAJORITY OF THE CITY COUNCIL, LESS THAN 72 HOURS PRIOR TO THAT MEETING, ARE AVAILABLE FOR PUBLIC INSPECTION AT YUCAIPA CITY HALL, 34272 YUCAIPA BOULEVARD, YUCAIPA, CA 92399, DURING NORMAL BUSINESS HOURS.

IF YOU WISH TO ADDRESS THE COUNCIL DURING THE MEETING, PLEASE COMPLETE A SPEAKER'S FORM AND RETURN IT TO THE CITY CLERK PRIOR TO THE BEGINNING OF THE MEETING. THERE IS A THREE-MINUTE TIME LIMIT FOR SPEAKING.

PUBLIC COMMENT VIA MAIL OR EMAIL must be submitted no later than three (3) business hours prior to the meeting at which the commenter seeks to provide comment. Public comment may be submitted via U.S. Mail to the City Clerk at 34272 Yucaipa Blvd., Yucaipa, CA 92399 or via email to publiccomment@yucaipa.org. All mail and email correspondence will be archived, distributed to City Council, and retained as part of the public record; however, submissions will not be read out loud during the meeting. The subject line should specify "Public Comment" and include the date of the meeting.

WRITTEN PUBLIC COMMENT SUBMITTED ON NON-AGENDA ITEMS AND ON SPECIFIC AGENDA ITEMS will be made available to the public pursuant to the City of Yucaipa policy regarding the distribution of written public comments at City Council and Commission meetings, which may be accessed on the City's website at <https://yucaipa.org/agendas-minutes/>. Individuals should be aware that comments provided, including personal information, may be disclosable pursuant to the California Public Records Act.

LIVE AUDIO STREAM/RECORDING OF CITY COUNCIL MEETINGS. Members of the public may listen to city council meetings live at: <https://yucaipa.org/live>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

EMPLOYEE INTRODUCTION

PUBLIC COMMENT

CONSENT AGENDA

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 FEBRUARY 27, 2023

RECOMMENDATION: That City Council approve City Council Minutes of February 27, 2023.

P. 16 2. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2022 SEPTEMBER STORM EVENT

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

P. 18 3. **SUBJECT:** ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2022

RECOMMENDATION: That City Council receive and file the Annual Comprehensive Financial Report for the year ended June 30, 2022, and other related audit reports.

P. 162 4. **SUBJECT:** COMMUNITY DEVELOPMENT BLOCK GRANT – INTENT TO PARTICIPATE CERTIFICATION

RECOMMENDATION: That City Council:

1. Authorize the City Manager to execute the Intent to Participate Certification with San Bernardino County for FY25, FY26, and FY27, and
2. Approve the use of \$4,305 from the City's available uncommitted funds from prior years to address program allocation shortfall.

P. 168 5. **SUBJECT:** OPIOID SETTLEMENTS – TEVA, ALLERGAN, CVS, WALGREENS, WALMART

RECOMMENDATION: That City Council:

1. Review and approve Resolution No. 2023-05; and
2. Authorize the City Manager to execute Participation Forms and California Intrastate Allocation Agreements for each proposed national opioid settlement.

P. 170 6. **SUBJECT:** AWARD OF CONTRACT – PURCHASE OF 2022 BRAUN VOYAGER LX LOW-FLOOR ADA MINIVAN

RECOMMENDATION: That City Council:

1. Award and authorize the City Manager to execute a purchase contract with Creative Bus Sales, for the acquisition of one new, 2022 Braun Voyager LX Low-Floor Minivan in the amount of \$71,115.19; and
2. Award and authorize the City Manager to execute a purchase contract with Sunrise Ford, for the acquisition of one, 2016 Ford Transit 15 Passenger van in the amount of \$47,533.97; and
3. Authorize an increase in the Fiscal Year 2022/2023 Senior Services expense budget in the not to exceed amount of \$12,000.

P. 178 7. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – DEMOLITION OF RESIDENTIAL STRUCTURE AT 35110 COUNTY LINE ROAD – PROJECT NO. 11113

RECOMMENDATION: That City Council:

1. Accept the contract and extension work completed by LCR Earthworks & Engineering Corp. in the amount of \$36,632 for the Demolition of Residential Structure at 35110 County Line Road – Project No. 11113 (Demolition Project); and
2. Approve the final payment to the LCR Earthworks & Engineering Corp. for the Demolition Project; and
3. Authorize the recordation of the Notice of Completion for the Demolition Project.

P. 182 8. **SUBJECT:** ADOPTION OF RESOLUTION 2023-06, THE CITY OF YUCAIPA LOCAL HAZARD MITIGATION PLAN UPDATE

RECOMMENDATION: That City Council adopt Resolution No. 2023-06, adopting the City of Yucaipa Local Hazard Mitigation Plan Update, authorizing future non-substantive amendments to the Plan, and rescinding Resolution No. 2016-36.

P. 317 **9. SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 GRANT FUNDING REIMBURSEMENT**

RECOMMENDATION: That City Council adopt Resolution No. 2023-04 authorizing staff to file reimbursement claim forms for Transportation Development Act, Article 3 grant funds in the amount of \$89,728 for the Oak Glen Road Bicycle and Pedestrian Facility Improvements Project – Project 11125.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

P. 321 **10. SUBJECT: FISCAL YEAR 2022/2023 COMMUNITY ACTIVITY GRANT IN-KIND REQUESTS & COMMUNITY ACTIVITY GRANT PROGRAM GUIDELINES & FUNDING LEVELS FOR FISCAL YEAR 2023/24**

RECOMMENDATION: That City Council:

1. Review and consider the Fiscal Year (FY) 2022/2023 Community Activity Grant (CAG) Application submitted by the Yucaipa Valley Lions Club requesting \$324 for in-kind support to waive the rental fees for the Community Center Meeting Room to hold monthly board meetings through June 2023; and
2. Review and consider the FY 2022/2023 CAG Application submitted by the Yucaipa Equestrian Committee requesting \$2,125 for in-kind support to waive the rental fees for the Yucaipa Performing Arts Center (YPAC) to hold the 2023 Rodeo Queens Coronation Dinner & Dance; and
3. Determine that the Yucaipa Equestrian Committee should be exempt from the CAG Guideline that prohibits the programming for and rental of the YPAC, if their CAG is awarded; and
4. Review the CAG program guideline options and provide direction as appropriate; and
5. Provide direction on the appropriate Fiscal Year 2023/2024 funding levels for in-kind/fee waiver grants, \$40,000 currently, and financial grants, \$17,500 currently, or adjust the funding levels as deemed appropriate.

P. 341 **11. SUBJECT: MOBILEHOME RENT REVIEW COMMISSION PROCESS**

RECOMMENDATION: That City Council direct the issuance of a Request for Proposal seeking Mobilehome Rent Stabilization Hearing Officer services in place of the MRRC processes and approve the elimination of the appeal process.

POSSIBLE ACTION ON PENDING LEGISLATION

DEPARTMENT REPORTS

P. 343 **12. SUBJECT: GENERAL FUND BUDGET ADJUSTMENT/SALARY SCHEDULE AMENDMENT (*CONTINUED FROM THE FEBRUARY 13, 2023, CITY COUNCIL MEETING*)**

RECOMMENDATION: That City Council:

1. Approve an amendment to the Fiscal Year 2022-2023 Annual Budget for Salary and benefits; and
2. Adopt Resolution No. 2023-02, amending Resolution No. 2022-63, amending the Management, Supervisory and Confidential Salary, Benefit and Classification Plan effective March 15, 2023.
 - a. Revising salary range for current Assistant City Manager position to “Per Contract”; and
 - b. Revising salary for City Manager position to “Per Contract”; and
 - c. Creating one (1) position of Director of General Services/City Clerk, Salary Range 57 (\$149,352-\$186,520); and
 - d. Creating one (1) position of Director of Governmental Affairs/Public Information Officer, Salary Range 57 (\$149,352-\$186,520); and
 - e. Reallocating the position of Public Information Officer/Grants Coordinator (Confidential), Salary Range 29 (\$74,807-\$93,423) to Management Analyst (Confidential), Salary Range 29 (\$74,807-\$93,423); and
 - f. Reallocating the position of City Clerk/ Deputy Rent Administrator, Salary Range 39 (\$95,759-\$119,590) to Deputy City Clerk/ Deputy Rent Administrator/Records Technician (Confidential), Salary Range 39 (\$95,759-\$119,590); and
 - g. Eliminating one (1) position of Deputy City Clerk/Records Technician (Confidential), Salary Range 28 (\$72,982-\$91,145).

P. 349 **13. SUBJECT: CONFIRE CONTRACT AGENCY AGREEMENT**

RECOMMENDATION: That City Council:

1. Authorizes the City Manager to enter into an agreement with Consolidated Fire Agencies (CONFIRE) with the intention to join and participate in the EMS Division, which would not pertain to dispatching services provided by CONFIRE through the dispatch division; and
2. Approve a budget adjustment for the initial contract agency fee of \$41,398.

P. 367 **14. SUBJECT: CITY OF YUCAIPA EXTERNSHIP AGREEMENT WITH SAN BERNARDINO COMMUNITY COLLEGE DISTRICT**

RECOMMENDATION: That City Council authorize the Fire Chief to enter into an agreement with the San Bernardino Community College District (SBCCD) for student unpaid field internship experience.

P. 378 15. **SUBJECT:** PAVEMENT MANAGEMENT PROGRAM UPDATE

RECOMMENDATION: That City Council:

1. Review and approve the FY2023/2024 Pavement Management Program update; and
2. Approve the recommended pavement maintenance and rehabilitation project for FY2023/2024.

P. 411 16. **SUBJECT:** DISCUSSION/DIRECTION REGARDING ON-CALL POTHOLE REPAIR

RECOMMENDATION: That City Council hold a discussion and provide direction on issuing a Request for Proposals for On-Call Pothole Repair Services.

PUBLIC HEARING

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. 413 17. **SUBJECT:** ANNUAL ADJUSTMENT OF DEVELOPMENT IMPACT FEES
(CONTINUED FROM THE JANUARY 23, 2023, CITY COUNCIL MEETING)

RECOMMENDATION: That City Council conduct a public hearing and adopt Resolution No. 2022-59, rescinding Resolution No. 2021-64, and amending Resolution No. 93-39, establishing a schedule of revised Development Impact Fees.

STUDY SESSIONS

P. 515 18. **SUBJECT:** DISCUSSION/DIRECTION REGARDING AGGRESSIVE SOLICITATION ORDINANCE

RECOMMENDATION: That City Council hold a discussion and provide direction on enacting an Aggressive Solicitation Ordinance.

P. 521 19. **SUBJECT:** DISCUSSION/DIRECTION REGARDING PUBLIC SMOKING ORDINANCE

RECOMMENDATION: That City Council hold a discussion and provide direction on enacting a Smoking in Public Places Ordinance.

P. 524 20. **SUBJECT:** DISCUSSION/DIRECTION REGARDING CHAPTER 12.06 - CAMPING

RECOMMENDATION: That City Council hold a discussion and provide direction on updating the City of Yucaipa's camping ordinance (Chapter 12.06) to ensure compliance with the 9th Circuit Court of Appeal decision in *Boise v. Martin*.

P. 527 21. **SUBJECT:** DISCUSSION/APPROVAL OF AMENDMENTS TO RULES OF PROCEDURE

RECOMMENDATION: That City Council adopt Resolution No. 2023-07, rescinding Resolution No. 2021-12 amending the Rules of Procedure for City Council meetings.

P. 551 22. **SUBJECT:** DISCUSSION/DIRECTION REGARDING SUNSHINE ORDINANCE

RECOMMENDATION: That City Council hold a discussion and provide direction on enacting a Sunshine Ordinance.

ANNOUNCEMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation [Gov't Code § 54956.9(d)(2)] Liability Claim No. 2022-05, Anita Carso

ADJOURNMENT

		AFFIDAVIT OF POSTING
State of California	}	
County of San Bernardino	} ss.	
City of Yucaipa	}	
I, Kimberly Metzler, City Clerk of the City of Yucaipa, hereby declare under penalty of perjury that the Notice and Agenda of a Regular City Council Meeting as called by the City Council of the City of Yucaipa was provided and posted on 3/09/2023. Said meeting to be held at 6 pm, 3/13/2023, at Yucaipa City Hall, 34272 Yucaipa Boulevard, Yucaipa, California. Said notice was posted on the Bulletin Board at the entrance to City Hall.		
		Kimberly Metzler, City Clerk

POSTED
3/9/23

Remove by: 3/14/23

