

CITY OF



**City Council
Successor Agency
Housing Authority
Meeting Agenda**

December 11, 2023

5:00 PM – Closed Session

6:00 PM – Open Session

City Council Chambers - Yucaipa City Hall
34272 Yucaipa Blvd., Yucaipa, California

The City Council serves as the Board for the Yucaipa Successor Agency and Commission for the Yucaipa Housing Authority.

THE CITY OF YUCAIPA COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT OF 1990. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CALL THE CITY CLERK'S DEPARTMENT AT (909) 797-2489, DURING NORMAL BUSINESS HOURS, AT LEAST 48-HOURS PRIOR TO THE MEETING. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ACCOMMODATIONS TO ENSURE ACCESSIBILITY TO THIS MEETING.

CEQA STATEMENT: 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.

NOTICE REGARDING CHALLENGES TO DECISIONS

PURSUANT TO ALL APPLICABLE LAWS AND REGULATIONS, INCLUDING WITHOUT LIMITATION, CALIFORNIA GOVERNMENT CODE SECTION 65009 AND/OR CALIFORNIA PUBLIC RESOURCES CODE SECTION 21177, IF YOU WISH TO CHALLENGE IN COURT ANY OF THE BELOW DECISIONS (REGARDING PLANNING, ZONING AND/OR ENVIRONMENTAL DECISIONS), YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE/AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY AT, OR PRIOR TO, THIS PUBLIC HEARING.

MEMBERS OF THE CITY COUNCIL ALSO SIT AS THE BOARD FOR THE SUCCESSOR AGENCY AND COMMISSION FOR THE HOUSING AUTHORITY. THIS IS THE TIME AND PLACE FOR THE GENERAL PUBLIC TO ADDRESS THE CITY COUNCIL, SUCCESSOR AGENCY AND HOUSING AUTHORITY. 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 STREAM/RECORDING OF CITY COUNCIL MEETINGS:

Members of the public may watch city council meetings live at: <https://yucaipa.org/live>.

Possible Live Stream Disruptions: While the City of Yucaipa strives for uninterrupted streaming, technical issues may occasionally occur. We ask for your understanding and patience should there be any disruptions during the live broadcast. We will work diligently to resolve any issues promptly, however, please be advised that the City Council meeting may continue in person while such issues are resolved. The meeting will be recorded and made available for viewing after the meeting's conclusion.

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

OPEN SESSION – 6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CLOSED SESSION REPORT

CHANGES TO THE AGENDA

PUBLIC COMMENT

SPECIAL PRESENTATION

YAPS Dog of the Month

Susan Walker

EMS Transportation Update

CITY COUNCIL REORGANIZATION

Selection of Mayor

Selection of Mayor Pro Tem

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**RECESS**  
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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.

Members of the City Council also sit as the Board for the Successor Agency and Commission for the Housing Authority and may act on the consent calendar for those bodies as part of a single motion with the City Council consent calendar.

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.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

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.

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.

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.

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.

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.

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.

ANNOUNCEMENTS

ADJOURNMENT

AFFIDAVIT OF POSTING

State of California }
County of San Bernardino } ss.
City of Yucaipa }

I, Ana V. Sauseda, City Clerk of the City of Yucaipa, California, do hereby declare that the foregoing agenda was posted on 12/08/2023, at least seventy-two (72) hours prior to the meeting per Government Code 54954.2, at the following locations:

Yucaipa City Hall, 34272 Yucaipa Boulevard, Yucaipa, California
City of Yucaipa website www.yucaipa.org

Ana V. Sauseda, CMC
City Clerk