



City Council Meeting Agenda

October 24, 2022 – 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.

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

SPECIAL PRESENTATION

Girls Softball Association

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. 10 1. **SUBJECT:** APPROVE REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2022
- RECOMMENDATION:** That City Council approve Regular City Council Meeting Minutes of September 26, 2022.
- P. 16 2. **SUBJECT:** APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 19, 2022
- RECOMMENDATION:** That City Council approve Special City Council Meeting Minutes of October 19, 2022.
- P. 17 3. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2022 SEPTEMBER STORM EVENT
- 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 2022 September Storm Event, and direct staff as deemed appropriate.
- P. 19 4. **SUBJECT:** MONTHLY TREASURER’S REPORT: AUGUST 2022
- RECOMMENDATION:** That City Council receive and file the Monthly Treasurer’s Report for August 2022.
- P. 103 5. **SUBJECT:** FISCAL YEAR 2022-2023 COPS GRANT AWARD
- RECOMMENDATION:** That City Council accept the Fiscal Year 2022-2023 allocation of the California Citizens’ Options for Public Safety (COPS) Grant awarded to the City of

Yucaipa and Yucaipa Police Department in the amount of \$100,000 to be distributed in monthly allocations.

P. 110 **6.** **SUBJECT:** FINAL TRACT MAP NO. 17349

RECOMMENDATION: That City Council:

1. Approve Final Tract Map No. 17349; and
2. Authorize the recordation of the map and accept securities from Pacific Horizon Builders, a California Corporation.

P. 115 **7.** **SUBJECT:** EQUIPMENT PURCHASE – HOT ASPHALT PAVEMENT REPAIR EQUIPMENT TRAILER

RECOMMENDATION: That the City Council:

1. Approve and authorize the City Manager, or his designee, to execute a contract for the purchase of a Hot Asphalt Pavement Repair Equipment Trailer from Crafcro Inc. in the amount of \$46,649.48; and
2. Authorize and approve a budget adjustment in the amount of \$46,649.48 in the Gas Tax Fund (Fund 14) to increase expenditures in the current adopted FY2022/2023 Budget for the purchase.

P. 119 **8.** **SUBJECT:** CONTRACT AMENDMENT NO. 1 WITH ALLISON MECHANICAL, INC.

RECOMMENDATION: That City Council authorize the City Manager to execute Contract Amendment No. 1 with Allison Mechanical, Inc. for the HVAC Service and Repair Program in the amount of \$30,000 for additional costs of necessary HVAC system repairs at City facilities for a revised contract total in the amount of \$78,968 for FY2022/2023.

P. 122 **9.** **SUBJECT:** AWARD OF CONTRACT – DESIGN AND DEVELOPMENT OF THE WILDWOOD SINGLE TRACK MOUNTAIN BIKE TRAIL PHASE III – PROJECT NO. 11103

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute a contract in the amount of \$81,882 with Bellfree Contractors, Inc. of Granada Hills, CA, for the Design and Development of the Wildwood Single Track Mountain Bike Trail Phase III – Project No. 11103; and
2. Authorize the amount of \$3,000 for contract contingency and the amount of \$3,678 for contract administration, testing and inspection, and staff time for a total project budget of \$88,500 for Phase III of the Wildwood Single Track Mountain Bike Trail Phase III – Project No. 11103.

P. 127 **10.** **SUBJECT:** JOINT USE OF FACILITIES AGREEMENT – CRAFTON HILLS COLLEGE AQUATICS COMPLEX

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Joint Use of Facilities Agreement (Agreement) with San Bernardino Community College District (District) for the joint programming of the Crafton Hills College Aquatics Center (AC).

P. 136 **11.** **SUBJECT:** AMENDMENT NO. 10 TO CITY MANAGER EMPLOYMENT AGREEMENT

RECOMMENDATION: That City Council approve and authorize the Mayor to execute Amendment No. 10 to the City Manager’s Employment Agreement, effective with the first pay period in July 2023, providing:

1. The term of the agreement is extended through June 30, 2024. The agreement will terminate on June 30, 2024, unless extended pursuant to agreement of the parties; and
2. Effective July 1, 2023, Employee’s salary will be increased by 3%, to \$299,420; and
3. The agreement is amended to provide for the use of a City vehicle by the Employee for City business, and not for personal use. The City shall pay for gas, maintenance, insurance, and repair of the vehicle.

P. 140 **12.** **SUBJECT:** SPECIAL EVENT PERMIT APPLICATION – ST. FRANCES XAVIER CABRINI FALL FESTIVAL

RECOMMENDATION: That City Council approve a Special Event Permit Application submitted by St. Frances Xavier Cabrini to conduct a Fall Festival on Saturday November 5, 2022.

P. 152 **13.** **SUBJECT:** SHAOUL LEVY—LEVY RENTAL SENIOR HOUSING DEVELOPMENT (CASE NOS. 21-084/CUP/DBA & 21-094/CUP/DBA): A DENSITY BONUS AGREEMENT TO CONSTRUCT A SIXTY-TWO (62) UNIT RENTAL SENIOR CITIZEN HOUSING DEVELOPMENT ACROSS TWO (2) PROJECT SITES APPROVED AS CASE NO. 21-084/CUP/DBA FOR A CONDITIONAL USE PERMIT AND DENSITY BONUS AGREEMENT FOR THE DEVELOPMENT OF A THIRTY (30) UNIT AGE-RESTRICTED PROJECT FOR INDIVIDUALS WHO ARE 55 YEARS OR OLDER LOCATED AT APN: 0319-121-24 AND CASE NO. 21-094/CUP/DBA FOR A CONDITIONAL USE PERMIT AND DENSITY BONUS AGREEMENT FOR THE DEVELOPMENT OF A THIRTY-TWO (32) UNIT, AGE-RESTRICTED HOUSING PROJECT FOR INDIVIDUALS WHO ARE 55 YEARS OR OLDER LOCATED AT APN: 0319-012-40 (COLLECTIVELY, THE “PROJECT”)

RECOMMENDATION: That the City Council approve the attached Density Bonus Agreements (DBAs) for Case Nos. 21-084/CUP/DBA & 21-094/CUP/DBA.

MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)

POSSIBLE ACTION ON PENDING LEGISLATION

DEPARTMENT REPORTS

- P. 173 **14.** **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE COVID-19 PANDEMIC IMPACT ON THE EMERGENCY MEDICAL SERVICES SYSTEM

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 impact on the Emergency Medical Services system.

- P. 175 **15.** **SUBJECT:** YUCAIPA EQUESTRIAN ARENA COMMITTEE; RODEO

RECOMMENDATION: That City Council:

1. Approve the revised Special Event Permit Application submitted by the Yucaipa Equestrian Arena Rodeo Committee to conduct the 2023 Yucaipa Rodeo on Friday, March 31, 2023, and Saturday, April 1, 2023; and
2. Approve the City's Co-sponsorship for the 2023 Yucaipa Rodeo to include use of City owned equipment, City-owned vacant lot directly across California Street, shuttle service and provide Public Works, Community Services, Police and Fire personnel; and
3. Waive the Special Event Permit Application fee of \$200; and
4. Award and authorize the City Manager to execute and administer the terms of the contract with Alex Hauser in the amount of \$80,000; and
5. Authorize a budget adjustment in the amount of \$40,000 to increase Rodeo expenses and revenues in the special events division of the Community Services Department during the FY 2022/2023; and
6. Review and approve the associated street closures and traffic control plan for the 2023 Rodeo; and
7. Waive the provisions of Yucaipa Municipal Code Section 12.06.030(A) and (D), regarding overnight camping, for the duration of the event.

- P. 187 **16.** **SUBJECT:** 2022 WINTERFEST

RECOMMENDATION: That City Council:

1. Review and approve the 2022 Winterfest layout and associated street closures; and
2. Approve the Beer and Wine Garden and associated boundaries; and
3. Consider the request made by the Uptown Association and, if approved, authorize a budget adjustment in the amount of \$6,000 to increase Winterfest expenses in the Special Events Division of the Community Services Department during the FY 2022/2023 and reduce the non-department budget.

ADJOURN CITY COUNCIL AND CONVENE HOUSING AUTHORITY

P. 192 **HA 1. SUBJECT:** APPROVE HOUSING AUTHORITY MINUTES OF SEPTEMBER 12, 2022.

RECOMMENDATION: That the Housing Authority approve Housing Authority Minutes of September 12, 2022.

CONVENE JOINT CITY COUNCIL AND HOUSING AUTHORITY

P. 194 **17. SUBJECT:** PROPOSED BOND UPSIZING / REFINANCING WITH EAGLE YUCAIPA 55, L.P. 96-UNIT SENIOR HOUSING DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF 5TH STREET AND COUNTY LINE ROAD (APN 0318-23-524)

RECOMMENDATION: That City Council:

1. Review and approve the proposed Bond upsizing/Refinancing proposed by Eagle Yucaipa 55, L.P; and
2. Review and approve the First Amendment to the Promissory Note and Disposition and Development Agreement; and
3. Review and approve the Confirmation of Intercreditor and Subordination Agreement; and
4. Authorize the City Manager, or his designee, to finalize and execute the necessary documents to complete and document the Bond Upsizing/ Refinancing process and loan.

That the Housing Authority:

1. Review and approve the proposed Bond upsizing/Refinancing proposed by Eagle Yucaipa 55, L.P; and
2. Review and approve the First Amendment to the Promissory Note and Disposition and Development Agreement; and
3. Review and approve the Confirmation of Intercreditor and Subordination Agreement; and
4. Authorize the City Manager, or his designee, to finalize and execute the necessary documents to complete and document the Bond Upsizing/ Refinancing process and loan.

ADJOURN THE HOUSING AUTHORITY

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.

- P. 210 18. **SUBJECT: PREMIUM LAND DEVELOPMENT.** CASE NO 22-121/APP, AN APPEAL OF THE PLANNING COMMISSION'S RECOMMENDATION FOR DENIAL OF CASE NO. 21-085/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) AN AFFORDABILITY PROVISION THAT WILL BE EXECUTED THROUGH A DENSITY BONUS AGREEMENT AND A LAND USE COMPLIANCE REVIEW TO PERMIT A PRIVATELY GATED 200-UNIT MULTI-FAMILY APARTMENT PROJECT ON FOUR PARCELS TOTALING 8.39 ACRES WITH A DENSITY BONUS AGREEMENT TO COVENANT TEN (10) PERCENT OF THE UNITS AS LOW-INCOME AFFORDABLE; TO BE LOCATED BETWEEN 3RD STREET TO THE WEST, AND 2ND STREET TO THE EAST, AT APPROXIMATELY 375 FEET NORTH OF COUNTY LINE ROAD. A LOT MERGER WILL ALSO BE PROCESSED TO CONSOLIDATE ALL FOUR PARCELS INTO A SINGLE LOT. APNS 0319-253-28, -29, -30, -84 **(CONTINUED FROM SEPTEMBER 26, 2022)**

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing and consider the appeal request regarding the Planning Commission's recommendation of denial of the Fallbrook Meadows General Plan Amendment and 200-unit development Project. Should the City decide to accept the Planning Commission's recommendation and deny the Project, the following motion is provided:

1. Deny the appeal request; and
2. Deny 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
3. Deny the Density Bonus Agreement Request and Land Use Compliance Review (Case No. 21-085), as it is inconsistent with the Development Code (as the site would not be designed as RM-24); and

4. Adopt the Findings for denial as contained in this Agenda Report; and,
5. Find the Project is exempt from CEQA pursuant to Sections 15061(4) and 15270 of the CEQA Guidelines.

If the City Council decides to approve the Project, the following motion is provided:

- A. Adopt Resolution No. 2022-41, 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
- B. Approve first reading, by the title only, as read by staff, of Ordinance No. 412, amending Ordinance No. 343, amending the Official Land Use Plan and Zoning Ordinance as adopted by the City of Yucaipa; and
- C. Approve the Density Bonus Agreement Request and Land Use Compliance Review (Case No. 21-085), subject to the Conditions of Approval as contained in this Agenda Report; and
- D. Adopt the Findings as contained in this Agenda Report; and
- E. 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
- F. Direct staff to file a Notice of Determination; and,
- G. Refer the final site plan, architectural design, and conceptual landscaping review for the proposed Project back the Planning Commission for review and approval.

As part of an approval, the City Council may add any additional conditions to reflect infrastructure/capital improvements to best serve the development. Additionally, the applicant has provided an amended site plan design for consideration, which retains the proposed 200 units that was presented to the Planning Commission but has been modified to incorporate a two-story design intended to address a key area of concern identified by surrounding property owners.

- P. 335 **19. SUBJECT:** CASE NO. 21-202/GPA/CUP/ARC: A MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF A SPLIT-ZONED PARCEL (APN 0318-011-48), CURRENTLY DESIGNATED AS RS-20M (SINGLE RESIDENTIAL) (1.43 ACRES) AND CG (GENERAL COMMERCIAL) (4.5-ACRES), TO A SINGLE LAND USE DESIGNATION OF CG (GENERAL COMMERCIAL) TOTALING 5.93 ACRES, AND A CONDITIONAL USE PERMIT AND ARCHITECTURAL REVIEW TO PERMIT FOR THE CONSTRUCTION OF A SECURED-GATED SELF-STORAGE FACILITY SITUATED ON TWO (2) PARCELS TOTALING APPROXIMATELY 6.25 ACRES AND LOCATED ON THE WEST SIDE 11TH STREET, ON THE SOUTH SIDE OF YUCAIPA BOULEVARD, 500 FEET EAST OF 12TH STREET AND 470 FEET NORTH OF AVENUE D

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

1. Adopt Resolution No. 2022-52, approving the minor General Plan Amendment / Land Use District Change of a property from RS-20M (Single-Residential, 20,000 square foot minimum lot size) to the land use designation of CG (General Commercial); and
2. Approve first reading, by the title only, as read by staff, of Ordinance No. 416, amending Ordinance No. 343, amending the Official Land Use Plan and Zoning Ordinance as adopted by the City of Yucaipa; and
3. Approve the Conditional Use Permit (Case No. 21-202), 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

CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation [Gov't Code §54956.9(d)(2)] - 1 item – Liability Claim No. 2022-08, Manuel Luiz

ADJOURNMENT