

City of Yucaipa  
City Council Minutes  
Regular Meeting of April 12, 2021

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A Regular meeting of the City Council of the City of Yucaipa, California was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on April 12, 2021 at 6:00 PM.

**PRESENT:** Greg Bogh, Mayor  
Bobby Duncan, Mayor Pro Tem  
David Avila, Councilmember  
Justin Beaver, Councilmember  
Jon Thorp, Councilmember  
Ray Casey, City Manager  
Jennifer Crawford, Assistant City Manager/City Clerk  
David Snow, City Attorney

**ABSENT:** None

**CONVENE CITY COUNCIL**

The meeting was opened with the Pledge of Allegiance led by Captain Williams.

**SPECIAL PRESENTATIONS**

Katryn (Kat) Mantz, mother of three, stated that her son Chris had passed, and through organ and tissue donations, he saved five other lives. Ms. Mantz stated that so many people are still waiting for a gift of life. Mayor Pro Tem Duncan read a Proclamation declaring the month of April DMV/Donate Life Month into the record.

Richard Nino, Yucaipa Disposal, presented a summary of the legislation pertaining to SB 1383.

**EMPLOYEE INTRODUCTION**

Planning Manager/City Planner Matlock introduced Code Enforcement Office Assistant Maria Koolhoven. Ms. Koolhoven thanked the City Council and stated that the staff has been friendly and helpful.

**PUBLIC COMMENT**

Bill McEwen, Yucaipa, stated that Edison has a program that replaces existing streetlights with LED lights and noted that this would be a good thing for public safety. Mr. McEwen encouraged the City to expedite this program.

Concerned Yucaipa Citizen questioned how to access or view the information listed as available for public inspection in the Office of the City Clerk under one of the Closed Session items listed on the Agenda.

Yucaipa Concerned Resident requested that the City Council address a meeting that took place earlier this month between Representative Olberholte and Councilmembers to discuss priorities for Yucaipa. Yucaipa Concerned Resident stated that the meeting was a violation of the Brown Act.

City Manager Casey responded to the concerns of Yucaipa Concerned Resident and reported that Representative Olberholte met with two Councilmembers during one meeting and with one Councilmember at a separate meeting and that at no time were the meeting topics between Representative Olberholte and City Councilmembers discussed with a quorum of the Councilmembers present. *In between, the Councilmembers had a social conversation with Congressman Olberholte and his staff and took a picture.*

A. Kelly, Yucaipa, stated that he is moving out of Yucaipa, expressed that he is disappointed that the City never dealt with the toxic leaking dump, and alleged that the City stole property from a Buddhist monastery.

### **CONSENT AGENDA**

City Manager Casey requested Council consideration of discussing Agenda Item No. 5 as a Department Report to allow a Councilmember to recuse himself from a portion of this report due to a potential conflict of interest. Council concurred.

City Manager Casey requested that the Council consider adding an Urgency Item to the Agenda relating to the purchase and replacement of the pool pump for the 7<sup>th</sup> Street Pool Facility and reported that the City received information relative to the quotes after the posting of the Agenda and that there is a need for the Council to take action on this item before the next Council meeting.

**ACTION: MOTION BY COUNCILMEMBER AVILA, SECOND BY COUNCILMEMBER BEAVER, CARRIED 5-0, TO ADD AN URGENCY ITEM TO THE AGENDA RELATING TO THE PURCHASE AND REPLACEMENT OF THE POOL PUMP FOR THE 7<sup>TH</sup> STREET POOL FACILITY.**

Mayor Bogh asked if there were any Consent Agenda items to be removed for discussion. No items were removed for discussion. Agenda Item No. 5 was moved to Department Reports.

1. **SUBJECT:** APPROVE COUNCIL MINUTES OF MARCH 22, 2021

**RECOMMENDATION:** That City Council approve City Council Minutes of March 22, 2021.

2. **SUBJECT:** FISCAL YEAR 2019/2020 AND 2020/2021 COMMUNITY ACTIVITY GRANT ACCOUNTABILITY REPORTS

**RECOMMENDATION:** That City Council receive the Community Activity Grant Accountability Reports and deem the program requirements complete for Yucaipa Animal Placement Society – 2019 4<sup>th</sup> of July Stage Rental/Community Room Rental/Police Support, Cali-Caipa Nooners Lions Club – Veterans Day Event, Childhood Cancer Foundation of Southern California – Spring Egg Hunt, Redlands Bicycle Classic, Inc. – Yucaipa Road Race, Yucaipa Elks Lodge #2389 – Annual Basketball Hoop Shoot/Soccer Shoot, Yucaipa Family

Assistance – Roof and Rain Gutter/Purchase of Refrigerator, Yucaipa Womans Club –Ongoing Improvements to Club Building.

3. **SUBJECT:** RIGHT-OF-WAY ACQUISITION, COUNTY LINE ROAD TRANSPORTATION CORRIDOR PROJECT NO. 11113

**RECOMMENDATION:** That City Council:

1. Approve a Purchase and Sale Agreement with Peter R. Forteza and Vicki M. Forteza, (APN 0318-242-34) for the acquisition of a 173 square foot permanent right-of-way easement for an amount not to exceed \$6,200; and
2. Approve an expenditure up to the amount of \$3,000 for closing costs associated with the proposed purchase and sale agreement and the amount of \$8,000 for right of way acquisition coordination/staff time for a total cost in the amount of \$17,200 for the acquisition of the permanent right-of-way easement; and
3. Authorize the City Manager, or his designee, to execute the necessary documents to complete the acquisition process.

4. **SUBJECT:** AWARD OF CONTRACT – HVAC OPERATIONS AND MAINTENANCE SERVICES AT VARIOUS CITY-OWNED PUBLIC FACILITIES IN THE CITY OF YUCAIPA

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute a contract, and the City Manager, or his designee to administer the terms of the contract, in the annual amount of \$33,968 with Allison Mechanical Inc., of Redlands, CA for HVAC Operations and Maintenance Services at Various City-Owned Public Facilities for the remainder of FY2020/2021 and FY2021/2022.

6. **SUBJECT:** BUDGET RECONCILIATION – FISCAL YEAR 2020/2021

**RECOMMENDATION:** That City Council review the attached adjustments and approve Resolution No. 2021-19, amending the FY 2020/21 Annual Budget.

7. **SUBJECT:** AWARD OF CONTRACT – VEHICLE EXHAUST REMOVAL SYSTEM – YUCAIPA FIRE STATION NO. 3

**RECOMMENDATION:** That City Council:

1. Approve and authorize the City Manager to execute a contract for the purchase and installation of a Retrofit Vehicle Exhaust Removal System at Yucaipa Fire Station No. 3 with Air Exchange, Inc in the amount of \$27,875.25; and
2. Find that the public interest will not be best served by a formal proposal process, waive the formal solicitation of proposals/qualifications, and award a contract for the purchase and installation of a Vehicle Exhaust Removal System based on the proposal submitted by Air Exchange, Inc.

**ACTION: MOTION BY COUNCILMEMBER BEAVER, SECOND BY COUNCILMEMBER AVILA, CARRIED 5-0, TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 4 AND 6 THROUGH 7.**

**MAYOR AND COUNCILMEMBER BUSINESS (REPORTS)**

Councilmember Avila reported that San Bernardino County Transportation Authority, along with Omnitrans, received an \$85.75 M grant from the Federal Transportation Agency which will fund the West Valley Connectors Project. Councilmember Avila stated that this project will help with traffic control and circulation and benefit Omnitrans and Yucaipa with future carbon-free public transportation.

City Manager Casey reported that the raised plant re-potting event in the Uptown area was successful.

Mayor Pro Tem Duncan reported that 190 plants were re-potted and stated that the event is a community effort and saves the City money.

**POSSIBLE ACTION ON PENDING LEGISLATION**

City Manager Casey reported that SB82 went through Committee and was placed on appropriations suspense and, according to the League of California Cities, the Bill is not likely to go any further. City Manager Casey stated that he will bring the item back to Council if anything changes.

**DEPARTMENT REPORTS**

**5. SUBJECT: NATIONAL RESOURCES CONSERVATION SERVICE NOTICE OF GRANT AND AGREEMENT AWARD – PHASE II**

**RECOMMENDATION:** That City Council:

1. Formally approve a Notice of Grant and Agreement Award (Agreement) between the National Resources Conservation Service (NRCS) and the City of Yucaipa for the Emergency Watershed Protection (EWP) Measures Phase II in the amount of \$254,775 for the “permanent” relieving of hazards created by natural disasters created by the El Dorado Fire, that may cause a sudden impairment to a watershed and waterways; and
2. Amend the FY 2020/2021 Capital Improvement Program by adding \$497,993.75 in financial assistance funding from the NRCS to the El Dorado Fire Storm Season Preparation Project; and
3. Authorize the City Manager or his designee to work with NRCS to make minor adjustments to the Agreement, provided that if any significant changes are made, the Agreement will be brought back to City Council for further consideration; and
4. Authorize the City Manager or his designee to administer the terms of the Agreement.

Councilmember Avila recused himself from Staff Recommendation No. 2 due to a potential conflict of interest.

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

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER THORP, CARRIED 4-0-1-0 (COUNCILMEMBER AVILA ABSENT), TO APPROVE STAFF RECOMMENDATION NO. 2.**

Councilmember Avila returned to the dais for the next portion of the Staff Report.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER BEAVER, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION NOS. 1, 3, AND 4.**

### **URGENCY ITEM**

**SUBJECT: AWARD OF CONTRACT – REPLACEMENT POOL PUMP – 7<sup>TH</sup> STREET POOL**

**RECOMMENDATION: That City Council:**

1. Find that the public interest will not be best served by a formal proposal process, waive the formal solicitation of proposals/qualifications in accordance with the City of Yucaipa Municipal Code Section 2.24.060 and Ordinance No. 42, and approve purchase orders for the required Pool Pump Equipment repairs at the 7th Street Pool Facility; and
2. Approve and authorize the City Manager to execute a purchase order for the purchase of Pool Pump Equipment for the 7th Street Pool Facility with Knorr Systems Inc., in the amount of \$8,220.25; and
3. Approve and authorize the City Manager to execute a purchase order for the installation of Pool Pump Equipment for the 7th Street Pool Facility with Horizon Mechanical Contractors, Inc., in the amount of \$17,272.48.

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

After Council discussion, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER BEAVER, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

### **8. SUBJECT: MOBILEHOME RENT REVIEW COMMISSION PROCESS**

**RECOMMENDATION: That City Council:**

1. Review the Mobilehome Rent Review Commission process and provide direction as appropriate; or

2. Consider the appointment of John Chiu to the Mobilehome Rent Review Commission if Council decides to maintain the current process.

**DISCUSSION:** Assistant City Manager Crawford and Assistant City Attorney Greyson presented the Agenda Report.

Shirley Dalton, Yucaipa Mobilehome Residents Association (YMRA) Chairperson, stated that YMRA supports leaving the Commission as is and does not support a Hearing Officer.

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY COUNCILMEMBER THORP, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, TO APPOINT JOHN CHIU AS COUNCILMEMBER THORP'S APPOINTEE TO THE MOBILEHOME RENT REVIEW COMMISSION AND TO DIRECT STAFF TO POLL THE PLANNING COMMISSION MEMBERS TO DETERMINE IF ANY OF THE MEMBERS WOULD BE INTERESTED IN SERVING AS COMMISSIONERS ON THE MOBILEHOME RENT REVIEW COMMISSION OR BECOMING THE HEARING BODY.

**ACTION:** MOTION BY COUNCILMEMBER AVILA, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, TO DIRECT STAFF TO RETURN TO COUNCIL WITH OPTIONS FOR ADMINISTERING A STIPEND TO THE FULL COMMISSION FOR CONSIDERATION.

9. **SUBJECT:** EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE COVID-19 PANDEMIC AND THE EL DORADO FIRE

**RECOMMENDATION:** That City Council review the need to continue the local emergencies, thereby recognizing the continued existence of perilous conditions as a result of the COVID-19 pandemic and the El Dorado Fire, and direct staff as deemed appropriate.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

**ACTION:** MOTION BY COUNCILMEMBER BEAVER, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0 TO APPROVE STAFF RECOMMENDATION.

10. **SUBJECT:** AGREEMENT WITH VANTAGEONE REAL ESTATE INVESTMENTS, LLC TO RECEIVE FILL DIRT FROM THE WILSON III BASIN PROJECT

**RECOMMENDATION:** That City Council authorize the City Manager to execute an Agreement with VantageOne Real estate Investments, LLC to receive fill dirt from the Wilson III Basin Project.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY COUNCILMEMBER AVILA, SECOND BY COUNCILMEMBER BEAVER, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION AS AMENDED.**

**11. SUBJECT: LEFT TURN PHASING TRAFFIC SIGNAL MODIFICATION AT VARIOUS LOCATIONS PROJECT – PROJECT NO. 11142**

**RECOMMENDATION: That City Council:**

1. Amend the FY2020/2021 Capital Improvement Program by adding the amount of \$350,400 in Highway Safety Improvement Program grant funds to the Left Turn Phasing Traffic Signal Modification at Various Locations Project; and
2. Reject all bids for the Signal Modification – Yucaipa Boulevard and Yucaipa Valley Center Project; and
3. Direct staff to combine the Signal Modification – Yucaipa Boulevard and Yucaipa Valley Center Project with the Left Turn Phasing Traffic Signal Modification at Various Locations Project and re-advertise the combined project for construction bids.

**DISCUSSION: Director of Development Services/City Engineer Preciado and Public Works Analyst Gutjahr presented the Agenda Report.**

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER AVILA, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**12. SUBJECT: SECOND LAND CONVEYANCE AND ESCROW AGREEMENT FOR THE WILSON III BASIN PROJECT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT (PHASE II IMPROVEMENTS)**

**RECOMMENDATION: That City Council:**

1. Approve and authorize the Mayor to execute a Second Land Conveyance and Escrow Agreement (Agreement) with the San Bernardino County Flood Control District (District) for the conveyance of the District surplus property to the City for the Wilson III Basin Project Phase II improvements; and
2. Authorize the City Manager or his designee to administer the terms of the Agreement.

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

**ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER BEAVER, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**13. SUBJECT: FREMONT STREET AT WILSON CREEK LOW WATER CROSSING REPLACEMENT PROJECT – CONSERVATION SERVICES AGREEMENT**

**RECOMMENDATION:** That City Council:

1. Approve and authorize the Mayor to execute a Conservation Services Agreement between the Inland Empire Resource Conservation District (IERCD) and the City of Yucaipa (City) for the oversight, monitoring, and maintenance of conservation values on 6.8 acres of land for the environmental impacts associated with the construction of the Fremont Street Low Water Crossing Replacement Project (Project); and
2. Authorize an amount of \$244,156.94 for the 2.4-acre onsite mitigation area and \$218,571.39 for the 4.4-acre offsite mitigation area (total amount of \$462,728.33) from the FY2020/2021 Capital Improvement Program (CIP) project budgets to fund the Conservation Service Agreement between the IERCD and the City related to the required mitigation efforts; and
3. Amend the FY 2020/2021 CIP by adding the amount of \$664,000.00 in Highway Bridge Program (HBP) Grant Funds to the Project; and
4. Authorize the City Manager or his designee to administer the terms of the Conservation Services Agreement.

**DISCUSSION:** Assistant City Engineer Kern presented the Agenda Report.

**ACTION: MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER THORP, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**STUDY SESSION**

**14. SUBJECT: YUCAIPA HOUSING ELEMENT UPDATE**

**RECOMMENDATION:** That City Council conduct a study session regarding the Housing Element Update Process, and provide direction on the housing sites and key housing policies to be included into the Draft Housing Element.

**DISCUSSION:** Planning Manager/City Planner Matlock presented the Agenda Report. Charanjit Singh, Yucaipa, stated that he owns a 1½-acre lot on Yucaipa Boulevard and stated his support for rezoning this property to increase the number of units that can be built.

The City Council assessed a variety of different strategies that are to be included in the Housing Element to meet the Regional Housing Needs Assessment (RHNA). Following Council discussion, direction was provided that the total buffer for the lower income categories of the RHNA shall not exceed 15% in an effort to preserve other housing areas of the community but still allowing for some flexibility in how the City ultimately meets its RHNA requirements. To meet the RHNA, the Housing Element shall include and implement the following strategies:

1. Mobilehome Park Overlay – Modify the provisions of the Mobilehome Park Overlay 3 to allow for the permitted 24 dwelling units per acre (du/ac) in a by-right process in lieu of the current



Development Opportunity Reserve and Conditional Use Permit Processes (estimated yield = 100 units).

2. Uptown – Modify the provisions of the Uptown Business District Specific Plan to allow for the permitted 24 du/ac in a by-right process in lieu of the current Development Opportunity Reserve and Conditional Use Permit Processes (estimated yield = 50 units).
3. Freeway Corridor – Carry over two of the current R-24 sites within the Freeway Corridor Specific Plan (one site west of Live Oak Canyon Road and one along Outer Highway 10) as designated affordable housing sites, given the limited impediments that would impact their development. As part of the Freeway Corridor Specific Plan update, the City shall assess policies and development strategies that can support the future development of that area, including the existing residential capacity so that they can be used in subsequent housing cycles (estimated yield = 390 units).
4. College Village – Complete the College Village Overlay Guidelines before the adoption of the Housing Element to facilitate credit of that site. As part of the housing strategy, 100 units may be permitted in a by-right process to qualify as an affordable housing site, with the remainder not to be included in the Housing Element to allow greater flexibility of the development of that area (estimated yield = 100 units).
5. Federal Tax Opportunity Zones – Redesignate a segment of vacant or underutilized parcels within the City’s “Central Core” area that is within the Federal Tax Opportunity to the City’s RM-24 Land Use District to facilitate new affordable and attainable housing opportunities (estimated yield = 100 units).
6. Oak Glen Road Sites – Maintain the existing RM-24 area as a designated affordable housing site and redesignate the City’s owned property at the corner of Avenue E and Oak Glen Road as an additional site. As part of the state’s review of the Housing Element, ensure that the efforts from the Local Early Action Program grant help qualify these sites (estimated yield = 500 units).
7. Accessory Dwelling Units (ADUs) – Provide policies and programs intended to streamline and encourage the development of ADUs as a way to provide more affordable units in a small-scale and incremental approach (estimated yield = 80 units).
8. Commercial Corridor – Establish a residential overlay district along Yucaipa Boulevard, from 2<sup>nd</sup> Street to 14<sup>th</sup> Street, that would allow for by-right residential development at a density of 24 du/ac. Pursue standards for the overlay that allow site development flexibility, but that also promotes high quality development that compliments the commercial corridor (estimated yield – 61 units, but overlay provisions will allow for a floating number to meet the outstanding RHNA requirement and accommodate any no-net-loss for affordable projects that may occur).

RHNA Affordable Housing Requirement = 1,201

Total units required with 15% buffer = 1,381

Total units in strategy = 1,381

In addition to the housing site strategies, the Housing Element will include policies and programs that explore opportunities to streamline and give flexibility for future residential development. However, these actions will need to ensure that there are sufficient standards are in place to ensure positive development outcomes and quality development, as newer housing laws have been eroding local land use control.

## **ANNOUNCEMENTS**

Mayor Pro Tem Duncan announced the Yucaipa Music and Arts Festival will take place on May 7<sup>th</sup> and 8<sup>th</sup>, 2021.

City Attorney Snow announced the Closed Session items.

## **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City. Based on existing facts and circumstances, the City Council will decide whether to initiate litigation.

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(2) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, communication about which is available for public inspection in the Office of the City Clerk, there is a significant exposure to litigation involving the City.

## **ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be April 26, 2021 at 6:00 PM.

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GREG BOGH, MAYOR

ATTEST:

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JENNIFER CRAWFORD  
CITY CLERK