

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JULY 15, 2014**

OPENING CEREMONIES

Mayor Lombardo called the meeting to order at 5:30 p.m. for closed session.

Council Members Present: Abel, Huntington, Leone, Rowe, and Mayor Lombardo.

Staff Present: Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Town Attorney Laymon, and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Lombardo

CLOSED SESSION

Town Attorney Laymon announced the item to be discussed during closed session.

1. Public Employee Appointment / Conference with Labor Negotiator (One Matter)

Pursuant to Government Code § 54957, to continue discussing the appointment of an employee to the position of Town Manager,

Also authorized pursuant to Government Code § 54957.6 regarding labor negotiations continuing to discuss the filling of the unrepresented position of Town Manager (Councilmembers Leone and Rowe as negotiators for the Town).

Mayor Lombardo opened public comment on the closed session item.

Fritz Koenig, Yucca Valley spoke in opposition to the appointment of Town Manager and suggested waiting until after the November 2014 election.

Ron Cohen, Yucca Valley commented on the closed session description on the agenda.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Mayor Lombardo adjourned the meeting to closed session at 5:39 p.m.

REPORT OUT FROM CLOSED SESSION

Mayor Lombardo reconvened the Town Council from closed session at 6:15 p.m.

Town Attorney Laymon announced that in closed session Council Member Rowe moved to select Curtis Yakimow as the new Town Manager, with a second by Council Member Leone.

The motion passed unanimously with a 5-0 roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

APPROVAL OF AGENDA

Mayor Pro Tem Huntington moved to approve the agenda for the Town Council Meeting of July 15, 2014. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

CONSENT AGENDA

1. **Waive** further reading of all ordinances and read by title only
2. **Approve** the Town Council Meeting Minutes for the Special Meeting of June 23, 2014
3. **Award** the SR62, Camino del Cielo to Acoma, Signal Synchronization Project, Town Project No. 8028, Federal Project No. CMLN 5466(019) construction contract to DBX, Inc., in the amount of \$49,600 and authorize a construction contingency in the amount of \$4,960, for a total contract amount of \$54,560, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
4. **Adopt** Resolution No. 14-24, approve the plans and specifications for the SR62 & Dumosa Avenue Traffic Signal Project, Town Project No. 8456, and authorize the Town Clerk to advertise and receive bids.
5. **Review and approve** the selection of TelePacific, Inc. to provide telecommunication services to the Town for a three-year term with option to renew, and authorize the Mayor, Town Manager and Town Attorney to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney.
6. **Authorize** the Town Manager to execute the Amendment of the professional services agreement with Desert Arc, with a maximum annual contract value of \$50,614.00, based upon organizational need and efficiency, and extend the Agreement for two years ending on June 30, 2016.
7. **Item Pulled**

Mayor Lombardo opened public comments on the consent agenda.

David Mahaffey, Yucca Valley commented on the signal sensors on some of the newer signals in Yucca Valley, stating that the sensors don't seem to pick up the presence of a motorcycle staging at the signal.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Mayor Pro Tem Huntington moved to approve consent agenda items 1-6. Council Member Rowe seconded. Motion carried 5-0 on roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

Item 7. Warrant Register

Council Member Leone stated he pulled the item to discuss the payment to Southern California Edison, and inquired if the Town was seeing any savings to electrical costs, since the installation of solar panels.

Mayor Lombardo suggested a future discussion of additional solar usage at Town facilities.

Council Member Leone moved to **Ratify** Payroll Register total of \$284,440.45 for checks dated June 6, 2014 and June 20, 2014 and to **Ratify** Warrant Register total of \$476,518.36 for checks dated June 12, 2014 and June 26, 2014. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

DEPARTMENT REPORT

8. Brehm Youth Sport Park Acquisition Agreement

The staff report was presented by Deputy Town Manager Shane Stueckle. At the Town

Council's direction at the May 6, 2014 meeting, a proposed agreement between the Town of Yucca Valley and the Basin Wide Foundation – Youth Sports Park Coalition is being brought before the Council.

The donor, Basin Wide Foundation desires to transfer six (6) parcels of real property in return for the Town's commitment to accept, maintain and operate the property as a public park, based upon the approved plans for the facility. The following are additional highlights from the proposed agreement.

Also included in the proposed agreement, the Town shall provide Ten Thousand Dollars (\$10,000) annually for low income youth sports participation programs for ten (10) years, with the opportunity for Basin Wide Foundation to request a five (5) year extension of this program. The Town would retain complete discretion to determine appropriate funding sources for the low income youth sports program.

Additionally, the Town shall complete Palm Ave. street improvements and coordinate necessary utility relocations in order to accomplish the necessary street improvements. The Town will coordinate the timing of construction of said street improvements with utility companies and Town infrastructure plans and programs.

It is also proposed that the Town will complete the west parking lot in accordance with the approved plans.

The Town shall provide priority scheduling for recognized and organized sports and recreation organizations for use of the facility including the Morongo Basin Youth Soccer Association, the Miracle League, and the Rattle Skaters. The Town will coordinate use of the property with these and other recognized sports and recreation organizations in accordance with adopted Town facility use policies.

Basin Wide Foundation would be expected to complete improvements for certain components of the property prior to the Town accepting the property, including the roller derby flat track, playground equipment installation, fall surface, playground equipment shade sails, and brick entrance signage. Basin Wide Foundation may contribute future improvements, in-kind donations or other elements subject to the Town's approval.

Mayor Lombardo opened public comment.

Cindy Melland of Basin Wide Foundation thanked Town staff for working with the Foundation and gave a brief update on recent work continuing at the park facility.

David Mahaffey, Yucca Valley commented favorably on the beautiful park to be enjoyed by the community.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Council Member Abel asked for clarification on the revised acquisition agreement and joint escrow instructions. Abel commented favorably on giving consideration of local user groups using the facility.

Council Member Rowe stated she would like to have more time to review the revised agreement.

Mayor Pro Tem Huntington also stated he would like to continue the item for further review of the agreement.

Council Member Rowe moved to continue the Brehm Youth Sports Park Acquisition Agreement to a future meeting. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

9. Black Rock Canyon Road

Town Project Engineer Qishta presented the staff report seeking approval of the maintenance area of Black Rock Canyon Road, between the Town’s southern boundary and to the northern edge of San Marino Drive. The proposed approval includes the direction of staff to obtain necessary easements and accepts Black Rock Canyon Road into the Town’s Maintained Road System.

Qishta continued to give background on the item, explaining Traffic Safety Policy No. 5. This policy establishes the standards by which roads may be dedicated to the Town for ongoing maintenance. These standards ensure that privately developed roads meet minimum Town standards before being accepted into the Town’s Maintained Road System, similar in practice to the County of San Bernardino prior to the Town’s incorporation. When roads were not developed to the Town (or County) standards, those roads were not accepted into either Maintained Road System.

Black Rock Canyon Road, from the south side of San Marino Drive southerly to the National Park Boundary is not within the Town’s Maintained Road System. The roadway has now developed severe potholing as well as edge raveling.

Engineer Qishta, presented various options of road improvements for discussion.

Mayor Lombardo opened public comment.

John Scalzo, Yucca Valley stated he lives on Black Rock Canyon Road and spoke of concern of dust and maintenance costs if the Town chooses to revert the road back to dirt. Scalzo also questioned the 27 ft. gap not maintained by the Town, between the proposed work area and the property lines. Scalzo presented written comment to the Town Council.

Gladys Kovaleff, Yucca Valley spoke in agreement to Scalzo's comment.

Charles McHenry, Yucca Valley spoke of concern regarding the water run-off along the west side of the roadway.

Susan Simmons, Yucca Valley commented on drainage issues along Black Rock Canyon Road.

Ramon Mendoza, Morongo Valley suggested a Title 24 review prior to starting any construction.

Written comment on the item was received by Robert Nelson of Yucca Valley.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Deputy Town Manager Stueckle explained the process staff has conducted in reviewing the repair alternatives in this difficult situation. The Town does not have the resources to adequately repair and maintain the road. Dust may be a concern with significant traffic if left a dirt road.

Council Member Leone suggested applying a saline solution to help with dust on dirt roads. Leone understands the area is impacted with drainage issues, but would like to get this road fixed.

Council Member Abel agreed that the road needs attention. Abel inquired on any scheduled improvements in the National Park Campground and if water run-off issues would be addressed. Alternative funding needs to be located.

Council Member Rowe clarified that funding sources are often restricted and can only be used for certain purposes. Rowe questioned Alternative 1- and the damage risk in the event of a significant storm, and stated that continued maintenance is not a prudent use of money. Rowe would be in favor of using the Town's reserves to address the Black Rock Canyon Road repair.

Mayor Pro Tem Huntington also stated he would like to see something done with the road and questioned the easement footages along each side of the road. Plans should include addressing issues with worse-case flooding. Huntington suggested looking into inverting the roadway, for water to run into the middle of the roadway.

Mayor Lombardo stated he would like see the road paved and the use of reserves might be an option to accomplish it. Lombardo commented favorably of Huntington’s suggestion of inverting the roadway.

Council Member Leone stated he would also be in favor of using reserves for the road repair.

Council Member Rowe moved to (Alternative 1) adopt Resolution No. 14-25, approve the Maintenance Area of Black Rock Canyon Road, between the Town’s southern boundary and to the northern edge of San Marino Drive, identified on Attachment A to the Resolution, direct staff to proceed with obtaining necessary easements and accept Black Rock Canyon Road into the Town’s Maintained Road System on the date that Match Corporation begins work on Black Rock Canyon Road, and directing the town Engineer to report back to the Town Council on the effective date of acceptance; and, (Alternative 3) to prepare shelf-ready construction plans, with the anticipation that the design of the ultimate roadway, along with drainage improvements would be approximately \$50,000 to \$60,000, with staff continuing to seek federal monies and/or grants to completely reconstruct the road. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

POLICY DISCUSSION

**10. Town Council Policy Discussion and Direction to Staff
Posting Regulatory Signs on Private, Non-Maintained Dirt Roads.**

Town Project Engineer Qishta presented the staff report seeking policy discussion and direction to staff for the posting of regulatory signage on private, non-maintained dirt roads. History of past Town Council discussion was given. At the Town’s incorporation, the Town was obligated to continue maintaining approximately 135 miles of roads previously maintained by San Bernardino County. Of that total, only 1.5 miles were unimproved dirt roads.

Many factors are to be considered including to evaluate the legal right to enter upon and perform maintenance using public funds on private, dirt roads. Implementing regular and ongoing maintenance on non-maintained dirt roads creates an implication of acceptance of that road into the maintained system. Fiscal considerations must be evaluated throughout the process.

Mayor Lombardo opened public comment.

Fritz Koenig, Yucca Valley spoke on ownership of local dirt roads and would like to see a circulation system.

Susan Simmons, Yucca Valley stated that this is a safety issue and speed limits should be posted.

Written comment on the item was received by Robert Nelson of Yucca Valley.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Council Member Leone commented on various aspects of the vehicle code, and would like a review of the circulation system with consideration of bringing certain roads into the maintained system. (Alternative 1)

Mayor Pro Tem Huntington explained that when considering recommended Alternative 2, Home Owners Associations might be a better approach than County Service Areas. All recommended alternatives should be done, with the exception of Alternative 3, which is to do nothing. It's a long range plan needing prioritization.

Council Member Abel inquired on the role of other agencies and legislation related to speed limits.

Council Member Rowe inquired of the approximately \$15 million in backlog of current maintained roadways within the town. Because of the complex, long-term process of including these roads, something needs to be started to move in the direction of at least knowing what the impact would be and options available to the Town.

Mayor Pro Tem Huntington moved to (Alternative 1) direct staff to return with mid-year budget review (February/March 2015) with identification of circulation system "collectors" in private non-maintained dirt road neighborhoods that should be considered for bringing into the Town's Maintained Road System; and, (Alternative 2) direct staff to reinitiate discussions with San Bernardino County for the potential formation of County Service Areas for road maintenance within the Town; and (Alternative 4) request special legislation through the State legislative process establishing a maximum speed limit of 15 or 25 miles per hour on all non-maintained dirt roads within the Town of Yucca Valley. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

DEPARTMENT REPORT

11. Appointment of Town Manager; Approval of Town Manager Agreement

Town Attorney Laymon announced that a revised contract is available at the clerk's table this evening. Curtis Yakimow was selected as the Town Manager.

Laymon explained the selection process, with the Ad-Hoc Committee striving for a fiscally responsible contract for the Town Manager. The negotiated contract presents a cost-savings from prior Town Manager contracts. Base compensation is stated as \$149,500 annually.

Mayor Lombardo opened public comments.

Ron Cohen, Yucca Valley referenced Ordinance 247 and spoke in opposition to the severance package included in the contract.

Charles McHenry, Yucca Valley thanked the Town Council for the decision to recruit internally.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Council Member Leone commented on the elimination of the Town Manager's car allowance.

Council Member Abel stated that the contract shows a savings of approximately \$170,000 and asked for clarification on the termination clause. Abel also thanked the Ad-Hoc Committee for their diligent consideration and the many hours spent during this selection process.

Mayor Lombardo thanked Stueckle for his professionalism and dedication to the organization; congratulated Yakimow; and thanked the Ad-Hoc Committee.

Mayor Lombardo moved to appoint Curtis Yakimow for Town Manager, effective July 15, 2014 and approve the employment agreement between the Town of Yucca Valley and Curtis Yakimow. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

Town Manager Yakimow thanked the Town Council for their consideration and stated he

is honored to be their Town Manager. Yakimow also addressed his wife and children, thanking them for their support.

FUTURE AGENDA ITEMS

None Stated

PUBLIC COMMENTS

Mayor Lombardo opened public comments.

Fritz Koenig, Yucca Valley spoke of recent lawsuits brought before the Town.

David Mahaffey, Yucca Valley stated he is glad to be a part of this community, and spoke of water quality issues.

Ramon Mendoza, Morongo Valley spoke of water issues in Yucca Valley and congratulated Yakimow on his appointment.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

STAFF REPORTS AND COMMENTS

Town Manager Yakimow invited all out to the Summer Music Festival and thanked the Recreation Staff on recent successful summer programs.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Council Member Abel congratulated Yakimow on the new position, thanked Stueckle for his assistance, and thanked the Ad Hoc Committee.
13. Council Member Leone reported on his recent best-of-breed- win at a recent dog show and congratulated Yakimow.
14. Council Member Rowe thanked Stueckle for the extra hours of work and dedication, getting the organization through the past several months. Rowe also thanked Human Resources Manager Breidenbach-Sterling for her assistance in the process, and congratulated Yakimow.
15. Mayor Pro Tem Huntington congratulated Yakimow, thanked Stueckle and welcomed Major General Lewis Craparotta to the Twentynine Palms Marine Corps Air Ground Combat Center.

- 16.** Mayor Lombardo thanked Stueckle for his hard work and dedication, and congratulated Yakimow.

ANNOUNCEMENTS

There will not be a Town Council meeting on August 5, 2014 for lack of a quorum.

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, August 19, 2014 at the Yucca Valley Community Center Yucca Room.

ADJOURNMENT

Mayor Lombardo adjourned the meeting at 8:30 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk