

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
JANUARY 18, 2011**

Mayor Huntington called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Hagerman, Luckino, Mayes Rowe and Mayor Huntington.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Town Attorney Laymon, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson

**PLEDGE OF ALLEGIANCE**

Led by Mayor Huntington

**PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS**

**1. Employee of the Quarter**

Presented to David Johnson, Lead Maintenance Worker I

**2. Longevity Awards**

Longevity awards presented to Maintenance Worker Keith Katchmark, for 15 years of service, Animal Control Officer Dale Davis, for 5 years, and Public Works Inspector Dave Behrens, for 5 years.

**AGENCY REPORTS**

**Fire Department**

**3. Monthly Report for December 2010**

Battalion Chief Benfield gave the monthly statistical Fire Department Report for December 2010 and echoed accolades given to the Public Works crew, noting they did a great job with the storm cleanup.

**Chamber of Commerce**

**3. Monthly Report for December 2010.**

No one present to give the report.

**APPROVAL OF AGENDA**

Council Member Luckino moved to approve the agenda. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

**CONSENT AGENDA**

- 5. **Approve**, Regular Town Council Meeting Minutes of December 21, 2010 as presented.
- 6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 11. **Approve**, the 2009/2010 Annual Redevelopment Report and the 2009/2010 Annual Redevelopment Agency Financial Report
- 13. **Adopt**, Resolution No. 11-03 changing the Planning Commission meeting start time from 7:00 p.m. to 6:00 p.m.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE TIME OF THE REGULAR MEETINGS OF THE PLANNING COMMISSION

Council Member Rowe requested to pull Item 8. Mayor Huntington advised he would like to pull Items 7, 9 10 and 12 together as one item.

Council Member Mayes moved to adopt Consent Agenda Items 5, 6, 11 and 13. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington .
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**8. Maintenance of Vacant and Abandoned Real Property.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING CHAPTER 6.08 OF TITLE 6 ESTABLISHING MAINTENANCE OF ABANDONED PROPERTIES REGULATIONS

Council Member Rowe advised she pulled the item in order to abstain.

Council Member Luckino moved to adopt Ordinance No. 219, establishing regulations for the maintenance of vacant and abandoned real property. Council Member Mayes

seconded. Motion carried 4-0-1-0 on a Roll Call Vote.

- AYES: Council Member Hagerman, Luckino, Mayes, and Mayor Huntington
- NOES: None
- ABSTAIN: Council Member Rowe
- ABSENT: None

- 7. **Amend**, FY 2010-11 Adopted Budget, and adopt Resolution No. 11-01 appropriating \$200,000 from the Catastrophic Events Fund Designation for storm cleanup expenditures

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AMENDING THE FY 2010-11 BUDGET

- 9. **Approve**, fourth Amendment to the Service Agreement with Clark Construction Co., in the amount of \$82,380, authorizing the Town Manager to sign all necessary documents related to the agreement.
- 10. **Approve**, first Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$25,000 to \$50,000, and increasing the base level services compensation from \$50,000 to \$75,000, authorizing the Town Manager to sign all necessary documents.
- 12. **Receive** and file, report regarding the emergency repair to private dirt roads, based upon the findings contained in the staff Report and **adopt** Resolution No. 11-02.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FINDING THAT PRIVATE NON MAINTAINED DIRT ROAD REPAIRS WERE NECESSARY FOLLOWING THE DECEMBER 2010 STORM EVENTS

Deputy Town Manager Stueckle gave a power point presentation regarding the storm events and describing the individual items.

Mayor Huntington advised that he wanted to point out that the \$200,000 comes out of the contingency fund drops the available amount to \$800,000 adding that, hopefully, the Town can get some FEMA funding to backfill that account. He commended the contractors and Town employees who made the roads passable again.

Council Member Luckino questioned how the Catastrophic Event account is funded. Administrative Services Director Yakimow advised the Council will be discussing that under a subsequent item on the agenda. In this particular case FEMA will likely provide some level of reimbursement which will be used to backfill the fund.

Council Member Rowe move to approve Item 7, 9, 10, and 12. Council Member Luckino seconded. Motion carried 5-0 on roll call vote.

**AYES:** Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**PUBLIC HEARINGS**

**14. 2010 California Building Codes Published by the California Building Standards Commission, Council Request for Further Discussion, Ordinance**

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTER 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2010 PART 2 EDITION VOLUMES 1 AND 2, WITH APPENDICES A, C, G, I, AND J AND REFERENCED STANDARDS; THE CALIFORNIA RESIDENTIAL CODE, PART 2.5; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2010 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE 2010 EDITION

Deputy Town Manager Stueckle gave the background of the item and a power point presentation outlining the local amendments including the impacts without them, and summarizing the significant changes resulting from the 2010 Codes.

Mayor Huntington opened the Public Hearing

**Margo Sturges**, Yucca Valley, commented in favor of the ordinance and amendments to give staff tools to be able to enforce the codes and protect the citizens.

There being no one else wishing to speak, Mayor Huntington closed the Public Hearing

Council Member Hagerman questioned if the Town’s code requires new construction to contain water on site. Patrick Carroll, Charles Abbott & Associates, advised that is the goal on infill lots, adding that development projects can have engineer designed drainage systems for the development. Deputy Town Manager Stueckle advised of the formula staff uses to calculate the amount of water to be maintained on the site based on roof area and hard surfaces, however, one of the first things a new home owner often does is fill in

the retention area with patio or pool area.

Council Member Rowe questioned the justification for requiring an engineered grading plan for movement of 2,500 cubic yards on infill lots and questioned what would be required if the lot was flat. Mr. Carroll advised that there would typically not be that amount of grading on a flat lot. Council Member Rowe questioned if it would be better to refer to percentage of slope rather than cubic yardage, noting that the cost of engineering these plans for 2,500 yards becomes very expensive. Just because the grading is engineered doesn't mean it will solve the problems. Deputy Town Manager Stueckle advised there is not a perfect number that will work for this particular policy in question, noting that many communities do not use a cubic yard standard or a slope standard, it is mandatory regardless of how much earth you are moving. Staff is trying to address what we believe is a relatively large amount of material that needs to be looked at carefully.

Council Member Luckino commented that staff has done a good job to minimize the additional impacts.

Mayor Huntington advised he is in favor of the recommendation alternative A, noting the amendments takes the discretion of the Building Official out of the equation and sets standards.

Council Member Mayes thanked staff for the report, noting his main concern with this was that the Council hadn't seen it before and he doesn't want people to say the Council rubber stamps what staff says without looking at it. He noted he is irritated with the state for mandating adoption of the codes.

Council Member Mayes moved to adopt Ordinance No. 220, adopting the California 2010 Building Codes as listed and amended. Council Member Luckino seconded.

Council Member Hagerman objected to cutting the state minimum requirement for an engineered grading plan in half.

Council Member Rowe presented a substitute motion to delete the requirement for an engineered grading plan for the movement of 2,500 cubic yards of material and using the State Code requirement of 5,000 cubic yards. Deputy Town Manager Stueckle advised that the State code does not give a requirement for an engineered grading plan of 5,000 cubic yards, noting it is totally at the discretion of the Building Official.

Council Member Mayes advised he was concerned about the need for the grading plan for 2,500 cubic feet of material until he saw an example of what a significant amount of dirt that was, noting he is now comfortable with the requirement knowing that the state doesn't have any requirement making it total the discretion of the Building Official.

Council Member Luckino questioned how long the requirement for 2,500 cubic yards has been in effect. Deputy Town Manager Stueckle advised it has been on the books since 1994.

Town Manager Nuaimi questioned how often this requirement is impacting development. Deputy Town Manager Stueckle estimated that from observations he could comfortable say less than 10% of all single family infill lots have had engineered grading plans as a requirement. He noted there are several contractors who walk in with engineered grading plans without being asked to because they know it will make the approval process easier.

The substitute motion died for lack of a second.

- AYES:** Council Member Luckino, Mayes, and Mayor Huntington
- NOES:** Council Member Hagerman and Rowe.
- ABSTAIN:** None
- ABSENT:** None

**DEPARTMENT REPORTS**

**15. Annual Reserve Policy Review.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE NECESSARY INTERFUND TRANSFERS IN ACCORDANCE WITH THE TOWN’S RESERVE POLICY**

Administrative Services Director Yakimow advised at this time staff doesn’t have good visibility into future as far as revenues are going to be, because of that staff is recommending a conservative approach in managing the Town’s general fund financial reserves. The proposed budget resolution will provide for a one-year exception to the reserve policy by suspending the capital projects reserve fund transfer and increasing the general fund reserve cap from 45% to 58%. It was noted that in February 2009 the Governmental Accounting Standards Board issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions effective FY 2011. The objective of the statement is to enhance the usefulness of fund balance information and provide clearer fund balance classifications that can be more consistently applied, and by clarifying the existing governmental fund type definitions.

Council Member Luckino commented the Town has done a great job being very conservative and probably has a larger reserve balance than most.

Council Member Mayes commented that knowing the revenues have been declining is strong argument for keeping the reserves as high as possible and making sure the Town

has a balanced budget without using those reserves to balance it.

Council Member Mayes moved to adopt Resolution No. 11-04 modifying the Town's Reserve Policy by amending the fiscal year 2010-11 budget by amending the designated reserve balances as indicated on Exhibit A to the Resolution, including a one-year suspension of the capital projects reserve fund transfer and a corresponding one-year increase in the general fund reserve cap to 58%. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

**16. Utility Undergrounding Districts, Southern California Edison, Rule 20A Funds, Ordinance**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING A PROCEDURE FOR THE CREATION OF UTILITY UNDERGROUNDING DISTRICTS AND REGULATIONS REGARDING SUCH DISTRICTS

Deputy Town Manager Stueckle read the title of the ordinance and gave the background of Rule 20A funds. Currently the amount allocated to the community is approximately \$1.67 million. There are no projects identified at this time.

**Margo Sturges**, Yucca Valley, asked questions regarding the use of the funds.

Council Member Luckino questioned if the \$1.67 million is the Town's money. Town Manager Nuaimi advised it is money that has been collected from customer's bills over time and is not our money, but is allocated to this community to allow Edison to underground their facilities in our community. The districts must be formed to advise property owners and other utilities that undergrounding is going to proceed.

Council Member Hagerman questioned if any proposed project is prohibited from using these funds. Town Manager Nuaimi advised that this is the first step to be able to utilize the funding for potential projects, noting that no projects are precluded from consideration.

Council Member Rowe commented when the Council enacts ordinances it is the Council's job to represent the citizens. She advised the Council is sensitive to costs to homeowners questioned what cost they bear. Deputy Town Manager Stueckle advised that this ordinance can be used for tapping into rule 20 A funds, and for property owner initiated undergrounding districts. Regarding Rule 20 A funds, those dollars will pay for undergrounding for service drop up to 100 feet onto private property and not beyond. Staff is working with the utility companies and will be identifying those properties within a proposed district boundary that is beyond that 100 foot distance, and would be coming forward to Council with alternative means of how those construction projects will be

funded. Staff foresees a very significant public outreach process with all entities holding educational meetings.

Council Member Mayes commented it is his hope to look at portions of the undergrounding utility ordinance noting the Brehm Park is a small project that would use all the available funds.

Council Member Mayes moved to introduce the Ordinance, establishing procedures for the creation of utility undergrounding districts. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**FUTURE AGENDA ITEMS**

Council Member Luckino requested discussion regarding underground utilities for infill lots. Council Member Rowe and Mayes agreed if it is limited to just discussion regarding infill lots.

Council Member Hagerman requested future discussion regarding Planning Commission liaisons and how appointment works. Town Manager Nuaimi advised there is an item coming forward for a future agenda to talk about Council protocols, one portion of which will be the appointment of commissioners.

**PUBLIC COMMENT**

**Margo Sturges**, Yucca Valley, commented regarding changing the time of Planning Commission Meetings and requested that they be video taped. She also recommended freshening up the podium.

**Richard Harlan**, Yucca Valley, commented regarding illuminated road signs and the cost to replace them.

**David Rivera**, Unincorporated San Bernardino County commented regarding crime in his neighborhood and thanked the Town Manager and Sheriff’s Office for their assistance.

**STAFF REPORTS AND COMMENTS**

Town Manager Nuaimi reported regarding attendance at the Chamber of Commerce “Fam” tour, advised that staff is continuing to move forward with a number of items discussed during the Strategic Planning session, thanked the Council and employees who participated in the process,



Thanked Mr. Rivera for his kind comments and advised that, during these difficult economic times, funding will not be spent to fix the podium.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**17. Council Member Mayes**

Commented regarding the fact that Mr. Rivera lives outside the Town's boundaries and recommended that he also talk to Alan Rasmussen from County Supervisor Derry's office regarding the issue.

Commented regarding the tragedy in Arizona and the need for civility in political discourse.

**18. Council Member Hagerman**

Thanked Streets Skilled Maintenance Worker Johnson for the excellent job he did after the rains and congratulated him for being selected as Employee of the Quarter.

Thanked Maintenance Worker Katchmark for taking such pride in his work and for the time he has given the Town as well as Animal Control Officer Davis and Public Works Inspector Behrens.

**19. Council Member Rowe**

Echoed Council Member Hagerman's sentiments thanking the employees who received longevity awards for their service and congratulating Streets Skilled Maintenance Worker Johnson for being awarded Employee of the Quarter

**20. Mayor Pro Tem Luckino**

Agreed with statements regarding the awards given tonight and noted that employees being recognized are always recognizing their co workers for their success. It is nice to see the camaraderie

Commented regarding attendance at a soccer tournament in Las Vegas and the draw those types of events bring to a community.

**21. Mayor Huntington**

Echoed kudos to employees.

**ANNOUNCEMENTS**

The next Town Council Meeting is Tuesday, February 1, 2011 at 6:00 p.m.

**CLOSED SESSION**

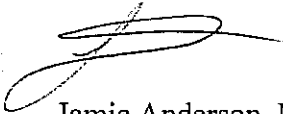
22. **Closed Session pursuant to subdivision (c) of Government Code Section 54956.9, Initiation of Litigation, one potential case.**

Mayor Huntington adjourned to Closed Session at 7:30 p.m., reconvened to open session at 7:55, and advised there was no reportable action taken. There were no members of the public present.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 8:54 p.m.

Respectfully submitted,



Jamie Anderson, MMC  
Town Clerk