

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
MAY 17, 2011**

Mayor Huntington called the meeting to order at 5:00 p.m. with Council Members Hagerman, Luckino, Rowe and Mayor Huntington present.

**CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Subsection (a) of Section 54956.9(a), Ronald Green and Sharon Green vs. County of San Bernardino, City of Yucca Valley, Case No. CIVMS 800111.

2. **CONFERENCE WITH LABOR NEGOTIATORS**  
Government Code Section 54957.6(a), Negotiators: Mark Nuaimi, Dani Lassetter  
Employee Organization(s), Unrepresented Exempt, Unrepresented Non-Exempt

Mayor Huntington adjourned to closed session at 5:01 p.m., returned to open session at 5:23 p.m. and recessed the meeting to 6:00 p.m.

Mayor Huntington reconvened at 6:00 p.m. and advised there was no reportable action taken in the Closed Session.

3. **Oath of office to newly appointed Council Member Abel**

Town Clerk Anderson administered the Oath to Council Member Abel

Council Members Present: Abel, Hagerman, Luckino, 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 Council Member Abel

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

4. **Proclamation commemorating the 10<sup>th</sup> Anniversary of Yucca Valley's California Welcome Center**

Mayor Huntington read and presented the proclamation to Cary Harwin and Kelly Carson, Basin Wide Foundation.

Mr. Harwin thanked the Council on behalf of the volunteers at the Welcome Center.

5. **Proclamation commemorating the 75<sup>th</sup> Anniversary of the Joshua Tree National Park**

Item carried forward.

## AGENCY REPORTS

### Fire Department

6. **Monthly Report for April 2011**

The report is available for review at Town Hall.

### Chamber of Commerce

7. **Monthly Report for April 2011**

David Eckenberg, Chamber President, gave the monthly statistical report.

## APPROVAL OF AGENDA

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

## CONSENT AGENDA

8. **Approve**, Special Town Council Meeting Minutes of April 25, 2011, Regular Town Council Meeting Minutes of May 3, 2011 as presented.
9. **Waive**, further reading of all ordinances and read by title only.
10. **Review and approve**, the engagement letter between the Town of Yucca Valley and RAMS (Rogers, Anderson, Malody & Scott, LLP) related to audit services for the year ending June 30, 2011 and **authorize** the Town's Director of Administrative Services to sign the engagement letter.
12. **Adopt**, Resolution No. 11-19 (a) directing the preparation of an assessment engineer's report describing any new improvements or any substantial changes in the existing improvements in the existing assessment districts, (b) preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such

reports with the Town Clerk, and (c) setting the date for conducting a public hearing on Tuesday, June 21, 2011, at 6:00 P.M. in the Yucca Valley Community Center, 57909 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5, to consider the levy of annual assessments upon real property.

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2011-2012 TAX YEAR AND PRELIMINARILY APPROVING THE ASSESSMENT ENGINEERING REPORTS AND SETTING A PUBLIC HEARING DATE TO CONSIDER THE LEVY OF ASSESSMENTS WITHIN THE EXISTING ASSESSMENT DISTRICTS FOR THE 2011-12 TAX YEAR

- 13. **Approve**, the second Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$50,000 to \$77,000, and authorize the Town Manager to sign all necessary documents.
- 14. **Authorize**, the Director of Administrative Services to file a claim with the San Bernardino County Associated Governments (SANBAG) for Local Transportation Funds (LTF) in the amount of \$112,723.00.
- 17. **Ratify**, the Warrant Register total of \$399,231.21 for checks dated May 5, 2011. Ratify Payroll Registers total of \$125,165.67 for checks dated April 29, 2011.

Council Member Luckino requested to pull Item 15. Council Member Rowe requested to pull Item 11. Mayor Huntington pulled Item 16. Council Member Abel advised he will abstain on Item 8.

Council Member Rowe moved to adopt Consent Agenda Items 8-10, 12-14, and 17. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Abel, Hagerman, Luckino, Rowe and Mayor Huntington.
- NOES:** None
- ABSTAIN:** Council Member Abel on Item 8 only.
- ABSENT:** None

- 11. **Del Monte Avenue Improvements, Town Project No. 8344, San Andreas Road to Santa Barbara Drive, Final Project Report and Acceptance of Improvements, FY 2010-11 Budget Amendment.**

Council Member Rowe advised she has a conflict of interest in the item and left the dais.

Council Member Hagerman moved to accept the construction of the Del Monte Avenue Improvements, Town Project No. 8344 by William Kanayan Construction as substantially complete and (a) Authorize Town staff to file the Notice of Completion with the County Recorder, (b) Authorize Town staff to release the Performance Bond in the amount of \$260,911.20, (c) Authorize staff to release retention monies in the amount of \$27,749.82 to the contractor thirty five days from date of acceptance of improvements, and (d) Amend the FY 2010-11 LTF 516 Adopted Budget by adding project 516 55 59 8310 8351 Fortuna Avenue and transfer \$20,000 from project 516 55 59 8310 8344 Del Monte Avenue Improvements to the new project. Council Member Luckino seconded. Motion carried 4-0-1 on a roll call vote

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

Council Member Rowe returned to the dais.

**15. Sales Tax Analysis Professional Services Authorization**

Council Member Luckino recused himself due to his employment with the Hi Desert Water District and left the dais.

Administrative Services Director Yakimow advised the item is a follow-up to the April 11<sup>th</sup> joint meeting with the Hi Desert Water District where Town and Agency staff presented a conceptual infrastructure financing framework based upon a potential Town 1% transaction use tax. Staff was given direction to engage an independent financial consultant who could objectively evaluate and expand on the sales tax framework. This would be a joint review project for both the Town and the District and the cost for the study would be equally shared. The Town and District staff met to review and discuss the responses to the RFQ and recommend Fieldman/Rolapp & Associates. Staff recommends the Council amend the FY 2010-11 adopted budget by appropriating \$25,000 from the General Fund Undesignated Reserves as the Town’s share.

Council Member Rowe requested clarification that this item is a joint effort between the Town and District and will also be approved by the District. Administrative Services Director Yakimow advised that it is.

Council Member Abel moved to authorize the Town Manager to execute a professional services contract with Fieldman/Rolapp & Associates to perform a review, analysis and other services related to a potential local transaction and use tax measure and to amend the FY 2010-11 Adopted Budget by appropriating \$25,000 from General Fund Undesignated Reserves to project 001 10 10 7110 8013 000 Professional Services. Council Member Rowe seconded. Motion carried 4-0-1 on a roll call vote.

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

Council Member Luckino returned to the dais.

**16. First Amendment to the Town of Yucca Valley Employment Agreement Dated June 17, 2010 between the Town of Yucca Valley and Mark Nuaimi**

Mayor Huntington presented the staff report noting that according to the current agreement with the Town Manager, Section 6.3, subsection (a) reads that the employee shall receive the same PERS benefit provided to non-sworn department heads and agrees to pay two percent towards the employee portion of PERS premiums, and the amount shall be reviewed during the annual salary review. During current budget preparation and benefits evaluations, the recommendation is to have all employees, including the Town Manager, contribute their full share of the employee’s portion of the CalPERS benefit which is eight percent. This reduces the cost of the Town Manager’s salary by \$11,400 annually. \$3,500 of this savings will be offset by the proposed increase in Cafeteria benefits being brought forward for all employees, for a net savings to the Town of \$7,900.

Town Attorney Laymon requested the record reflect that Town Manager Nuaimi removed himself from dais during the discussion of this item.

Council Member Rowe moved to approve the first amendment to the Town of Yucca Valley Employment Agreement dated June 17, 2010 between the Town of Yucca Valley and Mark Nuaimi. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

**PUBLIC HEARING**

**18. Environmental Assessment, EA 01-11, Conditional Use Permit, CUP 03-11, Specific Plan S 01-11, Senior Affordable Housing Project**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN S 01-11, YUCCA VALLEY SENIOR AFFORDABLE HOUSING SPECIFIC PLAN

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CUP 01-11 FOR ASSESSOR PARCEL NUMBERS 595-371-11 AND A PORTION OF 595-361-21

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Deputy Town Manager Stueckle presented the project discussion and read the title of the Ordinance. A PowerPoint presentation was given.

Byron Ely, Vice President of Construction for National CORE, advised of the many formal design alternatives and iterations, noting a lot of dialogue has gone into the site plan to achieve a balance. CORE appreciates the opportunity the Town has afforded them and feels that they have arrived at a good balance.

Deputy Town Manager Stueckle continued with the presentation advising of the circulation issues, examples of the architecture, and noting the consistency of the project with the General Plan Goals. Regarding comments in the community about the fast tracking of the project, he advised of the importance to leverage funding opportunities.

Mayor Huntington opened the Public Hearing

**Margo Sturges**, Yucca Valley, spoke in support of the project, noting her initial concerns have been satisfied.

There being no one else wishing to speak, Mayor Huntington closed the hearing.

Council Member Hagerman questioned if Dumosa will be widened. Deputy Town Manager Stueckle advised it will be designed as essentially a 2 lane residential roadway at 40' curb to curb. Council Member Hagerman commented regarding the fact that there are 75 units with only 51 parking spaces, and questioned if that is normal for this type of project. Mr. Ely advised that in more urban areas parking for a senior project

is calculate at about ½ stall per unit, however that has been expanded somewhat here because the area is not quite as urban. CORE is sensitive to the issue and if it is found to be a problem, will come back to try to find a way to add additional spaces. Council Member Hagerman expressed concern that overflow parking may encroach on to the Town Hall parking lot.

Council Member Abel questioned if it is possible to keep Antelope Trail open until the Town has received approval from Caltrans for the signal at Dumosa. Mr. Ely advised the intent is to improve Dumosa and make all offsite improvements including utilities prior to closing off Antelope. With reference to the public comment referencing the CEQA documents and the fact that there may or may not be a traffic signal, Deputy Town Manager Stueckle advised the Town must make a formal request to Caltrans for that signal, and if we get approval, would go out to bid. Council Member Abel commented that aesthetically the project is a good design, noting he believes the shopping center would also benefit from a light at Dumosa. He added he does not think anyone would argue that we don't have a need for senior housing.

Council Member Rowe commented that the signal at Dumosa meets 2 of the 8 requirements for placement and questioned the likelihood Caltrans would approve it. Deputy Town Manager Stueckle advised he has seen signals approved when they just meet one of the criteria.

Council Member Luckino commented regarding conversations heard at the Planning Commission meeting during the hearing for the CUP and the excitement generated. He commented this is a great project and complemented CORE for putting it together, noting his objections have been the location, not the project. He noted he has heard a lot of excitement from contractors as it relates to stimulus, and questioned if there is going to be a commitment in the CUP so that local contractors will and can be hired for the project. Mr. Ely advised that is their goal, as well as a goal for HUD funding. They have already talked about an outreach project, and once funding is in place they will begin to meet with local contractors, and will work to the greatest extent possible to bring them in to work on the project. Council Member Luckino questioned what has been seen previously regarding use of local contractors. Mr. Ely stated that it depends on the area noting their requirement is to do the outreach and identify what employees are available from what areas.

Mayor Huntington requested that a Town Center circulation plan be added to the final review, and questioned if street parking will be allowed on Dumosa. Deputy Town Manager Stueckle advised they are trying to provide a turn pocket on Dumosa into the project and would not allow street parking.

Council Member Luckino questioned if there would be a negative effect on the HUD application and federal tax credits if this Council is not unanimous in their approval. Julie Mungai, CORE, advised that there is not an effect per se in terms of HUD looking at the application and looking at government and local support but it is always nice to have unanimous support. They do want to get letters of support from the community.

Council Member Hagerman commented the first time he voted yes on this project for the exclusive negotiating agreement with CORE, and the second time he voted no because of the location on Dumosa Avenue. His clarified his no vote was only regarding the location and not the project.

Council Member Luckino commented his issue with this project is just the location. The project is beautiful and he appreciates everything that CORE does. He still does not support the location but will vote to approve the project.

Deputy Town Manager Stueckle recommended the Council add Condition of Approval P 10 stating “the final Community Center circulation plan, including Dumosa and Antelope, shall be reviewed by the Planning Commission or Senior Housing Subcommittee.”

Council Member Rowe moved to approve the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 01-11. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Abel moved to approve the Specific Plan, S 01-11 based on the findings contained with the staff report and the recommended Conditions of Approval, as amended, and introduce the accompanying Ordinance. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Rowe moved to approve the Conditional Use Permit, CUP 03-11, based on the findings contained within the staff report and the recommended Conditions



of Approval, as amended, and adopt Resolution No. 11-20. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

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

Mayor Huntington commented he appreciates the comments regarding the fact that this is a fast track project, however, they have to have the first application submittal into HUD by early June. We needed to move rapidly otherwise we would lose a full year.

Town Manager Nuaimi thanked Deputy Town Manager Stueckle and the Community Development Department staff for putting out an amazing amount of work. Associate Planner Kirschmann and Planning Technician Olson did a fantastic job supporting Deputy Town Manager Stueckle in this project. It has been a cooperative effort and a unanimous vote is a huge endorsement when we go to ask for support from Congressman Lewis and Senators Boxer and Feinstein. He added this is not a done deal, but if successful will be a \$23 million development on about 2.8 acres, which is a huge investment on fairly moderately size lot.

**DEPARTMENT REPORTS**

**19. FY 2011-12 Proposed Budget – Personnel Benefits Review**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND THE TOWN COUNCIL TOWN OF YUCCA VALLEY

Human Resources Manager/Risk Manager Lassetter presented the staff report contained in the packet and retained in the permanent files, and read the title of the Ordinance. Proposed benefit changes are to create a second tier for CalPERS retirement benefit of 2.0% @ 60; increase employee PERS contribution from 2.0% to the full 8.0%; increase the Cafeteria Allowance for Health Care Benefits from \$757/\$820 to \$1050 for all employees; allow merit/longevity salary adjustments; reduce vacation accrual rates;

and allow vacation and sick leave sell back to offset increase in CalPERS employee contribution and health care costs.

Administrative Services Director Yakimow commented regarding the reduction in the Town's employee base and the challenge to craft a budget with this reduction.

Continuing with the staff report, Human Resources/Risk Manager Lassetter noted that, due to fact that health care insurance premiums have increased in excess of 50% over the past five years, some employees are paying 25% of their take home pay toward health benefit costs. She also noted that due to the reductions in staffing and employees being given additional duties, job descriptions will be reevaluated. There is no cost of living increase proposed at this time.

Margo Sturges, Yucca Valley, expressed appreciation that the Town is looking at the pension problem and trying to address it. Questioned why Council hasn't opted out of health insurance and how many health insurance policies they are receiving.

Council Member Luckino questioned if there is going to be a balanced budget. Administrative Services Director Yakimow advised there is. Council Member Luckino commented he appreciates staff for looking at this and dealing with these problems, noting that everyone is facing these issues. Added that in future years he does not want to see a spike in all the Town's tax dollars going towards benefits.

Council Member Hagerman commented as an employer he knows it is often easier to ask employees to take on additional duties than hit them in the pocket. He applauded staff for taking this on proactively. Regarding the question in public comment related to health insurance policies, he noted that, outside of a Town policy, which he does not have, other existing policies are no one's business.

Council Member Abel stated he was concerned when he saw the large jump from 2% to 8% because the Town is asking for more for less, so he was glad to find that we are going to do a reevaluation of the job descriptions for those who have been given additional assignments. Administrative Services Director Yakimow commented, with Council direction tonight, staff will incorporate these changes along with any of the position description changes into the budget. Council Member Abel questioned if the change to employees paying the entire 8% of PERS will put the Town in line with other agencies. Administrative Services Director Yakimow advised that the trend is occurring all through the state. Council Member Abel expressed concern regarding the additional accrual allowance for vacation, noting he doesn't want to burn them out or let them bank a lot of time. Administrative Services Director Yakimow explained the vacation policy issues.

Council Member Rowe commented that Council receives about \$488 per month and are allowed health care benefits. If the health care is declined, they get the cafeteria amount put into a deferred compensation plan. She encouraged her fellow Council members, as the Town looks at cutting full time employees and the services it offers, to consider contribute their health insurance allowance back to the Town. Town Manager Nuaimi and Human Resources/Risk Manager Lassetter explained the issues involved with the PERS contract and development of a second class of employees by doing that.

Mayor Huntington commented that sustainability is the issue here, and as long as we keep employee costs at the same percentage it allows us to function and maintain balanced budget. He expressed appreciation for the work the Town Benefits Committee went through.

Council Member Luckino moved to (a) Review and discuss the proposed benefit changes, and direct staff to incorporate the identified changes, with any modifications, into the FY 2011-12 Proposed Budget returning to Council in June 2011; (b) Introduce the Ordinance amending the Town's Contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011; and (c) Adopt corresponding Resolution No. 11-21 amending the Town's contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

Human Resources/Risk Manager Lassetter recognized and commented the Benefits Committee members noting they received a real crash course in benefits and their nuances.

## **FUTURE AGENDA ITEMS**

Council Member Abel commented regarding the need for possible appointment to the Planning Commission. The position will be advertised and placed on a future agenda.

Mayor Huntington advised of the need to appoint a new Audit Committee. Staff was directed to place the item on a future agenda.

## **PUBLIC COMMENT**

**Margo Sturges**, Yucca Valley, commented regarding the size of the agenda packets and recommended that Planning Commissioners received a stipend.

**STAFF REPORTS AND COMMENTS**

Town Manager Nuaimi commented this has been an exhausting couple of weeks for our staff with all the items Council is considering in addition to it being budget development time. He addressed the comment about not responding to questions, noting that the e-mail sent was routed through the spam filter and ended up in the junk mail folder. This was a media inquiry, and although the Town does respond according to law to public records requests, he is not going to drop everything to answer a reporter's questions. With reference to the questions asked, a copy of his contract was forwarded in response and everything he receives is included in that contract. There is no hidden benefits program for Town management.

Town Manager Nuaimi commended Executive Assistant Kim for going above and beyond last week to help get this agenda out.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS****20. Council Member Abel**

Thanked all the wonderful people who have contacted him since his appointment, noting he appreciates the support and encouragement he received.

He added he was impressed with quality of all those who chose to apply for this position, which talks about our Town and willingness of its citizens to serve.

Thanked the seniors for all their input in the various workshops and the Town for putting on the Senior Fair.

Commented he is excited about the affordable senior housing project which can be used as a model to our community. Safe affordable housing is an important part of the community, and hopefully the same concept can be applied in the Old Town area in time.

Thanked the Council and staff for their assistance.

**21. Council Member Hagerman**

Welcomed Council Member Abel and thanked the 8 other applicants. This was not a fun to be on the Council and he is confident in the decision that was made.

Thanked CORE for remaining through the entire meeting, noting it shows they are here for the Community, not just their particular item. He looks forward to the partnership.

Thanked staff for everything they have done in the past couple of weeks.

**22. Council Member Rowe**

Welcomed Council Member Abel

Congratulated Community Services Director Schooler and his staff for their work on the Senior Fair.

**23. Mayor Pro Tem Luckino**

Congratulated and welcomed Council Member Abel to the Council.

Commented regarding attendance to hear Michael Regan speak at the Bell Center, noting he talked about his father Ronald Regan a lot.

**24. Mayor Huntington**

Advised that the 10 year anniversary celebration for the Welcome Center is Friday, May 20, 2011 from 5:00 p.m. to 7:00 p.m.

Congratulated Council Member Abel and expressed appreciation for his stepping forward.

Thanked CORE for all the work they did to put this fast track project together.

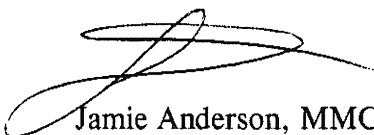
**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, June 7, 2011, 6:00 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 7:55 p.m.

Respectfully submitted,



Jamie Anderson, MMC  
Town Clerk