

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

Mayor Huntington called the meeting to order at 6:00 p.m.

**OPENING CEREMONIES**

Council Members Present: Abel, Hagerman, Lombardo, 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 Lt. Boswell, and Town Clerk Anderson

**PLEDGE OF ALLEGIANCE**

Led by Mayor Pro Tem Rowe

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**1. Longevity Awards**

Presented to Lead Maintenance Worker – Streets, Robert Adams and Skilled Maintenance Worker II – Streets, Dave Johnson for 15 years with the Town of Yucca Valley.

- 1A.** Anita Baker, Sheriff's Service Specialist, advised of the history of Red Ribbon Week and presented Red Ribbons to Council and Staff.

**AGENCY REPORTS**

Fire Department

**2. Monthly Report for September 2011**

Battalion Chief Benfield gave the monthly statistical report for September 2011.

Chamber of Commerce

**3. Monthly Report for September 2011**

Vicki Bridenstine, Chamber President, gave the monthly statistical Chamber report for September 2011.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- 4. **Approve**, Regular Town Council Meeting Minutes of October 4, 2011.
- 5. **Waive**, further reading of all ordinances and read by title only.
- 6. **Adopt**, Resolution No. 11-43 approving the 2010-11 Purchase Order Encumbrances, Project Carryovers and FY 2011-12 Special Revenue Fund Budget Amendments.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-12 ADOPTED BUDGET

- 7. **Adopt**, Resolution No. 11-44, approving the Administering Agency-Federal Master Agreement No. 08-5466R and Program Supplemental Agreement No. 008-N, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents for the project.

A RESOLUTION OF THE TOWN COUNCIL, TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING ADMINISTERING AGENCY-FEDERAL MASTER AGREEMENT NO. 08-5466R AND PROGRAM SUPPLEMENTAL AGREEMENT NO. 008-N FOR THE CONGESTION MITIGATION AIR QUALITY TRAFFIC SIGNAL SYNCHRONIZATION PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

- 8. **Accept**, the Construction of the Community Center ADA Door Improvements, Town Project No. 8955 by Paul LeMay Construction as substantially complete; authorize Town Staff to file the Notice of Completion with the County Recorder; authorize Town Staff to release the Performance Bond in the amount of \$38,640; and authorize Town Staff to release retention monies due the contractor thirty-five (35) calendar days after recordation of the Notice of Completion.
- 9. **Adopt**, Resolution No. 11-45, approving the Program Supplemental Agreement No. 009-N, authorizing the Town Manager to sign all necessary documents for the program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTAL

AGREEMENT NO. 009-N FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

- 10. **Ratify**, the Warrant Register total of \$476,002.96 for checks dated October 10, 2011. **Ratify**, Payroll Registers total of \$118,268.63 for checks dated September 30, 2011.

Council Member Hagerman moved to adopt Consent Agenda Items 4-10. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

**PUBLIC HEARINGS**

- 11. **Public Facilities Development Impact Fees, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AMENDING AND ADOPTING AND ESTABLISHING DEVELOPMENT IMPACT FEES RELATING TO THE TOWN OF YUCCA VALLEY DEVELOPMENT IMPACT FEE SCHEDULE

Deputy Town Manager Stueckle gave the staff report contained in the Agenda Packet and displayed a PowerPoint presentation during the discussion. He commented that one of the questions asked was why the residential component was based on EDU rather than square foot, and advised that at the time the study was done it was common in the industry to use EDU's.

Town Manager Nuaimi questioned how many new housing starts have occurred as a result of the infill incentive program. Deputy Town Manager Stueckle advised there have been none as result of the program, noting that the Town has just received the first infill permit.

It was noted that the proposed high fee of \$7.74 for 10,001 square feet or more is for commercial development. The cap for office development is \$7.08 and industrial is \$3.18

Town Manager Nuaimi commented that one alternative that has been examined is an increase in transfer tax, and noted that current state law mandates that only Charter Cities can increase the transfer tax above the \$0.55 General Law Cities receive. He noted the City Managers have talked about having that changed but it would require

action by the state legislature, and it would not be possible to place a measure on the ballot to increase the tax until 2014.

Mayor Huntington opened the Public Hearing

**Margo Sturges**, Yucca Valley, spoke in favor of the proposed fees.

**Scott McKone**, Yucca Valley, commented regarding the need to charge residential fees on a square foot basis to make it equitable for all.

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

Council Member Lombardo questioned if the transfer tax can be used for any purpose. Town Manager Nuaimi stated yes, it is a general fund source and can be used for anything. He advised it is not illegal to implement an impact fee program on a per square foot basis, however the methodology used at the time of the study was based on EDU so we would have to do a new analysis with a different methodology. If the fee was based on square footage, it would likely be collected on additions as well as new construction.

Council Member Rowe commented it was mentioned that the Blue Ribbon Committee had some discretion and questioned if they were given discretion regarding whether to use EDU's or square footage. Deputy Town Manager Stueckle advised no, the analysis was too far along and the EDU basis was the way the tool came forward. He noted that using square footage would require a new analysis. Council Member Rowe questioned if this will be part of the General Plan update. Deputy Town Manager Stueckle advised not the impact study itself, but when we complete the general plan we will know the infrastructure needs and can initiate a new study at that time.

Mayor Huntington suggested it can safely be argued that houses of different sizes have the same impact.

Council Member Hagerman commented he does not feel that the time is now to be raising these fees, advising he appreciates staff's slide showing the millions the Town could have gotten, but questioned how many of those houses would not have been built here if those fees were set that high.

Council Member Abel questioned if a developer is credited if they are required to make offsite improvements. Deputy Town Manager Stueckle advised they are if the improvements made are included in the impact study.

Council discussed each component of the recommendation individually with a majority concurring with them.

Council Member Abel moved to adopt Resolution No. 11-46 implementing the following actions: 1) establishes subdivision single family residential public facility development impact fees at the maximum level of \$9,081 per unit; 2) modifies the development incentive program for infill single family residential public facility development impact fees, setting the fees at \$2,568 per unit with those fees dedicated to Park facilities; 3) retains multi-family residential public facility development impact fees at \$3,600 per unit; 4) modifies the development incentive program for commercial, general office, and industrial development projects as follows:

Up to 3,000 square feet:	\$1.00 per square foot
3,001 to 5,000 square feet:	\$2.00 per square foot
5,001 to 10,000 square feet:	\$4.00 per square foot
10,001 square feet or more:	\$7.74 per square foot

and 5) Approves the public facility development impact fee levels through December 2013 or until thereafter as modified and amended by the Town Council. Council Member Lombardo seconded. Motion carried 3-2 on a roll call vote.

**AYES:** Council Member Abel, Lombardo, and Mayor Huntington.

**NOES:** Council Member Hagerman and Rowe

**ABSTAIN:** None

**ABSENT:** None

## DEPARTMENT REPORTS

### 12. **SR 62/SR 247 Traffic Signal Median Island Project, Approval of Plans and Specifications, Authorization to Advertise for Construction**

Deputy Town Manager Stueckle gave the staff report contained in the packet and displayed a PowerPoint presentation during the discussion.

**Mark Miller**, Yucca Valley, spoke in opposition to the recommendation requesting to change it to include and fast track mid-block approaches. He noted the business owners in the area will volunteer financial support for the design phase of the mid-block approaches. He distributed a proposed plan.

**Art Miller**, Yucca Valley, spoke in opposition to the recommendation and in favor of adding a mid-block access.

**Curt Duffy**, Yucca Valley, spoke in favor of the recommendation, and the need to get something done now.

**Mark Mihalik**, Yucca Valley, spoke in opposition to the recommendation asking instead for a mid-block access, and offered financial participation with the rest of the

business owners.

**Roberta Schneider**, Yucca Valley, spoke in opposition noting they will possibly lose 20 to 30% of their business. She spoke in support of a mid-block opening.

**Steve Naylor**, Yucca Valley, spoke in opposition to the project.

**Margo Sturges**, Yucca Valley, spoke in opposition noting that getting something in writing from Caltrans approving a mid-block access is crucial.

**Sheldon Hough**, Yucca Valley, commented regarding the need to look further ahead when the dirt berm will be removed to add another lane.

**Richard Harlan**, Yucca Valley, questioned if the same thing is going to be done with the west side off Joshua Lane.

Deputy Town Manager Stueckle commented that the west leg of the intersection has not been a part of this discussion noting the focus has been on the east side. The Town has an excellent vision for the future and is not wasting a penny on project, noting if it was able to have funds for future growth we would do that, but we don't have the ability to raise fees on an annual basis. This project has been in the works for a number of years and is a safety issue. There have been 83 accidents dealing with the existing infrastructure that is no longer functional and no longer used by the state. In terms of working with the business owners, staff met with them in two outreach meetings.

Town Manager Nuaimi noted that there is no cul-de-sac proposed at Joshua Lane and the outer highway unless and until a mid-block access is constructed. We cannot get a written response from Caltrans until that project is designed and a written study report is done. It is an 18 month process just to get a project study report. He expressed appreciation for the efforts of the businesses to assist with funding noting there is a lot of uncertainty until the Redevelopment Agency issue is squared away.

Mayor Huntington questioned when the project will go to construction if approved. Deputy Town Manager Stueckle commented they are expecting approval any day, once we receive that and federal authorization we can proceed with construction.

Council Member Hagerman commented the businesses came up with a plan that makes sense. Regarding the comment that we will lose federal funds, he noted if it is a bad project it is a bad project.

Council Member Lombardo questioned if it would delay the project if modifications are made. Town Manager Nuaimi advised that it depends on the modifications, noting the change the businesses have distributed have no correlation to the plan. That is a

mid-block project, and not in the scope of this project. Council Member Lombardo questioned if what we are planning to proceed with will negate the alternative that the business people have come up with. Town Manager Nuaimi stated no, going forward with a mid-block access would not change this project. He also noted that In-N-Out is waiting for the proposed improvements to be put in.

Council Member Abel questioned what prevents the Town from saying no to this recommendation and coming back with a plan that has a mid-block access added to it. Town Manager Nuaimi advised 2 years, noting that once a project gets beyond a certain dollar threshold you are triggering different reviews. Council Member Abel questioned if Council could approve this 1<sup>st</sup> phase and direct staff to work with business owners on the development of the mid-block access. Town Manager Nuaimi advised we have the general plan circulation process moving forward. Council Member Abel commented this is the center of Town and there is a lot of new development on east side. This is a key area of Town needing a plan that is going to be aesthetically pleasing. He does not want to postpone anything, but does want to make sure our staff and Town is really moving forward on solving that business corridor issue.

Council Member Rowe questioned if the Town has a liability issue if we do not move forward with this project. Town Attorney Laymon advised there is possibly a larger focus on the area. Town Manager Nuaimi commented you do have a commitment from staff that we will work with the businesses, and Caltrans on the other issue. He noted there are mobility enhancements coming from Caltrans that will help the circulation to these businesses, but we will not be able to give a commitment of timing because we don't control that. At this time we have issues at that intersection and this improvement project for that intersection will fix those issues. In addition, we have the funding that will disappear if we don't use it. Council Member Rowe questioned what a reasonable expectation of time is before staff can bring forward a design and cost estimate. Town Manager Nuaimi requested the ability to bring a report next month with a plan on moving forward. He also cautioned Town Council that this issue is not unique for this location and that the Town will likely hear similar concerns expressed throughout the community as medians are installed along SR-62.

Mayor Huntington commented he would like to push the alternative access but does not think the Town has that ability.

Council Member Lombardo moved to approve the Plans and Specifications for the SR 62/SR 247 Traffic Signal and Median Island Project, and authorize staff to advertise the project for construction following the California Department of Transportation, Headquarters Offices, issuance of authorization to proceed, and to advise staff to proceed with mid highway access as soon as possible. Council Member Rowe seconded. Motion carried 4-1 on a voice vote with Council Member Hagerman voting no.

**13. Appointment to Parks, Recreation and Cultural Commission**

Town Manager Nuaimi gave the staff report advising one application has been received from Meredith Jones

Council Member Lombardo moved to nominate Meredith Jones to the Parks, Recreation and Cultural Commission. Council Member Abel seconded. Motion carried 5-0 on a voice vote.

**POLICY DISCUSSION**

**FUTURE AGENDA ITEMS**

Council Member Rowe requested that staff to look into joining discussions recommending that transfer tax be allowed for general law communities.

Council Member Abel questioned available project dollars for safe routes for school projects, Deputy Town Manager Stueckle advised that staff will do research and include information in the weekly update.

Mayor Huntington requested a comparison chart on development impact fees from surrounding communities.

**PUBLIC COMMENT**

**Bonnie Brady**, Yucca Valley, representing the Morongo Basin Cultural Arts Council, advised of the upcoming open studio arts tour.

**Fritz Koenig**, Yucca Valley, spoke regarding pit bulls, and the need for abatement.

**Scott McKone**, Yucca Valley, expressed disappointment regarding not using square footage for residential impact fees.

**Margo Sturges**, Yucca Valley, suggested Council establish minimum criteria on ethics and designate a spokesperson for the Council.

**Tim Humphreville**, Yucca Valley, commented regarding the need to have a transfer tax in coordination with the Development Impact Fees, noting that new development cannot pay for everything that we need. Existing residents need to pay their fair share.



**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle gave an update regarding the upcoming slurry seal project noting the work is scheduled to be done before the Thanksgiving holiday. He encouraged the motoring public to pay attention to the work zones.

Town Manager Nuaimi advised that staff has received notice that Caltrans will be installing video detection cameras on the traffic signals, noting they are not red light enforcement cameras, they are to detect when cars are present at the light. Advised the Western Governors Association will be hosting a conference in Palm Springs, and will have a break out session on December 7<sup>th</sup> here in Yucca Valley. The Public can go to Western Governors website and register for the event. We are hoping to have Gov. Brown in attendance and to have some time to talk to him about our unfunded mandate of sewers. He corrected the misstatement in the editorials concerning the animal shelter and suitability for the location of the site. It has been claimed that the consultants deemed the project site was inappropriate, which was never their statement. There are challenges, but there are also opportunities. In addition, commentary about the need for a hi-tech sewage facility is not correct. We are looking at providing septic with added features. Staff is managing this project very aggressively.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**14. Council Member Lombardo**

None

**15. Council Member Abel**

None

**16. Council Member Hagerman**

None

**17. Mayor Pro Tem Rowe**

Congratulated Meredith Jones for her appointment to the Parks, Recreation and Cultural Commission.

**18. Mayor Huntington**

Congratulated Robert Adams and David Johnson for their longevity awards.

Congratulated Meredith Jones for her appointment to the Parks, Recreation and

Cultural Commission.

Reminded everyone that the California Shake Out is this Thursday, October 20, 2011. Hi Desert Publishing will have booths set up in the parking lot .

Advised that the Town's 20<sup>th</sup> anniversary will be celebrated on November 15<sup>th</sup>.

Advised that Clean up and free dump day is this Saturday, October 22<sup>nd</sup>.


**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, November 1, 2011, 6:00 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

  
Jamie Anderson, MMC  
Town Clerk