

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
DECEMBER 20, 2011**

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

OPENING CEREMONIES

Council Members Present: Hagerman, Huntington, Lombardo, and Mayor Rowe. Council Member Abel was out of Town

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 Rowe

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

Mayor Rowe and Town Manager Nuaimi presented a plaque to Human Resources/Risk Manager Lassetter in honor of her retirement.

AGENCY REPORTS

Fire Department

1. Monthly Statistical Report for November 2011

Battalion Chief Benfield gave the monthly statistical Fire Department report for November 2011.

Chamber of Commerce

2. Monthly Statistical Report for November 2011.

Vicki Bridenstine gave the monthly statistical report for October and November 2011.

APPROVAL OF AGENDA

Council Member Lombardo moved to approve the agenda. Council Member Hagerman seconded. Motion carried 4-0-1 on a voice vote with Council Member Abel absent.

CONSENT AGENDA

- 3. **Approve**, Special Joint Town Council/Hi Desert Water District Meeting Minutes of November 8, 2011, and Regular Town Council Meeting Minutes of December 6, 2011, as presented.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of November 2011.
- 6. **Adopt**, Resolution No. 11-50 approving the revised Town of Yucca Valley Hazard Mitigation Plan, (dated January 7, 2011).

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE TOWN OF YUCCA VALLEY LOCAL HAZARD MITIGATION PLAN AS REQUIRED BY THE DAMAGE MITIGATION ACT OF 2000

- 7. **Authorize**, the Mayor to execute the Amendment to Cooperative Agreement No. 1159 A-3 with Caltrans, SR 62, La Honda to Dumosa Project, to extend the termination date of the Cooperative Agreement to 12-31-2013, Transportation Congestion Relief Program (TCRP)
- 8. **Approve**, Resolution 11-51 appointing a new plan administrator for the ICMARC 457 deferred compensation plan.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, TO APPOINT A PLAN ADMINISTRATOR TO THE ICMARC (457) DEFERRED COMPENSATION

- 9. **Ratify**, Warrant Register total of \$158,270.29 for checks dated December 1, 2011. **Ratify**, Payroll Registers total of \$295,807.65 for checks dated November 23, 2011 to December 9, 2011.

Council Member Hagerman moved to adopt Consent Agenda Items 3-9. Council Member Huntington seconded. Motion carried 4-0-1 on a roll call vote.

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

PUBLIC HEARINGS

10. Underground Utility Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY BY REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 11 RELATING TO UTILITY UNDERGROUNDING (DCA-02-11)

Mayor Rowe opened the public hearing and questioned if any written correspondence had been received. Town Clerk Anderson advised there was none.

Deputy Town Manager Stueckle gave the staff report contained in the printed agenda and retained in the department files. A PowerPoint Presentation was displayed during the discussion. Based on the issues raised by the Town Council at the meeting of February 15, 2011, the Ordinance has been amended to include the definition for infill and provide modified language for various sections. A new section has been added for commercial, industrial and institutional development projects so that these categories are separated from other land uses. Residential Tract maps were separated out from a larger group and placed in its own category. Residential parcel maps were also placed into a separate section that requires all new service and distribution lines be placed underground, and requires all existing service and distribution lines located within the project boundaries be placed underground. Proposed modifications to the exceptions authorize the Building official to extend the time emergency service utilities can remain; language is added clarifying that street construction/widening projects, street lights and traffic signal projects are exempt when constructed by public agencies; and section (k) removed the language "specifically within Redevelopment Project Area #1. A new Section 87.1160 "Refunding of Undergrounding Fees" was added to the Ordinance to provide the opportunity for those businesses which have paid the in lieu fees to recoup the amount paid if certain findings can be made. The Waiver section was modified to expand and clarify the reasons why a waiver may be approved for undergrounding of utilities, and adds language that includes other physical conditions which could cause a significant monetary increase, making a project infeasible.

Mark Miller, Yucca Valley, spoke in favor of the amendment.

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

Council Member Huntington commented that the existing ordinance has been in place for over 6 years, noting it takes time to identify issues and staff has come back with a fair representation to cover those items identified as problems with the ordinance.

Mayor Rowe questioned who determines the study of overhead lines. Deputy Town Manager Stueckle advised it is anticipated that information will come in as part of the building permit information, but will be verified by staff. The builder just has to document existence of overhead service. Mayor Rowe commented undergrounding is not required for commercial or for infill but is required for subdivisions and parcel maps. Deputy Town Manager Stueckle advised that the primary discussion in February was regarding the commercial impact. Mayor Rowe requested that consideration be given to leaving it up to the developer to either put the distribution lines underground or leave them above ground if they are already existing and servicing other homes. She clarified she is only referring to distribution lines, not service lines.

Council Member Hagerman stated he would be in favor of that amendment.

Mayor Rowe commented that item (b)(4) Commercial, Industrial and Institutional Development Projects states that “all existing overhead distribution lines which are designed to serve existing lots of record proposed to be further subdivided may be permitted to remain in place subject to Planning Commission approval”, and questioned if that same mechanism could be included in the portions regarding tract maps and parcel maps as well.

Council Member Huntington commented that if there are already distribution lines, he sees no problem with that.

Council Member Lombardo moved to introduce the Ordinance as amended. Council Member Hagerman seconded. Motion carried 4-0-1 on a roll call vote.

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

DEPARTMENT REPORTS

11. Resolution approving Pacific Western Bank as the Town’s Government Business Banking Services Provider.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN TO UTILIZE PACIFIC WESTERN BANK FOR GOVERNMENTAL BUSINESS BANKING SERVICES

Council Member Huntington advised he is a stock holder in Pacwest Bancorp, recused himself and left the dais.

Council Member Hagerman advised he is also a stock holder.

Due to the lack of a quorum able to act, the item was continued to January 17th.

12. Town Council Public Agency Board/Committee Liaison Assignments

Town Manager Nuaimi advised that, due to Fair Political Practices Commission advice that Council Members cannot participate in discussions appointing them to public agency boards that receive a stipend, the only board appointment that can be discussed at this time is the League of California Cities Desert Mountain Division. He noted the only other feedback he has received regarding a requested change in Council representation is for the Mojave Desert AQMD. Appointment of representation to that board will be carried forward to the January 17th Meeting.

Council Member Lombardo advised he would be able to represent the Town on the League of California Cities Desert Mountain Division.

Council Member Hagerman move to appoint Council Member Lombardo as primary member and Mayor Rowe as alternate to the League of California Cities Desert Mountain Division. Council Member Huntington seconded. Motion carried 4-0-1 with Council Member Abel absent.

Town Manager Nuaimi advised he will consult with Council Member Abel regarding his ability to serve on the Mojave Desert AQMD.

13. SR 62/247 Median Island and Signal Project, Mid-block Access to SR 62 Outer Highway South, SR 62 Between Joshua Lane and Airway Avenue

Deputy Town Manager Stueckle gave the staff report in the printed agenda and displayed a PowerPoint presentation. He noted that at the Town Council Meeting of October 18, 2011, Council directed staff to proceed with the SR 62/247 signal and median island project, and return to the Council with an approach to provide mid-block access to SR 62 Outer Highway, South between Joshua Lane and Airway Avenue. The two alternative approaches are to construct mid-block access with the future widening of SR 62, or design and construct mid-block access as a stand-alone project.

The future widening of SR 62 is projected for construction in 2014 and is not currently budgeted. It is estimated that additional design work will cost \$40,000 and will add \$160,000 to construction costs of the widening project. The stand-alone project will take an estimated 12-18 months for design and Caltrans permitting and would be projected for construction in 2013. The preliminary cost estimate would be \$430,000 and includes \$185,000 for a SR 62 Median Island. There will be an impact to

property/business owners for right of way acquisition. It was noted that the Town will be evaluating the ultimate disposition of the outer highways with the General Plan update. Future recommended actions may include vacating of the outer highways and relinquishing those to the underlying property from which the dedications were made.

Mark Miller, Yucca Valley, commented it appears it would be better to wait until the General Plan Traffic update is done. Although the property owners want mid-block access, it wouldn't be prudent to spend the money on it at this time.

Margo Sturges, Yucca Valley, commented in favor of the mid-block access and questioned why the outer highway north is being left out.

Council Member Huntington commented there is no cost estimate for easements or temporary easements. Deputy Town Manager Stueckle advised those costs have not been investigated at this time, noting that the desire would be that there is no cost since it is a property owner request. Council Member Huntington stated that there is no proposal for the North outer highway because movements on the north side are not being restricted as they are on the south side. He commented he would like something developed for the south side but it should go along with the widening process. Deputy Town Manager Stueckle advised that one additional difference between the north outer highway and the south is that the north outer highway does not continue westbound past 247/Joshua lane like it does on the south.

Council Member Lombardo commented regarding the fact that the property owners may not be able to wait until the highway is widened. Deputy Town Manager Stueckle advised whatever the situation, timing will be dictated as much by Caltrans as anything else.

Mayor Rowe commented that the concern expressed by Mr. Miller is that with the fact that the circulation element is going to be revamped with the General Plan update, we could be throwing a lot of taxpayer money down the tube.

Upon further discussion, consensus was not in favor of having a standalone project, but to modify the current project study report to include analysis for alternatives to bring forward.

Deputy Town Manager Stueckle commented that another caveat is that we will also have more information what is happening with RDA.

Council Member Hagerman moved to receive the report and direct staff to return to the Town Council with an amendment to the existing Agreement with RBF for the preparation of the PSR/PR for the widening of SR 62 to include the mid-block access for SR 62 Outer Highway South, between Joshua Lane and Airway Avenue. Council

Member Lombardo seconded. Motion carried 4-0-1 on a voice vote with Council Member Abel absent.

FUTURE AGENDA ITEMS

None

PUBLIC COMMENT

Bob Murray, Yucca Valley, commented regarding a safety issue on SR 62 from mobility scooters and how they go across the highway.

Tim Humphreville, Yucca Valley, spoke in opposition to the proposed animal shelter.

Margo Sturges, Yucca Valley, spoke in opposition to the animal shelter.

STAFF REPORTS AND COMMENTS

14. Animal Shelter Project Update

Town Manager Nuaimi, gave a PowerPoint presentation regarding the replacement animal shelter, noting we are not adding to the facility, but are providing a cost effective project to make improvements. He noted the Council has never taken action to not situate the shelter at the proposed site. After looking at the existing facility we found we couldn't band aid it. In 2010 it was brought to the Planning Commission prematurely before there was a complete concept or analysis. There were no additional sites and no funding to buy additional land. From July of 2010 to today the site has been studied, answered criticism during public comments, surrounding residents have been taken on tours of the Upland facility to show how we can mitigate the impact of the facility on the neighborhood. He noted that calls coming into the shelter do not translate to people coming to the shelter.

Council Member Lombardo commented the issue is controversial but he sees this as the ability to have a facility long into the future to replace the antiquated facility we have now. The County is paying for a portion of the facility, and if it is not done now it will cost more in the future. Although he doesn't think it's in the ideal location, he does see the advantage of already owning land in the vicinity of the existing facility. The impact on the neighbors is mitigated by the design features being proposed. He added he feels the project really needs to happen.

Council Member Hagerman commented he sits on the Animal Care JPA, noting the neighbors used to show up to the meetings quite a bit. They were asked to look at what we have now compared to what we will have. He noted he would rather put the money

into the building rather than another piece of dirt to build a whole new shelter and doesn't want to see costs go higher to buy a bigger piece of property.

Mayor Rowe questioned if the intent was to put the shelter on the property when it was originally purchased. Administrative Services Director Yakimow advised it was an option for the Town, noting that none of the facts were known at that time. Mayor Rowe questioned what the expense would be if the facility was moved to a different site. Town Manager Nuaimi advised the process would have to start over and we would have to go through all the environmental studies. He cautioned that wherever it is placed there will be opposition, noting that no one wants it in their back yard.

Council Member Huntington commented the Town has already put in \$435,000 on the project. He noted it is a joint project with the County and questioned why would the Council invest in that property if not for a future animal shelter. It is a matter of dollars and cents, is ready to go and we just don't have the option of another site.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Huntington

Announced that SCAG will be presenting the draft Regional Transportation Plan and Sustainable Communities Strategy in Apple Valley on Friday, January 20th following the Mountain/Desert Measure I Committee meeting. He recommended that staff and Council Members attend. The plan covers 6 southern California counties and provides a 20-40 year outlook of where we are going and where the money is going to be spent.

Wished Human Resources/Risk Manager Lassetter well in her retirement.

Wished everyone happy holidays

16. Council Member Lombardo

Wished Human Resources/Risk Manager Lassetter well in her retirement.

17. Council Member Abel

Absent

18. Mayor Pro Tem Hagerman

Wished Human Resources/Risk Manager Lassetter well in her retirement and thanked her for all her help.

Wished the staff Merry Christmas and enjoy your families.

19. Mayor Rowe

Congratulated Human Resources/Risk Manager Lassetter on her retirement.

Thanked Community Services Director Schooler for the staff's work on the Parade of Lights, noting it was well attended.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, January 17, 2012, 6:00 p.m.

CLOSED SESSION

20. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

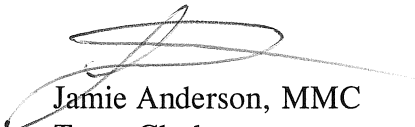
The legislative body is deciding whether or not to initiate litigation pursuant to Government Code Section 54956.9(c). (2 cases)

Mayor Rowe adjourned the meeting to Closed Session at 7:50 p.m., returned to open session at 8:33 p.m., 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 8:33 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk