

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
JANUARY 17, 2012**

**CLOSED SESSION (5:00 p.m. at Town Hall Conference Room)**

Mayor Rowe called the meeting to order at 5:01 p.m. with all members present

1. 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). (1 case)
  
2. Government Code Section 54956.8, Conference with Real Property Negotiators.  
*State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.*

Property: 587-011-18, located adjacent to the east side of Church Street approximately 600 feet north of Joshua Drive  
Roza Kazangian/Town of Yucca Valley  
Mark Nuaimi /Shane Stueckle, Real Property Negotiator  
Real Property Negotiations

Property: 587-011-04 and 587-011-24, located at the southeast corner of Onaga Trail and Church Street  
Michael Jakubiec /Town of Yucca Valley  
Mark Nuaimi /Shane Stueckle, Real Property Negotiator  
Real Property Negotiations

Mayor Rowe adjourned to closed session, returned to open session and recessed the meeting at 5:11 p.m.

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

**OPENING CEREMONIES**

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

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 Lombardo

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**3. Employee of the Quarter**

Presented to Lesley Copeland

Administrative Services Director Yakimow introduced Debra Breidenbach-Sterling, Human Resources Manager

**4. Longevity Awards**

Jamie Anderson, Town Clerk for 20 years of service, Lesley Copeland, Administrative Assistant III, and Diane Olson, Planning Technician, for 15 years of service, and Rose Goetz, Kennel Technician for 5 years of service.

**AGENCY REPORTS**

**Hi Desert Medical Center**

**5. Overview of Medical Center Operations**

Lionel Chad Chadwick, Chief Executive officer gave a PowerPoint presentation regarding an overview and update of the Hi Desert Medical Center Community Healthcare District.

Council Member Lombardo mentioned seeking services of other specialties what area. Chad surgical, neurology ENT

**Chamber of Commerce**

**6. Monthly Statistical Report for December 2011.**

Dave Eckenberg, Chamber of Commerce gave the monthly statistical chamber report for December 2011.

**APPROVAL OF AGENDA**

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

## CONSENT AGENDA

7. **Approve**, Regular Town Council Meeting Minutes of December 20, 2011, as presented.
8. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
9. **Adopt**, Ordinance No. 233, 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)

10. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of December 2011.
11. **Receive and file**, Monthly Statistical Fire Department Report for December 2011
12. **Pursuant to Assembly Bill 936, Adopt**, Resolution No. 12-01 regarding forgiveness of loans to public bodies.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY REGARDING FORGIVENESS OF LOANS TO THE TOWN OF YUCCA VALLEY REDEVELOPMENT AGENCY

13. **Review and approve**, proposed Budget Calendar for FY 2012-13 & 2013-14
14. **Approve**, Final Parcel Map 19288, and Direct staff to forward the map to the San Bernardino County Recorder for recordation, Three Residential Lots, Plasse Drive, south of Cassia Drive.
15. **Award**, contract for professional design services to RJM Design Group for the design of the Community Center Playground and Splash Park and for the preparation of bid ready construction documents in the amount of \$43,400 (Which includes \$3,500 for reimbursable expenses); and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project – Town Project No. 8961
16. **Approve**, 2010-2011 Annual Redevelopment Report, 2010-2011 Annual Redevelopment Agency Financial Report

- 17. **Approve**, Amendment No. 1 of the Agreement for Professional Consulting Services with RBF Consultants, Inc., to provide additional required tasks and services specifically described in Consultant’s Proposal dated January 10, 2012 and attached to the proposed amendment as Exhibit “A” increasing the total compensation under the Agreement for Professional Consulting Services by \$39,500, bringing the total compensation under the Agreement to \$786,504, SR 62 Widening from Palm Ave. to Airway Ave. – Town Project No. 8527.
- 18. **Adopt**, Resolution No. 12-02, which approves the plans and specifications for Project No. 8348 and authorizes the Town Clerk to advertise and receive bids.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF CHURCH STREET IMPROVEMENTS IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS

- 19. **Ratify**, the Warrant Register total of \$753,717.14 for checks dated December 13-22, 2011.

**Margo Sturges**, Yucca Valley, spoke in favor of Item No.15, award of design services for the Community Center playground improvement and splash park.

Council Member Abel advised he will be abstaining from Items 7, minutes, and 14, final parcel map19288.

Council Member Lombardo moved to adopt Consent Agenda Items 7-19. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Abel, Hagerman, Huntington Lombardo, and Mayor Rowe.
- NOES:** None
- ABSTAIN:** Council Member Abel (on Item 7 and 14 only)
- ABSENT:** None

**DEPARTMENT REPORTS**

- 20. **A 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

Administrative Services Director Yakimow gave the staff report contained in the printed agenda and retained in the file. Staff recommends Pacific Western Bank as the financial institution to provide the Town's governmental business banking services. The recommendation is due to the fact that it was the only institution to offer their local branch manager as the primary point of contact rather than a central governmental services office located outside the Morongo Basin, and they offered to arrange for pick-up of the Town's courier bag as part of their normal banking services. In addition, they offered an aggressive earnings credit for banking balances. He introduced Branch Manager Shelly Licata.

Administrative Services Director Yakimow advised that the reason for continuance of the item at the last meeting, was the fact that some of the Council Members have a minor investment in the bank. When put through the test the FPPC uses to identify and determine materiality in any interest Council Members may have, there is no conflict issue.

Council Member Huntington advised that he has 684 shares of Pacific Bankcorp which is valued at less than \$15,000. He noted that Legal Counsel has review the issue and advises that no conflict exists, however he will abstain on the item to avoid the perception of a conflict.

Council Member Abel moved to adopt the Resolution No. 12-03 approving the utilization of Pacific Western Bank as the Town's government business banking services provider. Council Member Lombardo seconded. Motion carried 4-0-1-0 on a roll call vote.

**AYES:** Council Member Abel, Hagerman, Lombardo, and Mayor Rowe.

**NOES:** None

**ABSTAIN:** Council Member Huntington

**ABSENT:** None

**21. Appointment of a Council Member to serve as the Primary Member on the Mojave Desert Air Quality Management District.**

Town Manager Nuaimi gave the staff report explaining that the item was carried forward at the last meeting due to the lack of a quorum who could vote on it. He noted that he was directed to approach Council Member Abel regarding his availability to represent the town as the Primary member. Mayor Rowe was previously appointed as alternate and will remain in that position.

Council Member Huntington moved to select Council Member Abel to represent the Town on the Mojave Desert Air Quality Management District, and direct the Town

Clerk to notify the agency of the change in representation. Council Member Lombardo seconded. Motion carried 4-0-1 on a voice vote with Council Member Abel not voting.

## **22. Network Support Services – Professional Services Agreement**

Administrative Services Director Yakimow advised this item is a follow up to Council direction from the August 13, 2011 Town Council Meeting.

Administrative Assistant III Copeland gave the staff report contained in the printed agenda and retained in the files. Per Council's request when the item was considered in August a Request for Proposals was put out in November. The Town received four responses from the lower desert and Orange County, including our current vendor. After consideration of the proposals, staff is recommending that the contract with Southwest Networks be extended for another 6 months due to the fact that several of the technicians live in Yucca Valley, know our typical services needs, and are able to work within the current capital budget. During this time staff will work with them to identify the service level priorities of the Town, develop a work plan that addresses our short and long term information technology plan, and formulate the budgetary requirements to implement these priorities.

Council Member Hagerman commented the Council's initial thought in requesting that an RFP be sent out was to see if we could get someone local to provide services. He thanked staff for trying to achieve that goal.

Administrative Services Director Yakimow advised that staff would normally ask for a longer term of contract, however, going through this process there were some ideas from another firm that are not being done. We felt we could include some of those ideas in our work plan and discussion with Southwest Networks. He noted proposed costs have been the same since 2005 and staff feels they are fair.

Council Member Hagerman moved to authorize a six month extension through August 13, 2012 of the current contract with Southwest Networks, Inc. to provide professional network maintenance and computer services, and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

## **23. Award of Professional Services, Public Education Outreach – November 2012**

**Ballot Measure(s)**

Town Manager Nuaimi gave the staff report contained in the printed agenda noting that it is the unanimous recommendation from Town Staff and Hi Desert Water District Staff that the Town award a professional agreement to the Lew Edwards Group in support of the Public Education / Outreach program for ballot measures on the ballot for the general election in November.

**Curt Duffy**, Yucca Valley, expressed concern that the function is in effect advocacy, and noted that there has been a poll done on the issue of the sewers and 68% of the Town's people were not in favor of it.

**Margo Sturges**, Yucca Valley, stated she believes this is an advocacy move by the Town noting the Water District is prohibited from using funds for advocacy. She also stated she believes the staff report is misleading, because there are going to be higher costs.

Town Manager Nuaimi commented this is not an outreach effort regarding the Water District's proposed assessment district, it is an education / public outreach effort tied to the sales tax revenue measure that Council gave staff direction to pursue. We are recommending Lew Edwards Group because they are the experts in public outreach. He noted that the Town cannot advocate but can educate citizens, so that we don't have misinformation like the previous comments. In addition the staff report does document the potential costs. Staff will bring forward the expenditure plan in February and will also work with the District to secure their support to pay for half of those expenditures. This is going to be an effort from today through October. These are professionals who will be presenting documentation for review by the Town Attorney. He added the survey Mr. Duffy mentioned has nothing to do with the sales tax measure.

Mayor Rowe advised that the staff report has a paragraph that talks about the costs the contract being approved tonight does not include. She noted there is a definitive line between advocacy and outreach, and Council has echoed our concerns to staff.

Council Member Huntington requested clarification regarding what the Town can legally do. Town Attorney Laymon advised all the materials that will be prepared will be revisited and reviewed by all the Attorney's offices.

Council Member Lombardo commented that it is critical that education is provided.

Council Member Hagerman moved to award a contract for professional services to the Lew Edwards Group for the support of a Public Education program, in connection with potential November 2012 ballot measure(s), in the amount of \$48,500; and Authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to

execute the agreement; and Direct the Town Manager to pursue a cost-sharing agreement with the Hi-Desert Water District (HDWD) towards implementation of the Public Education program; and Amend the FY 2011-12 Adopted Budget and direct staff to bring forward an expenditure plan for the implementation of the Public Education at the mid-year budget review in February. Council Member Lombardo seconded.

Council Member Abel questioned if the Town will move forward alone if the District is unable or unwilling to participate. Town Manager Nuaimi advised the vote tonight is to approve the \$48,000 to formulate the outreach program. When that is done we will know whether the District is on board or not.

Motion carried 5-0 on a roll call vote.

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

**FUTURE AGENDA ITEMS**

Council Member Abel requested that Council look at an ordinance restricting the sale of synthetic marijuana and bath salts, and the possibility of providing a low cost spay/neuter voucher program. Council agreed to looking in to the possibility of an ordinance restricting the sale of the items mentioned, but not the spay/neuter program at this time.

**PUBLIC COMMENT**

Margo Sturges, Yucca Valley, commented regarding Council Member Hagerman.

**STAFF REPORTS AND COMMENTS**

Town Manager Nuaimi Friday January 27<sup>th</sup> Annual Goal Setting Workshop from 8:30 to 2:30 p.m. annual review of where heading as organization, opportunities and challenges.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**24. Council Member Huntington**

Advised that Southern California Associated Governments will have a workshop on Friday, January 20, 2012 following the Measure I Committee Meeting in Apple Valley.

Congratulated Administrative Assistant III Copeland for being recognized as Employee of the Quarter.



Welcomed Human Resources Manager Breidenbach-Sterling.

**25. Council Member Lombardo**

Congratulated Administrative Assistant III Copeland for being selected as Employee of the Quarter and the employees receiving longevity awards.

**26. Council Member Abel**

Thanked the Council for appointing him to the Air Quality Management Board.

Thanked the staff for all their hard work, noting the Council has asked a lot from them while trimming positions.

**27. Mayor Pro Tem Hagerman**

Congratulated Administrative Assistant III Copeland, noting the 20<sup>th</sup> Anniversary event was fantastic, and the Community Profile Book was very impressive. Being selected as Employee of the Quarter was well deserved

Congratulated Town Clerk Anderson for serving the Town for 20 years.

Welcomed Human Resources Manager Breidenbach-Sterling.

**28. Mayor Rowe**

Echoed congratulations to staff.

**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, February 7, 2012, 6:00 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

  
Jamie Anderson, MMC  
Town Clerk