

TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
March 20, 2012

CLOSED SESSION

Mayor Rowe called the meeting to order at 5:00 p.m. with all members present and adjourned to closed session.

- A. 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)

Mayor Rowe adjourned the Closed Session at 5:23 and recessed the Town Council Meeting to 6:00 p.m.

OPENING CEREMONIES

Mayor Rowe reconvened the meeting at 6:00 p.m.

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 Art Miller Jr.

INVOCATION

Led by Mike Yost, Joshua Springs Calvary Chapel

Mayor Rowe announced there was no reportable action from the closed session.

AGENCY REPORTS

Chamber of Commerce

1. Monthly Report for February, 2012

No report given due to illness.

APPROVAL OF AGENDA

Town Attorney Laymon advised that, per Government Code Section 54954.2(b)(2), to add an item to the agenda, the Town Council must determine that there is an immediate need, and that the need arose after the posting of the agenda. In the the Town vs. Kazangian case, we believe there is an immediate need to discuss this matter to avoid incurring substantial legal fees and costs, and because the Town is required to file the default judgment with the Court by the end of the week. If the Town can settle the matter without having to file a default judgment, it would save the Town considerable legal fees and costs. Otherwise, if a settlement is approved after filing for default judgment, the Town will have incurred substantial legal fees and costs in filing the default judgment and will incur additional fees and costs to have the default judgment reversed and a settlement entered instead. Also, the need to discuss the matter arose after the posting of the agenda.

Council Member Lombardo moved to add the item to the Agenda as Item No. 20 as there is an immediate need to discuss the item and the need arose after the posting if the agenda. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

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

CONSENT AGENDA

2. **Approve**, Regular Town Council Meeting Minutes of March 6, 2012, as presented.
3. **Waive**, further reading of all ordinances and read by title only.
4. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of February, 2012.
5. **Receive and file**, Statistical Fire Department Report for February 2012
6. **Adopt**, Ordinance No. 234, Remote Caller Bingo

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING CHAPTER 17 OF DIVISION 1 OF TITLE 4 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY, AND ADDING CHAPTER 5.30 TO TITLE 5 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, REGARDING TRADITIONAL AND REMOTE CALLER BINGO

7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority's Joint Powers Agreement.
8. **Approve**, Governing Body Resolution No. 12-05 for the 2011-2012 OHV grant application.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

9. **Adopt**, Resolution No. 12-06, authorizing Town staff to submit a Safe Routes to School (SR2S) grant application for the March 30, 2012 grant cycle, for the purpose of installing improvements in the public right of way for Yucca Valley High School and for replacing radar speed signs at Onaga Elementary, Yucca Elementary, and La Contenta Middle Schools, and direct staff to return with a budget amendment appropriating a maximum \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement, if the grant application is successful.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA AUTHORIZING THE TOWN'S APPLICATION FOR A CALIFORNIA SAFE ROUTES TO SCHOOL GRANT (SR2S, 10TH CYCLE) FOR THE PURPOSE OF INSTALLING IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY FOR YUCCA VALLEY HIGH SCHOOL AND FOR REPLACING RADAR SPEED SIGNS AT ONAGA ELEMENTARY, YUCCA ELEMENTARY, AND LA CONTENTA MIDDLE SCHOOLS

10. **Receive and file**, the General Plan 2011 Annual Report, Annual Housing Element Report
11. **Approve**, Alternative 1, Vision 2035 for the General Plan Update project.
12. **Waive**, the minor defects in the bid consisting of the bidder's failure to remove, following an addendum issued by the Town, costs of curb ramp construction from the bid documents, finding that the bid submitted by United Paving Company Inc., substantially conforms to the Call for Bids and the defect in the bid did not affect the lowest responsible and responsive bidder determination, nor was any bidder given an advantage or benefit not allowed other bidders. Moreover, the defect in the United Paving Company Inc., proposal does not relate to, or impact, the issue of bidder responsibility; **Award**, the construction contract, pending final property acquisition by San Bernardino County Superior Court, to United Paving Company, Inc., in the amount of \$151,863.00; and, authorize a construction contingency in the amount of \$10,137.00, for a total contract amount of \$162,000, authorizing the Mayor, Town

Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project, Church Street Improvements – Town Project No. 8348

- 13. **Ratify**, the Warrant Register total of \$256,927.51 for checks dated March 8, 2012. Ratify Payroll Registers total of \$145,372.58 for checks dated March 2, 2012.

Council Member Lombardo moved to adopt Consent Agenda Items 2-13. Council Member Hagerman 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

DEPARTMENT REPORTS

- 14. Financing, Disposition and Development Agreement for Affordable Senior Housing Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA APPROVING THE AFFORDABLE HOUSING FINANCING, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA

Town Manager Nuaimi gave the staff report in the printed agenda. The application for HUD-202 funding was denied, however staff has continued to work with National Community Renaissance of California (NCRC) to secure additional funding sources. We have received notification that the County Board of Supervisors approved allocation of HOME Program funds in the amount of \$1.622 million towards the Yucca Valley Senior Affordable Housing Project. The California Tax Credit Allocation Committee (TCAC) is a popular source of funding for affordable housing projects, and conducts two tax credit grant award cycles per year. Based on recent grant cycles, NCRC and staff have worked to complete an application for the March 22, 2012 TCAC cycle. If successful in acquiring tax credits, all the financing will be in place. One of the requirements for completion of a TCAC application is an executed Disposition & Development Agreement between the Town and NCRC, demonstrating the financial commitments of the Town to the project and the site control of the Dumosa property by NCRC through this agreement. The Town’s participation is as a lender, selling the property to the developer for \$940,000 and providing an additional loan in the amount of \$635,000. The Town will carry a note for \$1,575,000 earning ½ percent interest for a 55 year term. It was noted when the item was brought forward for the HUD-202, the RDA entered into commitment of up to \$3.2 million dollars, and this action is

reducing the commitment from the Town/Housing Authority/Successor Agency to \$1,575,000 dollars. Staff believes there is a pretty good chance of delivering tax credits for about \$18.8 million for the project. He thanked Town Attorney Laymon for putting together all the documents in a matter of about 10 days.

Council Member Huntington requested an explanation of the conditions of the DDA as it applies to certain assumptions being made regarding the money available and how AB 26 is going to affect it. Town Manager Nuaimi explained that the challenge is the elimination of RDA put dollars that had previously been set aside for low mod housing into a state of flux. We are not sure what is going to happen to that money. Section B on page 1 of the DDA clearly identifies the uncertainty of the financing as well as the property. It was noted that regardless of what ends up happening, the Town does own the property. The language was crafted to insure contingencies were put in place. We will probably know about the disposition of funding and if we get tax credits in about two months. Council Member Huntington requested that the DDA spell out that the amenities in the new project would be made available to all senior citizens in the community as an extension of senior center. Town Manager Nuaimi advised that those comments are appropriate, noting language to that effect will be located in Exhibit F.

Council Member Lombardo stated that it is amazing what was put together in such short period of time, noting he is looking forward to the project.

Council Member Hagerman questioned the number of projects in the last round that had the maximum number of points and how many were funded. Town Manager Nuaimi explained how tax credits work and noted in the last round 5 projects in our criteria and region did not secure tax credits in 30% range. Based on our analysis of those projects and how much tax credits are available there are ample credits to fund them as well as additional projects. We are in the 25% range, and some of those 5 may have fallen off the list or may have lost their matching funds. Council Member Hagerman questioned if the vote at the Board of Supervisors was unanimous. Town Manager Nuaimi advised it was. Council Member Hagerman thanked the Board of Supervisors for their support and Town staff for all their work.

Mayor Rowe questioned how long the County HOME funds are good. Town Manager Nuaimi advised the County is looking for projects that are competitive and able to use the dollars this year. Right now we might have a little longer time, but they want us to commit these dollars as soon as we can. It was noted if we get the TCAC we have to break ground within 180 days. If the project is not ready we would lose the tax credits and fined. Mayor Rowe questioned when we would find out the results if the deadline for submittal is March 22nd. Town Manager Nuaimi stated we should find out by May, and if we are not successful, we will have adequate time to put together the July application.

Council Member Abel questioned if there will be time for an Environmental Impact Report with the quick turnaround. Town Manager Nuaimi advised we already have entitlement through CEQA and are currently circulating the NEPA application through the county.

Council Member Hagerman questioned if staff believes the project can get through plan check and satisfy all requirements in 180 days. Town Manager Nuaimi stated yes, noting the entire team is going to be focused.

Council Member Hagerman moved to adopt Resolution No. 12-07 approving the Financing, Disposition and Development Agreement between the Town and National Community Renaissance of California (“NCRC”) establishing the terms under which the Town will support development of a seventy-five (75) unit affordable senior housing project; and authorize the Town Manager, Mayor, and Town Attorney to execute all documents required to support the NCRC application for Tax Credits as part of a March Tax Credit Allocation submittal. 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

POLICY DISCUSSION

FUTURE AGENDA ITEMS

PUBLIC COMMENT

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Huntington

Expressed appreciation to the Fire Department for their great work in knocking down the Highland/Acoma Fire a few days ago.

Thanked staff and the Town Attorney for their hard work in bringing the Senior Housing Application forward for submittal.

Commented the Mojave Desert Recycling JPA in Victorville is paying for an outreach group to come forward and work on AB 341 which goes into effect the first of July. The bill requires that all commercial businesses recycle over a certain amount. Starting this week the outreach group will come through and start instructing people and finding out what recycling problems are in this community. They will be contacting and meeting with the Chamber on the 22nd of this month, and have identified over 100 commercial units that apply.

16. Council Member Lombardo

Thanked the volunteers from Town he sees going along the roadways picking up trash.

Urged the Town residents to educate themselves on the need for sewer and what they can do to move that forward. It is a vital and important project that needs to be completed.

17. Council Member Abel

Reported regarding attendance at an USDA economic workshop at Copper Mountain College, noting that one thing they stressed was the multiplying effect of local dollars spent locally, especially with smaller businesses.

Commented regarding the first day of Spring, and urged donation of unwanted items to the many non-profits that have thrift shops.

Emphasized the thank you for our local Fire Department and Law Enforcement, noting he saw a lot of Citizen Patrol out at key intersections. He also thanked the Town Manager for being on site giving updates and reports.

18. Mayor Pro Tem Hagerman

Echoed the thank you to the Fire Department, Law Enforcement, and the Town Manager for keeping the Council updated.

Thanked Town staff for the amount of time they put in to the Senior Housing Project, noting it is much appreciated.

19. Mayor Rowe

Thanked staff for all their hard work.

Thanked the Fire Department and Law Enforcement.

CLOSED SESSION

20. Closed Session per Government Code Section 54956.8, Conference with Real Property Negotiators.

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

Mayor Rowe adjourned to Closed Session at 6:35 p.m., reconvened to open session at 6:40 p.m. and advised there was no reportable action taken.

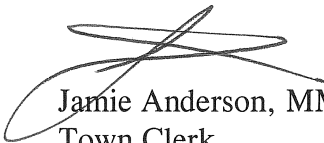
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, April 3, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:40 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk