

TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
May 15, 2012

OPENING CEREMONIES

Mayor Rowe called the meeting to order 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 Mayor Rowe

INVOCATION

Led by Pastor Chris Wagner, Joshua Springs Calvary Chapel

AGENCY REPORTS

Chamber of Commerce

1. Monthly Report for April, 2012

Vicki Bridenstine, Chamber President, gave the monthly statistical Chamber of Commerce Report for April 2012

Hi Desert Water District

2. Water & Wastewater Project Updates.

Water Board President Graham gave the monthly water and wastewater project update.

APPROVAL OF AGENDA

Town Manager Nuaimi advised that staff will be asking Council to add a late breaking item to the agenda at the end of the meeting.

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

CONSENT AGENDA

3. **Approve**, Regular Town Council Meeting Minutes of May 1, 2012, as presented.

4. **Waive**, further reading of all ordinances and read by title only.
5. **Receive and file**, the monthly statistical Fire Department Report for April, 2012
6. **Authorize**, the Mayor, Town Manager and Town Attorney to execute a five-year contract between the Town and San Bernardino County Consolidated Fire District for Household Hazardous Waste Collection services at a cost of approximately \$27,680 annually.
7. **Approve**, the Contract between the County of San Bernardino and the Town of Yucca Valley for providing animal shelter services for FY 2012-13
8. **Receive and File**, the Treasurer’s Report for the second and third Quarter of FY 2011-12
9. **Approve**, Amendment No. 3 to the Agreement for Professional Consulting Services with Willdan Engineering, to provide additional required tasks and services specifically described in Consultant’s Proposal dated April 16, 2012, increasing total compensation under the Agreement for Professional Consulting Services by \$5,930, bringing the total compensation under the Agreement to \$467,826; and authorizing the Town Manager to sign all documents necessary to implement the Agreement, TCRP Project – Town Project No. 8327, Transportation Congestion Relief program.
10. **Ratify**, the Warrant Register total of \$468,273.06 for checks dated May 3, 2012. Ratify Payroll Registers total of \$150,098.41 for checks dated April 27, 2012.

Margo Sturges, Yucca Valley, expressed concern that the entire Animal Services contract was not included in the packet.

Council Member Lombardo moved to adopt Consent Agenda Items 3-10. Council Member Huntington seconded. Motion carried 5-0.

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

DEPARTMENT REPORTS

11. Animal Shelter JPA Update

Town Manager Nuaimi gave the staff report updating the status of the animal shelter project. Staff is requesting that the Council delegate approval of the plans and

specifications for the replacement shelter to the Animal Care JPA, authorize the Town Clerk to advertise and receive bids for construction once approved by the Authority, and direct staff to bring forward a complete funding package. Town and County staff have developed a loan strategy whereby the County provides construction funding and the Town reimburses the County over 20 years. The design plans are at 100%, and bid documents are being completed. County and Town staff are continuing to develop the loan language, and the Town is accounting for all contributions made to the project, and all project costs.

Margo Sturges, Yucca Valley, questioned if the General Facilities impact fees are different from other impact fees. Town Manager Nuaimi explained the 5 categories of impact fees.

Council Member Huntington questioned if the County has been addressed with the knowledge that the current engineer's estimate raises their level by about \$300,000. Town Manager Nuaimi advised that we have not had that conversation with them yet, noting it will be a concern for them. We have been sharing the cost estimates throughout this process with the JPA but we have not gone through yet with the 100% cost estimate for construction. He noted he wanted to bring it first to the Council to update where we are and get input regarding the reimbursement strategy. The issue has been addressed at the staff level but not the board level. Council Member Huntington agreed that the Development impact fees should go toward this facility.

Mayor Rowe questioned where we stand with the Brehm Youth Sports Park regarding impact fees. Town Manager Nuaimi advised Brehm or any other park facility would come under the park development impact fees, the general facilities fees cannot be used for that type project. The funds we are proposing to use for this project are strictly general facilities fees.

Council Member Lombardo questioned if the County is also a partner with us for the ongoing maintenance. Town Manager Nuaimi advised that is correct, noting that, per the contract approved earlier in the meeting, we split maintenance 50/50 with the County. Council Member Lombardo advised he is also in favor of using the development impact fee funds.

Council Member Abel questioned if the item comes back to the Council if the County does not agree to a no or low interest loan for 20-30 years. Town Manager Nuaimi stated if they are unable to front the costs to fund the construction we will be back before this Council and they will be back before their Board searching for alternatives. Council Member Abel questioned if the same would happen if the County does not approve all the town's contributions. Town Manager Nuaimi explained how the costs are being agreed upon for contribution and the fact that all have already been approved except the estimated \$33,000 for 1% of Project Engineer Qishta's time. Council Member Abel questioned how much room there is for expansion on the current site.

Town Manager Nuaimi answered there is room to the east of the replacement shelter and we also have the land the existing shelter sits on. He added that it is staff's hope that the spay/neuter outreach efforts, and some of our other educational efforts will cause a drop in the population of animals coming to the facility. Council Member Abel commented he does not want anyone in the neighborhood to think we are already talking about expanding the shelter, but does want to make sure we have the ability to do so if necessary in the future. He added that none of the costs of removal of the old facility are listed in the estimate, and questioned if the County will be joining the Town with those costs. Town Manager Nuaimi advised that staff hasn't broached that subject yet. Council Member Abel advised he is also in agreement with using the impact fees for the project.

Council Member Hagerman questioned the current facility impact fee balance. Town Manager Nuaimi advised at this time it is \$58,000, and the Super Wal-Mart project will be contributing \$48,000. Council Member Hagerman stated it is important to note that we haven't approached the County regarding Project Engineer Qishta's time yet, however they are getting a deal with the \$37,000 for all the other listed staff times. Town Manager Nuaimi advised they have been told that our project management proposal does not include the construction management costs, so we need to take back another proposal showing the hours estimated for the construction management. He noted the current Architect's hours shows support hours, but not from a construction management perspective. Council Member Hagerman questioned if staff feels the current design is sufficient. Town Manager Nuaimi stated this is going to be a solid facility with adequate office area for the staff, and all the components needed to continue to give state of the art service. Council Member Hagerman requested a future update regarding the state mandates that drive up our costs.

Mayor Rowe commented she agrees that a new shelter is needed and appreciates all the work everyone has put into the project but she has a philosophical issue regarding the cost increase. The Council agreed and approved a total project cost not to exceed \$3.5 million, and now we are being asked to raise that. Town Manager Nuaimi stated he is still confident we will be able to bring in a project that will be below \$3.3 million. Mayor Rowe expressed concern about raising the estimate, noting if a budget is given, the bids will come in at that higher figure. Town Manager Nuaimi advised that amount is not being advertised, and the project will be bid with alternate options. We want to give choices on the areas where we may be able to save some dollars.

Council Member Huntington commented that the whole deal hinges on what the County is going to be willing to front, and if it goes over the \$3.5 million, they will have to say they will do that. Regarding the repayment plan as presented, it is his understanding that operating costs can be credited to the County for their yearly fee. Town Manager Nuaimi commented that the fact the County agreed at a staff level to loan the dollars to the Town and allow for repayment through crediting for operations is a favorable deal for the Town.

Council Member Lombardo moved to delegate approval of the plans and specifications for replacement animal shelter to the Animal Care Joint Powers Authority (“Authority”), and authorize the Town Clerk to advertise and receive bids for construction once approved by the Authority; and direct staff to bring forward a complete funding package, including: Allocating available Town General Facilities development impact fees to the construction of the replacement animal shelter; Approval of a budget amendment to reflect the Town’s contributions outside of the previously authorized JPA contribution; Identifying the framework for the loan and repayment to the County for the funding to construct the replacement animal shelter; The necessary amendments to the JPA agreement reflecting the change in construction and reimbursement terms. Council Member Abel seconded. Motion carried 4-1 with Mayor Rowe voting no.

POLICY DISCUSSION

12. Budget update

Administrative Services Director Yakimow gave the staff report regarding the initial preview of the 2012/13 budget. The revenue trend is anticipated to have increasing sales tax growth of 3-5%, zero growth in assessed valuation for fiscal year 12-13, slow growth in Franchise/TOT and anticipated increases in service revenue due to increasing development activity. There are no proposed position eliminations this year. We will have 41.25 full time employees with employees contributing 7-8% of their retirement. There is no proposed COLA and we will continue limiting merit/longevity cap to one step. Ongoing concerns include increasing costs for public safety, potential CalPERS increases, continued increases in health care costs, ongoing infrastructure maintenance deficit and exposure to the state budget process. Moving forward we are taking a fiscally conservative approach, will need to stay engaged at the State level, and have limited flexibility for new projects and programs without new local revenues. The General Fund Proposed budget will be presented in detail with a public hearing at the June 5th meeting and final adoption at the June 19th meeting.

Council Member Huntington questioned why Burrtec’s franchise fees are falling. Administrative Services Director Yakimow commented it is primarily due to decreasing tonnage going to the landfill.

Council Member Hagerman questioned if the money set aside for deferred road maintenance was a year by year allocation. Town Manager Nuaimi advised that last year 3% was allocated with a goal of getting to 10% within 3 years. Currently we are going to be sharpening pencils to maintain that investment trend. Right now the dollars are not readily identifiable, but at a minimum we want to get to 3%. We really want to get to that 10%.

PUBLIC COMMENT

Margo Sturges, Yucca Valley, requested captions naming the speakers be place on the DVD of meetings. She also requested that the Public Comments section be moved to the beginning of the meetings.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi thanked Deputy Town Manager Stueckle and the General Plan consulting team for the many outreach sessions they have held trying to gather community input. Thanked the members of the Parks, Recreation and Cultural Commission and Planning Commission for filling the Yucca Room with 60 plus participants at the presentation during the joint Planning Commission / Parks Recreational Cultural Commission meeting. He also thanked staff for pulling together the Southside Park groundbreaking ceremony this evening.

Town Manager Nuaimi noted the issue of Redevelopment Agency dissolution has so much uncertainty with what the Department of Finance is doing. We are only seeing the tip of iceberg now, and there is a very good possibility that come June 1st County Controllers will be holding up disbursement of tax dollars to communities. We are awaiting response from the Department Of Finance on our latest ROPS, but we are not dealing with people who understand Redevelopment, government finance, or how a town operates. The Governor is desperate now which is not good for us. This issue is having a dramatic impact, and the community needs to be aware of what is happening in Sacramento. The situation is unprecedented and the state does not have a way to dig itself out even if the sales tax measure passes in November.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**13. Council Member Huntington**

Commented regarding attendance at the SANBAG meeting and discussion of the county wide vision project that the Council signed on to several meetings ago. They have now addressed the first two of its goals to partner with all sectors of the community to support the success of every child, and to establish San Bernardino County as a model for the state where local government, regulatory agencies and communities are truly business friendly. They also had a presentation regarding the 211 toll free phone number for referrals for health and social issues.

Commented that the Church Street and Southside Park are under construction

Advised that the SANBAG General Assembly will be June 14th from 7:30 a.m. to 1:00 p.m.

14. Council Member Lombardo

Thanked staff for all work that went into the groundbreaking for Southside Park, noting he is looking forward to the dedication in September.

Stated he is happy with what the Town has accomplished so far at the Animal Shelter, noting the existing shelter is extremely lacking.

Stated he is concerned about the budget as it is coming forward.

Encouraged the youth to get more involved in the planning of our future.

15. Council Member Abel

Thanked staff for the Southside Park presentation today.

Commented he was impressed with how quickly the Water District moved to place the water lines on Church Street so we could complete the paving project.

16. Mayor Pro Tem Hagerman

Thanked staff for the groundbreaking ceremonies for Southside Park.

Stated he is glad to see work beginning on Church Street.

Stated he prefers to keep the public comment section at the end of the meeting.

17. Mayor Rowe

Advised that the Grubstakes Parade will be on Saturday May 26, 2012, Memorial Day Weekend, and the 2K, 5K, 10K run will be on Sunday, May 27th. In addition there will be services in Joshua Tree on Monday the 28th.

Advised that all the Council Members are available to the citizens and encouraged everyone to participate in the meetings if possible, but if not reach out to the individual members.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, June 5, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

Town Attorney Laymon advised a late breaking item has come up causing a need to discuss

anticipated litigation in closed session tonight. In order to add it to the agenda, findings must be made upon a majority vote of the Council that an emergency situation exists and there is a need to take immediate action and that need for action came to the attention of the Town subsequent to the agenda being posted. She noted that on Friday, after the agenda was posted, the State Department of Finance circulated an e-mail proposing a June 1 deadline to present the final ROPS schedule, whether or not we have heard the outcome. The timeline to bring forward litigation would be early next week.

Council unanimously agreed that there is a need to take immediate action and that the need for action came to the attention of the Council subsequent to the agenda being posted.

Council unanimously agreed to add to the agenda as Item No. 18 Conference with Legal Counsel – Potential litigation, 1 case.

CLOSED SESSION

18. 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 opened the floor to public comment and as no one appeared to speak, she adjourned the meeting to Closed Session at 7:44 p.m., reconvened to open session at 8:02 p.m., and advised there was no reportable action taken.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:02 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk