

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JUNE 5, 2012**

OPENING CEREMONIES

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

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

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 Lt. Boswell

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Recognition of the 2011-12 Youth Commission.

2011-12 Youth Commissioners in attendance were introduced and given certificates of appreciation for their service this past year.

Youth Commission Chair Velda Dennison gave an update on the activities of the commission for the last year.

APPROVAL OF AGENDA

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

CONSENT AGENDA

2. Approve, Regular Town Council Meeting Minutes of May 15, 2012, as presented.

3. Waive, further reading of all ordinances and read by title only.

- 4. **Receive and file**, In-Kind Contribution Policies as presented.
- 5. **Ratify**, Warrant Register total of \$178,644.59 for checks dated May 17, 2012.

Council Member Huntington moved to adopt Consent Agenda Items 2-5. Council Member Lombardo seconded. Motion carried 4-0-1.

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

PUBLIC HEARINGS

- 6. **Public nuisances abated at Town’s expense, Placement of Liens on the tax roll, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONFIRMING STATEMENTS OF COSTS AGAINST REAL PROPERTY LOCATED IN THE TOWN OF YUCCA VALLEY FOR ABATEMENTS OF PUBLIC NUISANCES AND DIRECTING THAT SAID STATEMENTS OF COSTS CONSTITUTE A LIEN UPON SAID PROPERTIES

Supervising Code Compliance Officer Ponder advised that two properties were considered a public nuisance this year and abated at the Town’s expense. Staff takes every action possible to have the property owner clean their property before we get to the point of the Town abating the public nuisance and placing the costs on the tax roll.

Mayor Rowe opened the public hearing

John Lee, Yucca Valley, advised he has had an ongoing problem with one neighbor over the period described in the invoice, noting he has gone out of his way to correct every issue brought to his attention by the Code Enforcement Officers. He advised that in August 2010 he went away to work and his wife allowed various people with trailers come on to the property and remove some of the items. He found some of his items for sale on E-bay, placed there by a Town employee for his own gain. He noted he was told the abatement would not cost in excess of \$6,000 and then found the cost was 3 times as much.

There being no one else wishing to speak, Mayor Rowe closed the public hearing.

Supervising Code Compliance Officer Ponder advised this was an older case and the original officers are not here to speak. When he came on a year ago he did a thorough investigation and found no irregularities. He noted that once the present staff received the case they started at square one. This has been an ongoing case, Mr. Lee was given due process and staff has gone out of our way to accommodate him. The accounting is true and correct.

Mayor Rowe requested that staff address Mr. Lee's concerns regarding his items being sold. Deputy Town Manager Stueckle advised there were issues involved with this case, the appropriate investigations took place and actions were taken. This issue started out at step one, with property owner discussions, administrative citations, and ultimately the abatement process. Staff did go before a judge and received approval for the abatement of the public nuisances.

Council Member Huntington questioned when the process first began. Supervising Code Compliance Officer Ponder stated it started at least 24 months ago, noting that previous staff worked on it for 6-8 months. The costs do not reflect all the staff time that has gone into the site.

Council Member Abel questioned how Mr. Lee was notified. Supervising Code Compliance Officer Ponder stated by certified mail. Council Member Abel stated it is a sad day when we get to where we are today, noting we have had Mr. Lee stating we are too fast and the rest of the neighborhood asking why it took so long.

Mayor Rowe questioned if Mr. Lee was given time due to the fact that he was out of the country. Supervising Code Compliance Officer Ponder advised that Mr. Lee and/or his wife were there each time he went out, and he saw no absence. Mayor Rowe questioned what appeal opportunities Mr. Lee has. Deputy Town Manager Stueckle advised this meeting is the property owner's right to a hearing, and his time to ask for special dispensation from the Council. This is last step in process. Supervising Code Compliance Officer Ponder added that Mr. Lee was before a hearing officer a couple of times.

Council Member Huntington advised he is familiar with the property and has had one of the citizens complaining about the condition talk to him a couple of times. This was a horrendous situation.

Mayor Rowe advised she is comfortable as long as staff feels they have done everything to try to help. Town Manager Nuaimi advised we are at the end of the process, have gone through the judicial process, done the abatement, and are before Council tonight to determine if you want to place the abatement costs on the tax roll.

Council Member Abel moved to adopt Resolution No.12-13, approving the placement

of tax liens on the FY 2012/13 San Bernardino County Tax Rolls. Council Member Huntington seconded. Motion carried 4-0-1.

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

7. FY 2012-13 Preliminary Budget Review.

Administrative Services Director Yakimow presented the staff report. Staff is anticipating increasing sales tax growth of 10%, zero growth in assessed valuation for FY 12-13, slow growth in Franchise/TOT revenue, and anticipates increase in service revenue due to increasing development activity.

With reference to the public safety contract, the proposed Schedule A increases by 5.5% to \$3.472 million from \$3.288 million, and accommodates county cost increases due to underfunded pensions. There is also an increase in COWCAP from 3% up to 5% of personnel costs. The proposed budget allocates \$3.398 million towards Schedule A, with the difference being attained by not filling the planned vacancy of the retiring Sheriff Service Specialist, reassignment of a motor deputy to general patrol, pursuit of County Board reversal of the COWCAP increase and continued coordination with the Sheriff's Captain and staff for efficient allocation of grant resources.

There are no changes in the partnerships from 2011-12. Changes in contractual funding includes reduction in the Chamber joint marketing contract to \$15k from \$20k, reduction in DRTA to \$15k from \$22.7k and reduction in the Boys and Girls Club contract from \$48k to \$43k. It was noted that the Chamber and DRTA contract payments are transitioned to the General Fund from RDA.

Revenues are anticipated to be \$9,409,300 with expenditures at \$9,198,988. It is proposed to allocate the \$240,812 surplus to deferred infrastructure. That amount represents 2.6% towards the goal of 6% to deferred maintenance. Staff is seeking Town Council policy direction to continue to set aside 12/13 "surplus" funds until 6%, or \$565,000, infrastructure investment is achieved.

Mayor Rowe opened the public hearing.

Bill Neeb, DRTA Board Member, requested that the funding be maintained for DRTA, noting they are assisting the Town and Chamber of Commerce in promoting Yucca Valley.

Cary Harwin, DRTA, requested that when the Council is reviewing the budget that it does not look at DRTA as a tourism entity. During the past two years they have made a shift to pushing economic development within the area.

Art Miller, Jr., DRTA Board Member, presented copies of the DVD they have developed which they feel will make an impact in our community.

Richard Harlan, Yucca Valley, commented that while looking at the budget he found a listing for dirt road signs but didn't find anything for street signs for the other streets. Town Manager Nuaimi advised there will be discussion at the next council meeting when Council is talking about special revenue funds. Deputy Town Manager Stueckle added that dirt roads are not in the maintained system so we are prohibited from expending gas tax on those roads.

Margo Sturges, Yucca Valley, commented regarding ongoing concerns mentioned with the wind down of RDA and questioned what is going on with the senior housing.

There being no one else wishing to speak, Mayor Rowe continued the public hearing.

Council Member Huntington questioned if the City of 29 Palms is participating with DRTA at the same level as last year. Cary Harwin advised that they are. Council Member Huntington questioned if DRTA got one time funding or continual funding from the county. Mr. Harwin advised they hope for continuing funding. Council Member Huntington questioned if the welcome centers in Barstow or San Bernardino receive funding from the county. Mr. Harwin advised that just San Bernardino does.

Mayor Rowe commented the original intent was for DRTA to be self-sufficient in 3 years. Mr. Harwin stated it was never the intent to be self-sufficient, the plan was to try to stay alive with support and partnerships.

Council Member Huntington questioned if MUSD has committed to the \$25,000 this year for the School Resource Officer. Administrative Services Director Yakimow advised they have not at this point. Council Member Huntington commended staff for an excellent job on the budget.

Council Member Lombardo commented that this is his first budget process and commended staff for working so well with so little revenue.

Council Member Abel commended the previous Council for actions taken that were needed to put us in a better situation than other municipalities are at this time, and noted he is glad to see a good conservative budget. He also stated he is impressed with staff strategies to withhold infrastructure projects until the unknowns are resolved. He commented that the Council appreciates all our partners and asked that they be patient

during this economic time as we have so many uncertainties.

Council Member Huntington commented he is a firm believer in partnerships and appreciates them, and suggested that the Council look at those that have been decreased at midyear.

Mayor Rowe questioned how often salary reviews are performed. Administrative Services Director Yakimow advised the last comprehensive review was in 2007, however staff takes a look at a hand full of the positions every year so that all positions are looked at no less than every 4 years. Mayor Rowe commented it is helpful to understand where salaries are included for the full time employees. She questioned how many years we can sustain Public Safety increases of 5.5% with our budget before we have to look at bringing the police department in house. Town Manager Nuaimi advised there are a lot of startup costs and a lot of implications as to how much to bring in. He noted that our concerns have nothing to do with the men and women who work and support this community, it is the disconnect between the Sheriff and the County CEO as to how they get funding. The CEO is saying things like the use of the helicopter should be billed and the Sheriff says absolutely not. If there is a departure from the current program, it would very quickly be non-supportable and we would have to look at how to provide service. We are very adamant with the CEO of the County and are encouraging the Council to be just as adamant with your elected counterparts. We believe we do get a very cost effective service through our contract service today.

Town Manager Nuaimi advised he was hoping to bring a budget to the Council identifying 6% of the dollars to deferred infrastructure maintenance. We have cut across everything trying to cobble together resources to live in a sustainable fashion, but we have to have dollars going to infrastructure. At this time we have a \$240,000 cushion. With reference to comments shared by several of the speakers regarding the concept that the Town is not doing economic development, he noted that the Town doesn't have an Economic Development Director, just as we don't have as many mid managers as we use to have, but he and Deputy Town Manager Stueckle attended the International Council of Shopping Centers conference promoting the Town, we have been working with the Chamber and FAM tours, and the Workforce Development folks. All of our staff members are constantly performing economic development activities, creating our quality of life. He noted the cuts were not simple and that he appreciates Council Member Huntington thoughts about looking at issues at midyear, and advised that staff will be before the Council every quarter.

Council Member Lombardo moved to accept the staff recommendation regarding the actions necessary to present a balanced budget; accept the staff recommendation regarding the public safety budget including continuation of the current Schedule A service levels; accept the staff recommendation related to the Town's Public Partnership Budget; accept the staff recommendation of the proposed employment staffing levels

identifying the planned addition of one half-time non-benefitted position in the Public Works – Parks department; continuation of no cost of living adjustment; and limitation of any merit and/or longevity benefit to one-step; provide policy guidance on setting aside any Fiscal Year 12/13 “surplus” until 6% (565k) infrastructure investment is achieved; provide policy guidance on staff recommendation to incorporate expenditure of the set-aside funds as part of the FY 2013-14 slurry seal/road maintenance program; and direct staff to incorporate the proposed changes into the Town’s final proposed budget plan for fiscal year 2012-13, and return a proposed balanced budget for adoption with the implementing resolutions on June 26, 2012. Council Member Abel seconded. Motion carried 4-0-1.

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

DEPARTMENT REPORTS

8. **Community Facilities District No. 11-1, Warren Vista Shopping Center: CUP-01-08/Parcel Map 19103, Annual Special Tax Rate Levy, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 11-1, WARREN VISTA SHOPPING CENTER, PROVIDING FOR THE LEVY OF AN ANNUAL SPECIAL TAX FOR SUCH COMMUNITY FACILITIES DISTRICT FOR FISCAL YEAR 2012/2013

Deputy Town Manager Stueckle gave an explanation of how Community Facilities Districts can be used. Included in the Warren Vista CFD is maintenance of storm drainage, storm water management and drainage system facilities; maintenance of all public pedestrian or bicycle pathways; maintenance of landscaping, including median landscaping, irrigation and appurtenant facilities, public lighting and appurtenant facilities including street lights and traffic signals; maintenance of public streets, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way, and Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration. Items not included are bonds, debt financing, infrastructure financing or any property or property owner outside of the Center.

Richard Harlan, Yucca Valley, questioned what the funds are going to be used for and if the money goes into the general fund or just the project. Deputy Town Manager Stueckle explained.

Council Member Huntington commented regarding the fact that this is a Community Facilities District rather than a Community Services District for maintenance. It was noted that Assessment Engineers are starting to move away from Landscaping and Lighting Maintenance Districts into Community Facilities Districts because they are easier to administer, and generate a good cost allocation methodology.

Council Member Huntington moved to adopt Resolution No. 12-14, for Community Facilities District No. 11-1, setting the Special Tax Levy for Fiscal Year 2012/2013. Council Member Lombardo seconded. Motion carried 4-0-1.

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

9. Appointment of Voting Delegate and Alternates at the League of California Cities Annual Conference

Town Manager Nuaimi advised that typically the Mayor is the voting delegate and another Council Member is designated as alternate in the event the Mayor is unable to vote.

Council Member Huntington moved to designate Mayor Rowe as Voting Delegate and Council Member Lombardo as alternate for the business meeting of the League of California Cities Annual Conference. Council Member Abel seconded. Motion carried 4-0-1 with Council Member Hagerman absent.

PUBLIC COMMENT

Richard Harlan, Yucca Valley, commented regarding the street signs on the highway.

STAFF REPORTS AND COMMENTS

None

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

10. Council Member Huntington

Reported regarding attendance at a meeting of the Desert/Mountain Solid Waste JPA at the Material Recycling facility, where they had a landfill system update from Jerry Newcome.

Reported regarding attendance at the MBTA meeting where they reviewed the comprehensive analysis of services.

Reported regarding participation in the Grubstake Days parade and events.

Reported regarding attendance at the Drug Court graduation.

Thanked staff for their superior work on the budget.

Thanked the Youth Commission for their service.

11. Council Member Lombardo

Thanked the Youth Commission for getting involved in Town government.

Reported regarding attendance at the Drug Court graduation.

Expressed regret that he missed the Grubstake Days events, but was encouraged by what he heard from his patients.

12. Council Member Abel

Reported regarding attendance at the Renaissance event at the High School.

Congratulated the Hi Desert Star for their annual athlete of year Dave Miller Awards, and congratulated those individuals inducted into the hall of fame.

Advised that graduation for some schools is tonight, and next week for others and congratulated all the schools and students for their accomplishments.

Advised that the letter from the State regarding the Regional Water Quality Control Board's plan to prohibit discharge of wastewater into the ground from septic systems, is now official. We have to get this done, and done right.

13. Mayor Pro Tem Hagerman

Absent

14. Mayor Rowe

Thanked the Sheriff's volunteers and everyone who assisted with the Grubstake Days parade and races.

Reported regarding attendance at the Drug Court graduation.

Thanked staff for its work on the budget.

ANNOUNCEMENTS

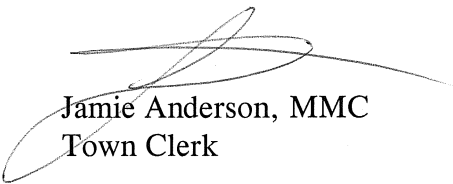
Joint Town Council/Planning Commission Workshop, Tuesday, June 26, 2012, 5:00 p.m.

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

ADJOURNMENT

There being no further business the meeting was adjourned at 7:50 p.m.

Respectfully submitted,



Jamie Anderson, MMC
Town Clerk