

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
AUGUST 7, 2012**

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:05 p.m.

Council Members Present: Abel, Huntington, Lombardo, and Mayor Rowe. Council Member Huntington participated via Skype from Westin Resort, Boulevard Kukulcan KM 20, Cancun, Quintana Roo 77500, Mexico

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 Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

APPROVAL OF AGENDA

Council Member Lombardo moved to approve the agenda. Council Member Abel seconded. Motion carried 4-0 by roll call vote.

AYES: Council Member Abel, Huntington, Lombardo, and Mayor Rowe

NOES: None

ABSTAIN: None

ABSENT: None

Town Manager Nuaimi recommended that Item No. 9, regarding the Revenue Measure Election be moved forward due to the fact that we are communicating remotely with Council Member Huntington and did have a power outage earlier in the day. Council agreed.

DEPARTMENT REPORTS

9. Local Revenue Measure Election; Budget Amendment

Town Manager Nuaimi gave the staff report advising of the community outreach and

the comments staff has heard as a result. He noted, if approved by the voters, the measure would go into effect on April 1, 2013. While initial dollars will be coming to the Town, funds will be set aside for road maintenance in Phase 1 of the sewer project. In addition, Town and District staff continue to negotiate a 25 year lease agreement. He noted that staff heard loud and clear from Council last meeting that there is a need to have that agreement in place before election.

Curt Duffy, Yucca Valley, spoke in opposition to the measure encouraging Council to go back and look at other solutions.

Jeff Drozd, Yucca Valley, commented in favor of the measure noting he feels the sales tax gives the Town control of its own destiny. We need to fund a lot of things, not just the sewer system.

Robert Leone, Yucca Valley, commented in opposition suggesting this is a poor time to pass the sales tax because the economy is not good, and the Town can use the money any way it wants.

Ray Packard, Yucca Valley, spoke in opposition to the measure, noting a guarantee must be in place before going to the voters. Stated she lives in Phase 2 and when she has to hook up she will have to claim poverty.

Margo Sturges, Yucca Valley, spoke in opposition, stating 100% of the funds should go to the sewer, and that any tax increase impacts the poor.

Mike Kelliher, Yucca Valley, spoke in favor of the 1% tax, stating it will hurt everyone a little, but is the fairest proposal all around. We are at a point now where something has to be done.

Richard Gahn, Yucca Valley, spoke in favor of the measure thanking Council for considering a way of solving our \$125,000,000 problem that we as a community are going to have to pay.

Debra Thompson, Yucca Valley, spoke in opposition stating that the money should go to individual property owners to help them hook to the sewer. All the proceeds should go to the sewer.

Bill Horn, Yucca Valley, stated everyone will pay the tax, but not everyone pays for the treatment plant, just those in Phase 1, adding he wants some assurance that part of this money will go toward the wastewater treatment plant.

Rich Middlebrough, Yucca Valley, spoke in favor noting everyone has an interest in protecting our water and visitors would also be contributing. A bond issue would only

be paid back by the property and business owners who have already absorbed a cost. Renters also need to share the burden.

Dan Harmon, Yucca Valley, spoke in favor stating we need money for the sewer system, roads, parks and police. Earmarking the funds is not good for the town, there needs to be flexibility.

Lori Herbel, Yucca Valley, commented if the Town has the sewer it will increase our property value, more people will come to live here and will increase revenue. If the whole amount went to the sewer it would take care of all the issues.

Vicki Bridenstine, Yucca Valley, speaking as private citizen, commented in favor of the measure, noting anytime we can have others help pay we should partake. If people think that opposing the measure will make the sewer go away, they are very mistaken. We will be paying one way or the other.

Jennifer Collins, Yucca Valley, Chamber of Commerce President, advised the board members present at a meeting regarding the tax unanimously voted to support the measure, agreeing it is in the best interest of the residents and businesses in Town.

Mayor Rowe advised that Jack Rarick, Donna Davies, and Terry Bridenstine submitted speaker slips in favor of the measure but did not wish to speak.

Town Manager Nuaimi commented that 1% is the Town's full taxing authority, so it cannot be raised any higher, as has been suggested. He noted that over the past 4 years the Town has gone from 52 employees to 41 who are now contributing to their retirement system. We have cut to the bone, and it would be irresponsible if staff came to the Council with a solution or recommendation that did not address the list of infrastructure and public safety needs. Staff came forward with a recommendation that provides flexibility for needed resources to deal with the bare essentials. There is no immediate increase in revenue to the town because the sewer is coming in 4 years. He noted the Council and Water Board agreed, in a joint session, to enter into a lease agreement. The measure reduces the cost to connect the system. The outreach sessions throughout the community were very much interactive with many questions asked and quite a bit of debate.

Council Member Huntington questioned if a tax measure can be either repealed or reduced through the initiative process at any time, and if the initiative process can be initiated by any citizen, group, or Council. Town Manager Nuaimi advised that is correct. Council Member Huntington commented he feels secure with the measure, and feels it is necessary for this community. He noted that one of Council's priorities has been to assist the Water District in any way possible to bring the sewer system to fruition and get this community back into economic recovery and create jobs, etc.

Council Member Lombardo commented he feels the measure is a fair and evenly distributed burden on the people who use our services, and is the only sizeable measure to raise funds to help support the sewer system and the Town's future needs. As the economy picks up there will be an increase in sales tax that will be put to good use. It is also important to have some flexibility. Our sewer system is the most important crisis at this time, but there are things such as roads and police services that are also short of funding.

Council Member Abel commented he takes great comfort knowing the amount of outreach the Town has done to get input from the community, so he agrees with moving the measure forward. He noted he is also in favor of the Town's partnership with the Water District, and is pleased with the requirements in the measure for an independent annual audit and formation of a taxpayers' oversight committee.

Mayor Rowe questioned if the Council could add language to reduce the duration as well as the percentage, and if another Council could raise the percentage back up to 1%. Town Manager Nuaimi advised if the Council reduces the percentage to 0, the tax won't be collected any more so that mechanism would not be there, but it may be possible that future Councils could go back up. Mayor Rowe advised that we hear from the community that our roads are in disrepair, noting she would like to encourage this Council to have a resolution in place if this tax passes to allocate some percentage of the funds for roads, and making that a priority to the Town. She stated that it is with a lot of thought that she is encouraging this, we need this project as well as various other projects funded.

Council Member Lombardo moved to adopt Resolution No. 12-29 ordering the submission to the voters of a local one cent (1%) Transactions and Use Tax for General Fund Purposes; adopt Resolution No. 12-30 directing the Town Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Yucca Valley Local Transactions and Use Tax Measure; Amend the FY 2012-13 Appropriating \$6,000 from General Fund Undesignated Reserves to 10-12-7860 (Town Clerk – Election Expenses) to cover the County Registrar costs for conducting the local measure; and Appropriating \$20,000 from General Fund Undesignated Reserves to 05-01-7110 (Town Manager Professional Services) to continue public education / outreach activity through the end of the calendar year. Council Member Abel seconded. Motion carried 4-0 on a roll call vote.

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

CONSENT AGENDA

3. **Approve**, Minutes of the Regular Town Council Meeting of July 17, 2012, as amended.
4. **Waive**, further reading of all ordinances and read by title only.
5. **Authorize**, a one-year extension through August 14, 2013, 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.
6. **Approve**, Amendment No. 1 to the agreement for Professional Consulting Services with RJM Design Group, to provide additional required tasks and services specifically described in Consultant's Proposal dated June 21, 2012, increasing total compensation under the Agreement for Professional Consulting Services by \$5,175, bringing the total compensation under the Agreement to \$48,575; and authorize the Town Manager to sign all documents necessary to implement the Agreement for the Community Center Playground Improvements & Splash Park – Town Project No. 8961.
7. **Adopt**, Resolution No. 12-31 declaring the intent to annex territory to Community Facilities District 11-1 and to levy a special tax thereon to finance certain services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES)

8. **Ratify**, Warrant Register total of \$257,416.08 for checks dated July 24, 2012 to July 26, 2012. Ratify Payroll Registers total of \$178,317.01 dated July 20, 2012

Margo Sturges, Yucca Valley, commented regarding Item No. 3, July 17, 2012 minutes.

Council Member Abel moved to adopt Consent Agenda Items 3-8. Council Member Lombardo seconded. Motion carried 4-0.

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

DEPARTMENT REPORTS

10. Selection of Mayor Pro Tem

Town Manager Nuaimi advised that Ordinance No. 227, adopted in June of 2011, states the Council can nominate any member to be Mayor Pro Tem, and if Council cannot agree, the selection automatically rotates to the most senior member, which would be Council Member Abel.

Council Member Huntington moved to select Council Member Able to act as Mayor Pro Tem through December 4, 2012. Council Member Lombardo seconded. Motion carried 4-0.

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

PUBLIC COMMENT

Margo Sturges, Yucca Valley, requested the Council vacancy be filled by election.

PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS

1. Employee of the Quarter

Presented to Lynne Richardson, Museum Supervisor.

2. Presentation to Captain Miller

Mayor Rowe and Town Manager Nuaimi presented a Town Plaque, carved statue and miscellaneous items to Sheriff's Captain Miller in honor of his retirement after 33 years with the Department.

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

11. Council Member Huntington

Congratulated Museum Supervisor Richardson for being selected as Employee of the Quarter

Congratulated Captain Miller on his retirement.

Commented regarding teleconferencing for the meeting and thanked his grandsons for their assistance.

12. Council Member Lombardo

Commented regarding attendance at the Animal Care JPA meeting, noting we are moving forward with the plans for the animal shelter.

13. Council Member Abel

Thanked the Council for his selection as Mayor Pro Tem.

Congratulated Museum Supervisor Richardson.

Congratulated Captain Miller.

14. Mayor Rowe

Congratulated Museum Supervisor Richardson.

Reminded everyone of the upcoming Land Barron's Ball to benefit the Miracle League Field, and the Starry Nights Festival.

Commented that Captain Miller will be missed and is welcome to come back at any time.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, August 21, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

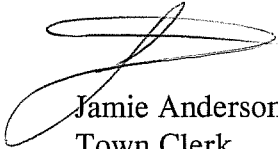
Town Manager Nuaimi thanked the staff members and everyone involved in equipping the facility to enable us to teleconference with Council Member Huntington. Advised that staff went to court as part of an estate hearing where the Town was granted \$302,000 from the estate of Cyla Wells for the animal shelter. We are grateful for the bequeath and already have a list of thoughts for the Council to consider. Also, during budget adoption staff talked about some dollars the Town would be requesting from SANBAG to the tune of \$1.6 to \$1.7 million. We have been told that SANBAG staff is moving forward with that recommendation. He echoed Council Member Lombardo's comment regarding the animal shelter emphasizing that

the project is out to bid and staff is looking forward to receiving those bids. Commented it has been a pleasure working with Captain Miller.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jamie Anderson', with a large, stylized flourish above the name.

Jamie Anderson, MMC
Town Clerk