

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
SEPTEMBER 18, 2012**

OPENING CEREMONIES

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

Council Members Present: Abel, 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. Boswell, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Mayor Rowe

INVOCATION

Led by Pastor Bob Wagner, Joshua Springs Calvary Chapel

APPROVAL OF AGENDA

Council Member Lombardo moved to approve the agenda. Council Member Huntington seconded. Motion carried 4-0.

AGENCY REPORTS

Chamber of Commerce

1. Monthly Report for August, 2012

Jennifer Collins, Chamber President, gave the monthly report for August 2012, and advised of committee activities.

Hi Desert Water District

2. Water and Wastewater Project Updates

Sarann Graham, Hi Desert Water District Board President, gave the monthly report advising that the lease agreement between the Town and District is being formulated, work is continuing on the formation of the Assessment District, and the terms on the revolving loan from the State are 2.2% for 30 years with the first \$6,000,000 of the

loan forgiven. Negotiations are ongoing to try to get that interest rate lowered further. The final design contract has been awarded for the collection system.

CONSENT AGENDA

3. **Approve**, Minutes of the Regular Town Council Meetings of August 7, 2012 and August 21, 2012, as presented.
4. **Waive**, further reading of all ordinances and read by title only.
5. **Receive and file**, Monthly Statistical Fire Department Report for August, 2012
6. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of August, 2012
7. **Adopt**, Resolution No. 12-33 declaring the intent to vacate approximately twelve (12') feet of that portion of easement(s) on the east side of Assessor Parcel Number 594-061-08, including easement(s) on Pioneertown Road, as recommended by the Planning Commission, and setting a Public Hearing for October 16, 2012 at 6:00 p.m.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE THAT PORTION OF EASEMENTS ON ASSESSOR'S PARCEL NO. 594-061-08 IDENTIFIED ON THE ATTACHED MAPS AND SETTING A TIME AND PLACE FOR HEARING THEREON

8. **Adopt**, Resolution No. 12-34, approving the plans and specifications, and directing the Town Clerk to advertise to receive bids, for Project No. 8961, Community Center Playground Improvement & Splash Park, Community Development Block Grant Funds.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COMMUNITY CENTER PLAYGROUND IMPROVEMENTS AND SPLASH PARK PROJECT IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS

9. **Ratify**, Warrant Register total of \$495,133.94 for checks dated August 23, 2012 to September 6, 2012. Ratify Payroll Registers total of \$296,357.56 dated August 17, 2012 to August 31, 2012.

Margo Sturges, Yucca Valley, commented regarding the minutes.

Council Member Lombardo commented regarding the Community Center Playground

and Splash Park and the fact that the community has relied on Community Development Block Grant funds. The funding is a little short and there is a need to set up a structure to fund things that are a priority to the Town.

Council Member Abel moved to adopt Consent Agenda Items 3-9. Council Member Lombardo seconded. Motion carried 4-0.

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

PUBLIC HEARINGS

10. Annexation Are No. 1, Improvement Area No. 2, (Dollar General) APN 586-121-06 to Community Facilities District No. 11-1 (Services), Resolutions, Ordinance.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FOR THE ANNEXATION OF ANNEXATION AREA 1, IMPROVEMENT AREA NO. 2, TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION REA NO. 1 (IMPROVEMENT AREA NO. 2) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), SPECIAL TAX LEVY FOR FY 2013/14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING RESULTS OF THE SPECIAL ELECTION AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA NO. TWO, ANNEXATION NO. 1, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (DOLLAR GENERAL)

Mayor Rowe opened the Public hearing and questioned if the Town Clerk has proof of publication and mailing of notice of hearing. Town Clerk Anderson advised that the proof of publication and mailing are on file in the Town Clerk’s Office showing that

notices were published and mailed in a timely manner. Mayor Rowe questioned if there have been written protests filed with the Clerk against formation of the District. Town Clerk Anderson advised no written protests have been received.

Deputy Town Manager Stueckle advised that Community Facilities Districts may be used to pay directly for facilities and services, and to pay debt service on bonds or other debt, the proceeds of which are used to finance facilities. The Town has formed Landscape and Lighting Maintenance Districts, Street and Drainage (Benefit) Assessment Districts, and Community Facilities Districts as a condition of subdivision and development projects to pay the costs of infrastructure maintenance created by new development. Included in the district is the maintenance of public streets and alleyways, maintenance of all public pedestrian or bicycle pathways, public lighting and appurtenant facilities, and Town and County costs associated with the setting, levying and collection of all the special tax, an in the administration of the District including contract administration. Bonds, debt financing and infrastructure financing are not included in the District, and there are no other properties or property owners outside of the Dollar General property. If the maximum allowable annual fee were levied, the revenue generated would be \$1,823.24 annually.

Mayor Rowe questioned if there is anyone present who wishes to address the Council on this matter, and if any member of the Town Council has any comments or questions. There being none, she closed the public hearing.

Town Clerk Anderson presented the Resolution for the Annexation of Annexation Area 1, Improvement Area No. 2 to CFD No. 11-1, establishing the appropriation limit for Improvement Area No. 2; and a Resolution calling special tax election for September 18, 2012.

Council Member Huntington moved to adopt Resolution No. 12-35 for the annexation of Annexation Area No. 1, Improvement Area No. 2, and Resolution No. 12-36 setting a date for an election of the Annexation. Council Member Lombardo seconded. Motion carried 4-0.

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

Mayor Rowe requested that the Town Clerk conduct the election and report on the results.

Town Clerk Anderson advised that one ballot has been received which establishes that the measure submitted at the Special Election called by Resolution No.12-36 passed on

a vote of 1-0. A resolution declaring the results of the election and levy of special taxes was presented for adoption.

Council Member Huntington moved to adopt Resolution No. 12-37 declaring the results of the special election and directing recording of the Notice of Special Tax Lien.

Council Member Lombardo seconded. Motion carried 4-0.

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

NOES: None

ABSTAIN: None

ABSENT: None

Town Clerk Anderson presented the ordinance levying taxes for first reading and read the title.

Council Member Huntington moved to introduce the Ordinance. 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

11. 2012-13 Youth Commission Appointments

Community Services Director Schooler advised the applicants for the 2012-13 commission are Hanna Bogue, London Caldwell, Tyler Geeson, Francisco Gonzalez, Rachel Green, Nathan Lafferty, Nicholas Lombardo, Amanda Olson, Blake Rowe, Wade Shaver and Sean Vincent.

Museum Supervisor Richardson introduced those members in attendance: Tyler Geeson, Hanna Bough, Blake Rowe, and Nick Lombardo.

Council Member Huntington questioned what kind of outreach the Town has done, noting the membership of the Commission is limited to 20 but we only had 11 applicants this year. Community Services Director Schooler stated staff did do rigorous outreach this summer and we do expect subsequent appointments in the next 30 days or as we receive additional applicants.

Council Member Lombardo moved to appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2012-13 Youth Commission, and

authorize the Parks, Recreation & Cultural Commission to review future applications and make subsequent appointments on behalf of the Council. Council Member Abel seconded. Motion carried 4-0.

12. Rules for the use of Dog Parks, Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 11 FO THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 11.08.045 ENTITLED USE OF DOG PARK FACILITIES

Community Services Director Schooler advised the Town's first dog park is under construction and is expected to be open for public use this fall. Rules for use are necessary to ensure the safety and enjoyment of the people and animals using the park. The rules were reviewed by the Parks Recreation and Cultural Committee, and developed by looking at what other dog parks had, and input from the experts on the Animal Control Staff. The Town Attorney has also reviewed the rules and provided input,

Nancy McHenry, Yucca Valley, expressed concern regarding the rule that children under 12 are not allowed in the dog park.

Council Member Huntington stated he looked at all of the rules and has no real qualms. He commented that No.16 states that owners/handlers are solely responsible for injuries or damage caused by their dog, and questioned the Town's liability. Town Manager Nuaimi explained the fact that if people are advised that they are using the facility at their own risk and it is not being managed by staff, it keeps the Town out of the liability issue.

Town Attorney Laymon advised that the rules as drafted do include a provision that use of the park is at your own risk, noting that assumption of risk provision gives the Town a level of protection. She added that she found in researching the issue that the 12 year age is a common age cut off in other cities due to way some dogs react with some children. Mayor Rowe questioned if a provision could be added allowing smaller children with parent's supervision. Staff advised that is not recommended.

Council Member Abel commented there are plenty of play areas at the park so children 12 or under can still participate and play in playground outside the fenced area. He noted the dog park area is fenced so that they can run loose, so for liability and their own safety children need to stay outside the fenced area.

Council Member Lombardo stated he respects the comments from the public, but being inside a fenced area with other dogs is a higher risk to the children.

Council Member Abel thanked the Parks Recreation and Cultural Commission for looking at this issue and encouraged everyone who wants to use the dog park to read the rules. He questioned if temporary closures for turf recovery are anticipated and if there is a way to lock gate to let turf heal up. Community Services Director Schooler advised that staff doesn't expect extended periods of closure but will let people know when they will be closing the park temporarily for maintenance. Council Member Abel questioned if a smaller dog could be in the large dog area. Community Services Director Schooler advised it could, but the larger dogs could not be in the small dog area.

Town Attorney Laymon read the title of the Ordinance into the record.

Council Member Huntington moved to introduce the Ordinance. Council Member Abel seconded.

Mayor Rowe expressed concern regarding rule No. 4 that only allows two dogs per owner/handler and stated that some people do have multiple dogs. She questioned if Council would consider removing that restriction. Community Services Director Schooler advised that the Commission did discuss that, and Animal Control staff was brought in to respond to some of those questions. The consensus was that 2 was good number. If there is crisis and an owner is attending to that one dog they are leaving the others unattended.

Council Member Abel agreed in part with what staff is saying, and expressed concern with not limiting the number at all, but thinks that maybe 2 is too restrictive, and recommended raising the number to 4. If it becomes problem the Council could readdress it.

Council Member Huntington advised that the zoning Ordinance allows 4 dogs per household. Town Manager Nuaimi commented this is not a small park, and questioned the average number in other dog park facilities. Community Services Director Schooler advised the number 2 was arrived at as a result of talking to other cities.

Council Member Abel presented a substitute motion amending the ordinance to allow a maximum of 4 dogs to be present with owner, and introduce the amended Ordinance. Mayor Rowe seconded. Substitute motion carried 4-0.

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

13. Park and Facility Naming Policy

Community Services Director Schooler stated, because the Town has not developed any new parks since incorporation, there has not been a need for a policy to guide the naming of Town Parks. The Parks Recreation and Cultural Commission worked with staff to come up with criteria for naming parks and forwarding the policy to the Town Council. Staff and the Commission reviewed park and amenity naming and re-naming policies in other communities. Upon approval of the proposed policy, staff and the Commission are prepared to begin implementation of the process with regard to the naming of the currently named South Side Park.

Council Member Huntington commented this is a well thought out document, noting we do need to change the name from South Side Park, since we have a South Park. This document gives tremendous guidance.

Council Member Lombardo stated it is well written and he is fine with it.

Council Member Abel commented it is his understand the Town would open the naming process for public input. Community Services Director Schooler advised renaming existing parks would be under Council direction, noting the main issue is naming new parks that may be constructed.

Council Member Lombardo moved to approve and adopt the proposed Parks and Facility Naming Policy and direct staff and the Parks, Recreation and Cultural Commission to begin immediate implementation of the policy as it relates to the new park currently referred to as South Side Park. Council Member Huntington seconded. Motion carried 4-0.

14. Appointment to the General Plan Advisory Committee

Town Manager Nuaimi advised the Council gave direction to form a General Plan Advisory Committee (GPAC) composed of 10 members from the general community and one representative each from the Planning Commission, Parks Recreation and Cultural Commission, and Youth Commission. We have received 14 applications for consideration. If Council selects two members each there will be 8 members seated leaving a need to determine how to fill the remaining two positions.

Nancy Lawson, Yucca Valley, advised of her interest in the committee noting she has lived here for over 13 years. She worked for 9 years for a Planning Firm and is familiar with the terminology used in General Plans.

Bonnie Brady, Yucca Valley, stated she was one of the 300 people who received the phone call survey, noting she is retired in this community and plans to be here for many

more years. She is active in the Arts Community which would be her focus.

Ted Milson, Yucca Valley, stated he graduated from Cal Poly Pomona with a degree in regional planning. He would love to have a say in the Town's future.

Charles McHenry, Yucca Valley, advised he has served in several local committees. He would like the Town to get better than what it is now, and would like to be part of the process of getting that done.

Art Miller, Jr., Yucca Valley, stated he applied because of his experience living in Yucca Valley since 1958. He is familiar with all the processes regarding the Town and subdivisions, and was a member of the original GPAC.

Upon discussion Council Member Huntington selected Joe Meer and Sue Tsuda. Council Member Lombardo selected Ted Milson and Jack Rarick. Council Member Abel selected Bonnie Brady and Cynthia Kraemer. Mayor Rowe selected Bob Thatcher and Nancy Lawson.

Council Member Huntington moved to appoint Larry Burge, as appointment No. 9. Council Member Lombardo seconded. Motion carried 4-0.

Mayor Rowe moved to appoint Charles McHenry as appointment 10. Council Member Huntington seconded. Motion carried 4-0.

Mayor Rowe thanked all those who took the time to apply to the Committee.

FUTURE AGENDA ITEMS

Mayor Rowe requested future discussion and possible action regarding a position on the proposed Black Lava Butte Wind Project. Council agreed.

PUBLIC COMMENT

Margo Sturges, Yucca Valley, spoke in opposition to Measure U stating the number of Chamber of Commerce Members supporting the measure was only 12% of the entire membership and was not a mandate. Advised the Democratic Club unanimously voted to oppose the measure.

Ed Montgomery, Yucca Valley, spoke in opposition to Measure U stating the Town is not telling the truth, and with the additional state tax the rate in Yucca Valley will be 9.25% and the Water District is only going to get 1/2.

Richard Harlan, Yucca Valley, commented it is his understanding there was a call made to

the Town about the construction of Wal-Mart, that they are giving away dirt, and that the Town wasn't interested in receiving it. Questioned why the Town isn't taking advantage of the free dirt. Also expressed his hope there is an agreement between the Town and Hi Desert Water District soon and that more information is given to the public about it because he is hearing a lot of information that is not true.

Jennifer Collins, Yucca Valley, commended the Town Council for putting Measure U on the ballot in November noting she is grateful to them for protecting our future. She noted she is the President of the Chamber Of Commerce and chair for the advocacy committee for local control, Yes on U Measure.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi commented regarding accusations that the organization is misleading the public, noting he takes it seriously. He advised, during the two years he has been here, he has been sharing the challenges this organization faces. We have been very direct about the needs of this Town, and have not been misleading the public. He noted if both the Town's Measure and the Governor's proposition for a ¼ cent sales tax passed the sales tax in Yucca Valley would be 9% just as it is in Palm Springs and Cathedral City. Local governments across the state are looking for ways to make ends meet at this difficult time.

Deputy Town Manager Stueckle commented the Town does not have the land to accommodate the amount of soil being moved at the Wal-Mart site, but will be taking some of it. He noted much of the soil is being placed in the County areas, on Community Services District roads that are in much need of fill material.

Town Manager Nuaimi advised the bids for the Animal Shelter were opened today noting four of the bids received were below \$3,000,000. The apparent low bid was approximately \$2,770,000.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Huntington

Congratulated appointees to the Youth Commission.

Congratulated the GPAC appointees.

16. Council Member Lombardo

Congratulated GPAC and Youth Commission members.

17. Mayor Pro Tem Abel

Thanked all those who applied for the GPAC, and congratulated those selected.

Advised that sometimes people make comments during the Public Comment section of the agenda on areas the Council cannot reply to directly. They also make comments and then leave before anyone can respond.

Thanked the Chamber of Commerce for all their hard work and Hi Desert Water District President Graham for the monthly update.

Reported regarding attendance at the League of California Cities Annual Conference.

Congratulated Town Clerk Anderson for being elected as President of the City Clerks Association of California.

18. Mayor Rowe

Congratulated Town Clerk Anderson for being elected as the President of the City Clerks Association of California and the President of the City Clerk's Department of the League of California Cities.

Congratulated to Youth Commission and GPAC Members for their appointments.

Commended Tim Humphreville and Michael Hildebrand for the work they did on the dirt roads in Shatin Heights, noting it was a community effort this weekend.

ANNOUNCEMENTS

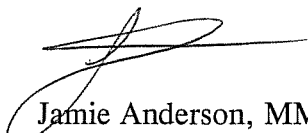
Next Town Council Meeting, Tuesday, October 2, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

There being no further business the meeting was adjourned at 7:25 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk