

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
OCTOBER 2, 2012**

CLOSED SESSION

Mayor Rowe called the meeting to order at 5:13 p.m. with all members present, and adjourned to Closed Session. There were no members of the public present to comment.

1. **CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9. One Case

Mayor Rowe adjourned the Closed Session at 5:40 p.m. and recessed the Town Council to 6:00 p.m.

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:02 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 Jerel Hagerman, Joshua Springs Calvary Chapel

Mayor Rowe read and presented a Proclamation proclaiming October 7-13, 2012 as Fire Prevention Week. Battalion Chief Benfield introduced members of the Fire Department in attendance at the meeting. It was noted the engine companies will be out presenting fire prevention programs to elementary school children and that they will be focusing on the theme "Two Ways Out".

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 2. **Approve**, Minutes of the Regular Town Council Meeting of September 18, 2012, as presented.
- 3. **Waive**, further reading of all ordinances and read by title only.
- 4. **Adopt**, Ordinance No. 235, Authorizing the Levy of a Special Tax within Improvement Area No. 2, Annexation No. 1 of Community Facilities District No. 11-1 (Dollar General)

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)

- 5. **Adopt**, Ordinance No. 236, adopting Rules for Use of Dog Parks

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

- 6. **Review and approve**, Fifth Amendment to the Waste Disposal Agreement between the County of San Bernardino and the Town of Yucca Valley.
- 7. **Reject**, one claim filed against the Town of Yucca Valley submitted on September 10, 2012 by resident Robert Edwards.
- 8. **Ratify**, Warrant Register total of \$924,442.50 for checks dated September 20, 2012. Ratify Payroll Registers total of \$145,486.58 dated September 14, 2012.

Council Member Huntington moved to adopt Consent Agenda Items 2-8. 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

- 9. **Expenditure Priorities – Budget Development guidelines, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, STATING ADVISORY PRINCIPLES AND GENERAL FUND EXPENDITURE PRIORITIES, INCLUDING MEASURE U GENERAL FUNDS IF APPROVED BY THE VOTERS OF THE TOWN OF YUCCA VALLEY

Town Manager Nuaimi gave the staff report including a PowerPoint presentation. The Town's short term needs include maintaining our current levels of service such as public safety. The Town did not completely fund the Sheriff's Schedule A this year because of rising costs, and didn't fill the vacant Sheriff's Service Specialist position. In addition, the RDA Dissolution process is causing funding problems. According to Council Policy, \$600,000 was to be placed in the budget for infrastructure preventative maintenance but we were only able to put in \$200,000, which will make the backlog of infrastructure maintenance larger. Staff is also absorbing additional service responsibilities. In addition to the short term needs, the medium term needs add the wastewater treatments costs. Long term needs include transportation system expansion, flood control improvements, economic development/tourism and community facilities maintenance and expansion.

The recommended action is that the Town Council endorse the top priorities for annual expenditure of new General Fund revenues such as sweeping of former RDA Funds, Development Impact Fees, potential Measure U General Fund revenues, TOT, Franchise fees, and interest revenues, to be used to cost-efficiently finance the wastewater treatment plant and collection system, maintain neighborhood police patrols and 911 response, maintain and repair existing neighborhood streets and alleys, and reduce the cost for property owners to connect to the sewer.

Margo Sturges, Yucca Valley, commented that Mayor Rowe and Council Member Huntington had asked an agreement that is more specific. She added that the discussion on the general funds didn't include where all the funds are coming from, such as the \$9,000,000 that currently comes into the Town, or Measure I, or the sales tax the Town will be getting from Super Wal-Mart.

Jennifer Collins, Yucca Valley, Chamber President, commented that the Town Council has stopped passing the buck to future Councils and has identified the real issues that we face in the Town. By passing the Resolution tonight Council will have taken the first steps in enabling the Town to flourish and remain a stable community. These decisions are never easy, are not popular and have been overlooked several times. She added the Yucca Valley Chamber is holding 2 more informational meetings in the Community Center and that all residents are invited to attend.

Ed Montgomery, Yucca Valley, stated there is too much conflict of interest with the Council, Manager and Chamber campaigning for Measure U. Advised he has been

walking the streets going door to door and finding that so many of the people are mad because all the money is not going to the Water District, it is going to the Town for the first 5 years. We want 100% to go to the sewer.

Ellin Loveless, Yucca Valley, commented she has been here for 35 years, and congratulated the Council for finally having the courage and commitment for doing just what Mr. Montgomery said you shouldn't do. She noted there has been a lot of opposition to some of the new funding propositions, so there will be two informational meeting tomorrow at the Community Center. She recommended that those who have been influenced by some of the colorful opposition come and get the facts.

Council Member Huntington commented that these are the same priorities we had when we incorporated this community over 20 years ago, they haven't changed. These priorities were established by other Councils.

Council Member Abel agreed, noting the one difference we continue to see are these costs continuing to go up. We are falling further behind because of the increasing costs, in addition to the Public Safety cost increase. He agrees with Staff's identification of short, medium and long term needs.

Mayor Rowe stated she is glad to see the issues in writing.

Council Member Abel moved to receive and file the staff report concerning Town Needs and Expenditure Priorities, and adopt Resolution No.12-38 stating Advisory Principles and General Fund Expenditure Priorities, including Measure U General Funds if approved by the Voters of the Town of Yucca Valley. Council Member Lombardo seconded. Motion carried 4-0.

10. Capital Projects Update

Deputy Town Manager Stueckle gave the staff report including a PowerPoint Presentation showing all the ongoing and upcoming projects. Upon request of Council Member Huntington, he included the funding sources for each project.

Bill Horn, Yucca Valley, questioned if the Town would work with the Hi Desert Water District regarding fixing roads in conjunction with the wastewater enterprise. Town Manager Nuaimi advised that, within the pavement management system, there are \$6,000,000 to \$7,000,000 road maintenance and repair needs in Phase 1. As the project is moving forward and as general fund dollars become available, the Town will combine those dollars to use in conjunction with the road repairs needed due to the construction of the sewer system.

Council Member Huntington stated he is happy to see a lot of these projects moving

forward, noting the funding for almost every one of them is from outside sources, and special designated funds. However, the Town does have to kick in general fund dollars periodically to cover some shortfall.

Council Member Lombardo stated he is happy to see the Town is underway with so many projects noting it speaks well of staff's organizational skills and willingness to work hard.

Council Member Abel echoed previous comments noting he is glad so many people are here to see how many things are going to be moving forward.

Mayor Rowe commented she was once asked at a political forum what the Town Manager does, noting our Town Manager gets grief from coming out of the area but he brings with him access to millions of dollars that we wouldn't have otherwise had. Another thing she hears is about the large town salaries, and challenged staff to show what they make per hour and what that actually translates to considering the hours they put in. She thanked them for all they do without much staff.

Council Member Abel moved to receive and file the report. Council Member Lombardo seconded. Motion carried 4-0.

11. Resolution Committing to Implementation of a Cooperative Sewer Financing Arrangement with the Hi-Desert Water District.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, COMMITTING TO IMPLEMENTATION OF A COOPERATIVE SEWER FINANCING ARRANGEMENT WITH HI-DESERT WATER DISTRICT; ADOPTION OF GENERAL PRINCIPLES OF UNDERSTANDING FOR SAME

Administrative Services Director Yakimow gave the staff report including a PowerPoint presentation. For many years the Town Council has identified the community need for a wastewater solution as one of the top priorities. Through formal actions, the Town has been an avid supporter of the District's effort in sewer project delivery and provided a low-interest loan in the amount of \$350,000 for the sewer project in 2008.

The Hi Desert Water District prepared a Sewer Master Plan and received sewer authority approval from LAFCO. In May of 2011 the California Regional Water Quality Control Board adopted a Basin Plan Amendment prohibiting septic tank discharge in town. In 2012 the State issued formal notice to Town residents identifying 2016 as a target date for prohibiting septic discharge. The District continues to work toward project delivery, and recently awarded the collection system design, anticipated

to be completed in 18-24 months, with 30% design completed by spring of 2013.

The initial project cost is estimated at \$125,000,000. The District is actively seeking grants, loans and other assistance and has applied for the State Revolving Fund loan which is to be repaid from property owner assessments. The Town desires to assist in lowering the annual assessment billed to property owners through a Cooperative Financing Agreement between the Town and District. The six guiding principles are contained in the resolution.

Next steps include the Town and Hi Desert Water District staff continuing to finalize terms and conditions for the lease agreement, with both agencies working toward the joint development of the facilities to be leased and their costs. Identification of the facilities to be leased, which will be better known upon completion of 30% design, is anticipated in mid-2013.

Curt Duffy, Yucca Valley, commented that many times things are put off for a long time then people overcompensate and settle for a bad solution. This is an attempt to put something on paper that might hold up. We have a situation where a lot of loose money is floating around, and the Chamber held a fund raiser at Council Member Huntington's house to figure out where to use money. He noted that other towns are asking for smaller amounts of money for shorter periods of time, but Yucca Valley is asking for 1 cent for 30 years that is unspecified and going to highest bidder. This is not specific enough for the people of Yucca Valley, we need to step back, take more community input and re-approach the issue in the spring. No one rate payer knows what he or she will get from this.

Margo Sturges, Yucca Valley, commented that other cities have other solutions and alternatives. She is disappointed this resolution is coming to you when Council Member Huntington and Mayor Rowe asked for a memorandum of agreement and said they would not be approving the Measure without the agreement. She stated this is not a lease and questioned where the lease is.

Richard Harlan, Yucca Valley, commented that it was brought up in the presentation that there was a \$350,000 loan given to the Water District to get project started, and the Town received got interest on the money. He does not believe any organization should make money off the Water District, noting that amount is one hookup that maybe could be put toward someone who needs it.

Jennifer Collins, Yucca Valley, clarified that the Yucca Valley Chamber of Commerce did not host a fund raiser event for Measure U, noting the she, as an individual, chairs the advocacy committee for Measure U, and that she wears many hats.

Richard Gahn, Yucca Valley, commented we elect the Council to make the best decisions they can to do what is best for us. We elect you to do a good job, and vote for you if you do. He would not be in favor of a specific tax that went to only one need. He knows there are people who have a number of properties in Phase 1 which is why they want 100% to the sewer project because it would help them. We need to address all our needs. The sewer is an important need, but he also wants to see roads and parks maintained. He also commended the Council for having balanced budgets. He is in favor of a general fund tax that allows the people to vote for and to determine how we are going to use our money.

Council Member Lombardo thanked staff for the informative presentation, noting he is glad to see we are continuing our partnership with the Hi Desert Water District.

Mayor Rowe echoed the comments.

Council Member Huntington moved to approve and adopt Resolution No. 12-39, committing to the implementation of a cooperative sewer financing arrangement with Hi-Desert Water District, and adopting the general principles of understanding for same. Council Member Lombardo seconded. Motion carried 4-0.

PUBLIC COMMENT

Margo Sturges, Yucca Valley, commented regarding the need to make sure the elderly and low income people are protected. Stated she does not like the division in Town and that what is happening to some of the campaign signs is despicable. Advised of a Measure U meeting on October 13th.

Richard Harlan, Yucca Valley, commented regarding the things that have been said both in favor of and against Measure U, noting his hope is that people make their own decisions on Measure, get the information themselves and quit listening to other people.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi thanked the Mayor and Town Council for kind words for Town staff regarding the volume of work, and for authorizing the full time Project Engineer position. He added the capital projects update didn't even touch on the work going on for the General Plan, Development Code update, senior housing project, the RDA dissolution, and community services maintaining the programing that the community expects. He congratulated Capt. Boswell on his promotion and congratulated him for the fantastic job the department has done focusing their emphasis on the Town Hall area. Across the board this organization does a lot with little resources.

Deputy Town Manager Stueckle thanked the staff members who make all the previously reported projects happen.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Council Member Huntington

Advised that the dog park opens Saturday, October 13th.

Commented he drove down Canyon Drive after it was paved, noting staff did fantastic job

Advised there will be a meeting regarding the Compass Blueprint Program on Thursday, October 4, 2012 from 5:00 to 7:00 p.m.

Reported regarding attendance at the Sanbag Meeting and wished Victorville congratulations for 50 years of incorporation and Needles for 100 years of incorporation.

Commented that Town services provide a better quality of life for the citizens.

13. Council Member Lombardo

Stated he is excited about the opening of the park, noting it is the first new park since incorporation.

14. Mayor Pro Tem Abel

Reported regarding attendance at the MBTA community needs meeting, noting there were a lot of needs requested from limited funds.

Advised that Homecoming week is coming up for both schools, and thanked Yucca Valley Ford and Chrysler, its owner and manager for their support.

15. Mayor Rowe

Commented, with the South side Park coming on line shortly, the Town has a new park naming policy. Community Services Director Schooler advised citizens can visit the Town's website and click on hot topics to find the information and policy, or pick up forms in the Community Services offices. The deadline is November 1 for submitting proposals.

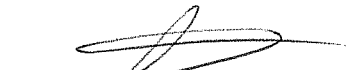
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, October 16, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:45 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk