

**TOWN OF YUCCA VALLEY
REGULAR TOWN COUNCIL MEETING MINUTES
NOVEMBER 20, 2012**

CLOSED SESSION

Mayor Rowe called the meeting to order at 5:00 p.m. with all members present. As there were no members of the public wishing to comment, Mayor Rowe adjourned to closed session at 5:01 p.m.

1. **PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.9(B) (3) (E):** Closed Session Conference with counsel regarding potential litigation.

Mayor Rowe reconvened to open session at 5:31 and recessed the meeting at 6:00 p.m.

OPENING CEREMONIES

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

Council Members Present: Abel, Huntington, Lombardo, and Mayor Rowe.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Boswell, and Town Clerk Anderson

Mayor Rowe announced there was no reportable action taken at the Closed Session.

PLEDGE OF ALLEGIANCE

Led by Mayor Rowe

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

AGENCY REPORTS

Chamber of Commerce

1. **Monthly Chamber of Commerce Report for September 2012**

Jennifer Collins, Chamber President, gave the monthly statistical Chamber of Commerce report for September.

Hi Desert Water District

2. Water and Wastewater Project Updates.

No one present to give report.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 3. **Approve**, Minutes of the Town Council Meeting of November 6, 2012, as presented.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of October, 2012.
- 6. **Receive and file**, Monthly Statistical Fire Department Report for October 2012
- 7. **Approve**, Facility Use Agreement with the Boys and Girls Club of the Hi Desert.
- 8. **Approve**, Amendment No. 6 of the Agreement for Professional Consulting Services with RBF Consultants, Inc., to provide additional required tasks and services specifically described in Consultant’s Proposal dated September 13, 2012 and attached to the proposed amendment as Exhibit “A” increasing the total compensation under the Agreement for Professional Consulting Services by \$25,930, bringing the total compensation under the Agreement to \$742,069.
- 9. **Ratify**, Warrant Register total of \$461,173.85 for checks dated November 1, 2012. Ratify Payroll Registers total of \$312,781.42 dated October 26, 2012.

Council Member Lombardo moved to adopt Consent Agenda Items 3-9. 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

DEPARTMENT REPORTS

10. Community Development Block Grant (CDBG) proposals

Community Services Director Schooler advised the application period for the 2013-14 CDBG programs and projects will close on November 21, 2012. The Town has been participating in the program since incorporation. The Town's allocation is \$95,000 this year which is approximately 9% lower than last year. Staff's recommendation is to submit project applications for 1) supplemental funding for the Community Center Playground Renovation/Splash Pad project; 2) Initial funding for a Paradise Park improvement project; and 3) Funding for a Town-wide Code Enforcement Project. He added that all three of the projects would be reviewed by the County and perhaps found to be eligible for funding, noting at this time the projects are not being prioritized.

Margo Sturges, Yucca Valley, commented the program has evolved over the years where the Town was once helping nonprofits and charities. She questioned the percentage or dollar amounts for the three projects.

Council Member Huntington questioned if this has been advertised for the community groups to apply also. Community Services Director Schooler stated that notification was limited to the Town's webpage and whatever the County put out in their press release.

Council Member Lombardo commented it seems like amount of money we receive is insufficient to fund the things we want to do, noting it is disappointing that it has decreased by 9%.

Council Member Abel commented it is his understanding that the Town puts forth the application then allocate the dollar amount at a later date. Community Services Director Schooler explained that the funding allocation recommendation will be determined in February.

Town Manager Nuaimi advised that, because the amount of money is so small, we are essentially putting the projects in as place holders for the County to evaluate. He noted that we did put the Community Center Playground Renovation/Splash Pad out to bid and are evaluating the bids that came in, but they were substantially more costly than the engineer's estimate. He added there is also an opportunity to apply for some of the County funding if we can demonstrate the project provides benefit to more than just the Town. In addition, Home Depot is interested in partnering in the Paradise Park project through a company program.

Mayor Rowe commented that it was expected that HUD would be discontinuing the CDBG program this year, adding it would be great to use the funds to finish some of the things we have already started.

Council Member Abel moved to authorize the submittal of a 2013-14 Community Development Block Grant project application for 1) Supplemental funding for the

Community Center Playground Renovation / Splash Pad project; 2) Initial funding for a paradise Park improvement project; 3) Funding for a Town-wide Code Enforcement project. Council Member Huntington seconded. Motion carried 4-0.

11. **Park Name Recommendation**

Community Services Director Schooler advised the Park Naming Policy, establishing criteria and processes for naming and/or re-naming public parks and facilities, was adopted by the Town Council on September 18, 2012. The Parks, Recreation and Cultural Commission looked at the 78 park names that were submitted and recommend either Norm Essig Park, Sky Harbor Park, or Sky View Park.

Art Miller, Yucca Valley, spoke in favor of naming the park Norm Essig Park, noting he developed the Sky Harbor area.

Bob Dunn, Yucca Valley, spoke in favor of naming the park Norm Essig Park, advising he did a lot for the people of the community including donating land for Machris Park.

Jean Essig, Yucca Valley, advised she is Norm Essig's daughter and advised of his many accomplishments for the community, warranting naming the park after him.

Margo Sturges, Yucca Valley, proposed naming the park the Norm Essig Sky Harbor Park to bring in all the elements to honor both Mr. Essig and the location.

Mayor Rowe commented regarding the majority of the public comments in favor of naming the park after Norm Essig, and questioned if the Council can change the policy.

Council Member Huntington commented regarding the ability to modify the policy to include people who have been a big part of community, noting in the interest of brevity he is in favor of Essig Park.

Council Member Lombardo commented Mr. Essig has been important to the Town which would warrant his inclusion in naming of the park. He agreed with Council Member Huntington's idea of naming it Essig Park in the interest of brevity.

Council Member Abel expressed concerns regarding naming it for the location noting that technically, its location is more in the Copper Hills area. He advised he would be in favor of naming the park Essig Park, his only concern would be that perhaps some people who have that type of legacy did not have their name recommended because they didn't feel it met the criteria. He questioned if it should be sent back to the Parks, Recreation and Cultural Commission for another 30 day review for others to apply.

Council Member Huntington agreed that if the policy is changed others should have an opportunity to apply.

Town Manager Nuaimi questioned if this name recommendation complies with the criteria that the person is “deceased for more than 2 years and has made a valuable contribution to parks and recreation programs. Community Services Director Schooler advised that was the criteria the commission used.

Mayor Rowe commented she is in favor of Essig Park.

Council Member Huntington moved to name the new Town park temporarily referred to as South Side Park as Essig Park. Council Member Lombardo seconded. Motion carried 4-0.

PUBLIC COMMENT

Ramon Mendoza, Morongo Valley, commented regarding the need for an Ordinance requiring everyone who pumps septic tanks to be licensed and to file a report regarding each pumping.

Margo Sturges, Yucca Valley, thanked everyone who went to the polls to vote, stating now we can all come together and be on the same side.

Richard Harlan, Yucca Valley, stated Measure U didn’t pass, but there should be another ballot measure to help pay for the sewer project and the Town’s needs. He suggested the Town form a committee to see if a compromise might be reached.

Edward Montgomery, Yucca Valley, commented he was against Measure U and does not think the two sides can come together. The community has to do something to support the sewers, not rip off the citizens for stuff the Town doesn’t need. He noted they are trying hard to present the citizens’ initiative to the people to let all money go strictly for the sewers and nothing else.

Ellin Loveless, Yucca Valley, commented she was proud to serve on the Council in the past and on the Yes on Measure U committee, noting there was a need for a funding source for our Town and we missed the boat by not passing the Measure. She also believes that 30 years is not long enough and that it should be permanent.

Jennifer Collins, Yucca Valley, commented that Measure U did not pass, but it did not fail completely. There was a mere 257 more for no than yes, and it only needed approximately 130 of those no votes to win. She noted she has spent the last two weeks talking to people about why they voted “No”, and found some were fed misinformation and see that now and regretted their decision. She also noted there were former Town Council Members who have said they would not support this town. She advised she is proud of the job the Yes on Measure U committee did noting they worked very hard and believed in it, and still believe in this town. She will continue to work hard to fight for our town, and does not believe in an initiative that only addresses one need.

Cynthia Kraemer, Yucca Valley, commented the Yes on Measure U Committee worked very hard and believe we were on the right track because we were only 140 votes short of winning.

She encouraged the Council to look at alternatives.

STAFF REPORTS AND COMMENTS

12. Town Manager comments- Measure U Update

Town Manager Nuaimi gave a PowerPoint presentation regarding Measure U and observations. Getting any tax measure passed is always difficult. There was a lot of confusion around the issues, multiple mixed signals were sent through the community, and issues raised were not adequately addressed. Issues raised included: there was no guarantee of funding to the sewer and that funds cannot be used as collateral to lower maximum assessments; funds were going into the Town's General Fund; 30 years is too long; any tax increase should require 2/3rd voter approval; the Town doesn't need the funding and should live within its means; all the money should be earmarked to specific needs; the Town is simply piggy backing on the sewer issue; the Town forced through the issue with no input from citizens, the Town is more than just sewer; and the State has not mandated sewer.

Town Manager Nuaimi noted there are other strategies that could reduce the sewer assessment that were not explored such as advocating to the State Water Board that the Town revenues, through a lease agreement, are acceptable risk; Finance a portion of the sewer system with another entity such as the California Statewide Communities Development Authority; or use rates as opposed to an assessment for collateral with the State Water Board.

Town Manager Nuaimi advised the Town is living within its means, however, due to public safety expense growth and dissolution of the Redevelopment Agency, there is a General Fund structural deficit of \$500,000. There is also an additional unfunded road preventative maintenance of \$350,000, leaving a current budget shortfall of \$850,000, and additional unfunded needs include deferred road maintenance in the amount of about \$15,000,000, Brehm Park Maintenance increases of \$250,000 and public safety cost increases of about \$200,000 compounding annually. He noted the Goal Setting Workshop in January launches the budget development process where Council will be asked to make recommendations on filling that budget shortfall by deficit spending or cutting services.

With reference to possible revenue measures it was noted that general taxes must be scheduled at a regular election unless a fiscal emergency is declared, and special taxes can be scheduled no sooner than 88 days from Council calling the elections. Residents can also circulate petitions asking the Council to consider a revenue measure, however, Council cannot call a special election within 180 days of another special election. With a March 5, 2013 election already scheduled, the next available date would be after September 1, 2013.

Town Manager Nuaimi gave the following options for another possible revenue measure:

- 1) 1% 30 year general tax such as Measure U in November 2014;
- 2) 0.5% 30 year special, sewer only, tax in March 2013;
- 3) 1% 30 year measure with 0.5% going to the sewer, 0.25% to roads and 0.25% for public safety in March 2013;
- 4) 0.5% 30 Special Tax for Sewer via citizens' initiative after September 1, 2013;
- 5) 0.5% 10 year General Tax via citizen's initiative in November 2014; or
- 6) 0.5% - 1% special tax with 0.5% to the sewer for 30 years, 0.25% for roads for 10 years and 0.25% for safety for 10 years, in March 2013.

It was noted that Council would need to submit an item to the County by December 7th for a March 2013 election.

Jennifer Collins, Yucca Valley, questioned where the Citizens' initiative is that was discussed. Stated she would like to focus everyone's energy moving forward and suggested Option 6 would answer a lot of the questions and concerns that people had. She added she does not want to see us stop, and would like to see the Council put something on the ballot in March.

Cynthia Kraemer, Yucca Valley, stated most of what she heard was special tax vs. general, sewer tax vs. town tax. She noted she is worried about drastic cuts knowing it can't be public safety or roads, so the things we all enjoy will have to be cut. Stated she likes Option 6, and noted it is her hope that everyone who voted no, yes, or were unsure about Measure U are able to come together.

Ramon Mendoza, Morongo Valley, commented wastewater treatment is the problem and there are plenty of alternatives that can be used instead of spending money on something that has not been designed. We don't need a sewer system we need a wastewater treatment system. Septic tanks can be upgraded to meet EPA requirements. He recommended the Town do what it has to with its money and let the Water District do what it has to do.

Ellin Loveless, Yucca Valley, recommended Option No. 6 and urged Council to place an item on the December 4th agenda.

Sabrina Peukert, Yucca Valley, commented that she had representatives from 7-11 here but they left because the Town was so unfriendly to work with. She also commented regarding the Town's credit rating. She questioned the Town Manager's accomplishments and his compensation level and suggested she knows CEO's who might help the community for free.

Margo Sturges, Yucca Valley, commented this is the first time she had an opportunity to hear about the proposals. Advised they came up with the citizen's initiative because the Town did not come up with a lease. She believes a 30 year ½ penny sewer tax has always been the mantra of the citizens, and noted there are a lot of details missing from this presentation. She feels Option 6 could be viable solution.

Richard Harlan, Yucca Valley, stated he hopes all could come together and perhaps the Town could hold a meeting with some of the “No” people to see how they feel because if they are not on your side it could be bad.

Charles McHenry, Yucca Valley, advised he voted for Measure U but wasn't really in favor of it because he was concerned with term. He noted he likes option 6 adding people might buy off on it if the money is earmarked. There is no way people are going to approve a tax for 30 years into general fund, but roads and flood control are great needs. We need to deal with the subjects, not the personalities. We are all in this together.

Max Wood, Yucca Valley, question what happens in 10 years if Option 6 were approved. Town Manager Nuaimi advised the tax would drop from 1% to 0.5%.

Council Member Huntington advised that Measure U was constructed the way it was as a favor to the Water District, noting that, until they are approached to find out what they want, we aren't in a position to do anything. Without the ability to study a measure to find out if it has the ability of passing, we are shooting ourselves in the foot. There is no research, or polls at present to define a measure, and there is not enough time to put something on the March ballot and make it successful. However, he does think that Option 6 would have the best chance of passing.

Council Member Lombardo disagreed noting that, although he thinks it will difficult to get a measure to pass, he thinks after the recent Measure U election the public has a desire to come together to work on something that will work. He believes we live in a community that knows how to work together, and have it within us to pull together and come up with a solution. He is worried we don't have a lot of time, but sees serious complications if we don't get something in this cycle. If we wait until 2014 our problems will snowball. He noted he is willing to meet with the opposition at any time to do what has to be done to come up with a workable solution.

Council Member Abel agreed that it is much too early to try to put something on the March ballot. If we are going to go into budget cuts, law enforcement won't be on the list. Basic necessities will come first, and those things we love and enjoy as a community will be sorely missed if we don't take care of the issue. He noted he could not support something that didn't take care of the needs of our community, and added that Option 6 looks like it is one of the easiest options to get behind. It is disappointing that Measure U had a very close vote, and if it had passed, he can guarantee the Council would have made sure ½ cent went to the Water District because they need it, and for anyone to think the community can't hold this Council accountable is wrong.

Mayor Rowe commented after Measure U failed she made a list for many reasons people expressed concerns about the measure. Most of it was lack of trust of everyone. It is difficult to move forward from that, so there needs to be a citizen's initiative brought forward to the Council. This has been a divisive topic in our community. Along with

Council Member Huntington she agrees the Town has to do something, and there needs to be a partnership with the District and Council. At this time the Town has its own needs that we have to focus on. She encouraged the Council to look at the resources we have and see what we need to do next.

Council Member Abel commented that a lot of the people who said they would support Option 6 are also those who already say they supported Measure U. We all need to get together, and there has to be a joint effort by all sides.

Town Attorney Laymon pointed out the item before the Council tonight would not be taking action to put something on the ballot. What we have on the agenda tonight is a report for your receipt, and file, and to provide direction to bring something back. With respect to the Water District and those in opposition not being present tonight, we would bring this back in such a manner that it would be advertised and publicly agendized so that people would be aware of the item. The earliest we could do that would be the December 4th Meeting.

Council Member Abel commented he does not want staff to go to all that trouble and effort for such a short deadline.

Council Member Lombardo advised he is willing to work with anyone to try to work something out.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

13. Council Member Huntington

Wished everyone a happy and blessed Thanksgiving this week.

Reported regarding attendance at the Veterans Day Event.

Reported regarding attendance at the Drug Court Graduation.

Reported regarding attendance at the Leadership Institute presented by Southern California Edison on renewable energy.

14. Council Member Lombardo

Thanked everyone for voting and showing their confidence in him.

Reported regarding attendance at a fundraiser at Copper Mountain College.

Wished everyone a happy Thanksgiving.

15. Mayor Pro Tem Abel

Congratulated all those elected in the last election, and all those who made their voices heard.

Advised he looks forward to working together in the spirit of cooperation, and is looking forward to next year and what can be accomplished.

Wished Happy Holidays to all.

16. Mayor Rowe

Thanked Charles McHenry for his productive comments, and advised that the frustrations that 7-11 had were not with town being unfriendly.

Wished everyone a happy Thanksgiving.

Congratulated the staff regarding the Veteran's Day event.

Congratulated all the newly elected and reelected candidates.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, December 4, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:59 p.m.

Respectfully submitted,



Jamie Anderson, MMC
Town Clerk