

**TOWN OF YUCCA VALLEY
SPECIAL TOWN COUNCIL MEETING MINUTES
JANUARY 22, 2013**

OPENING CEREMONIES

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

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Lombardo

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

AGENCY REPORTS

Chamber of Commerce

1. Monthly Chamber of Commerce Report for December 2012

Jennifer Collins, Chamber President, gave the monthly report for December 2012 and highlights of the year's activities.

Hi Desert Water District

2. Water and Wastewater Project Updates.

Mark Ban, Hi Desert Water District, gave a report regarding the activities of the Water District and the status of the wastewater project.

APPROVAL OF AGENDA

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

CONSENT AGENDA

3. **Approve**, Minutes of the Special Town Council Meetings of December 4, 2012 and December 18, 2012, Regular Town Council Meeting of December 18, 2012, as presented.
4. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
5. **Receive and file**, Monthly Statistical Fire Department Report for December 2012
6. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of December 2012
7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority (MBTA) Joint Powers Agreement (JPA) to amend Board of Supervisors Representation
8. **Award**, contract for professional design services to Minagar & Associates, Inc., for the design of the Sage Avenue Improvements and replacement of outdated radar speed indication signs at the three other school sites, including the preparation of bid ready construction documents in the amount of \$46,317.00, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project, Safe Routes to School Grant Funds (SR2S) – Town Project No. 8320
9. **Adopt**, Resolution No. 13-01, approving the Administering Agency-State Master Agreement No. 00394S, and the Program Supplemental Agreement No. J92 Rev. 000, authorizing the Town Manager to sign all necessary documents in the program, Federal Project No. SR5SL-5466(020), Sage Avenue Improvements, Caltrans District 8/Town of Yucca Valley.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM MASTER AGREEMENT NO.00394S, AND PROGRAM SUPPLEMENTAL AGREEMENT NO. J92 REV.000 FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

10. **Ratify**, Warrant Register total of \$631,324.72 for checks dated December 19-20, 2012 and January 10, 2013. Ratify Payroll Registers total of \$468,629.30 for checks dated December 7, 2012 to January 4, 2013.

Council Member Rowe moved to adopt Consent Agenda Items 3-10. Council Member Lombardo seconded. Motion carried 4-0.

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

PUBLIC HEARING

11. Annexation Area No. 2 (Improvement Area No. 3) (Super Wal-Mart), APN 0601-201-37 to Community Facilities District No. 11-1

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), 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 AREA NO. 2 (IMPROVEMENT AREA NO. 3) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), 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 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 3, ANNEXATION NO 2, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (SUPER WAL-MART)

Mayor Abel 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 proof of publication is on file in the Town Clerk’s office showing that notices were published and mailed in a timely manner. Mayor Abel questioned if there have been any written protests filed with the Clerk concerning this matter. Town Clerk Anderson advised that no written protests have been received.

Town Manager Nuaimi requested continuation of the item to February 5, 2013 in order to receive final documentation from Wal-Mart. Noted this is a typical community facilities district where the property owner taxes themselves to maintain the infrastructure they are installing.

Mayor Abel opened the floor for public comment, and as no one appeared to speak he advised there will be another opportunity at the February 5th Town Council Meeting.

Council Member Rowe moved to continue the public hearing to February 5, 2013. Council Member Huntington seconded. Motion carried unanimously.

DEPARTMENT REPORTS

12. Spring 2013 Program Offerings – Community Services Department.

Community Services Director Schooler presented the summary of the programs put on by the Community Services Department’s Museum and Recreation Staff for the spring.

Council Member Huntington questioned if the schedule echoes the same offerings as last spring. Community Services Director Schooler advised there are just a few changes.

Council Member Rowe moved to receive and file the report outlining the Spring 2013 programs and events to be organized and conducted by the Community Services Department. Council Member Huntington seconded. Motion carried unanimously.

13. Town Invocation Policy, Resolution

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY

Staff Report Town Manager Nuaimi

This item has been brought forward in response to a council request in light of recent controversy surrounding a motivational speaker at a local high school, and recent correspondence to the Town of Yucca Valley concerning its policy of opening meetings in prayer. Staff has taken the policy from the City of Lancaster and copied it because it has been court tested.

Jason Gueltzow, Yucca Valley, spoke in opposition to the policy recommending Council wait until the decision comes from the 9th Circuit Court regarding the Lancaster policy.

Stephen Jones, Yucca Valley, spoke in favor of the item noting it will add more diversity once it is approved.

Margo Sturges, Yucca Valley, recommended, if the Lancaster Policy is under review, the Council should wait for the decision.

Bob Guthrie, Yucca Valley, spoke in favor of the item, noting he will fight for the right to say who his creator is.

Thomas Stanifer, Yucca Valley, spoke in favor of the item, noting he is unwilling to surrender to any organization that violates his 1st Amendment rights.

Gregory Martin, Yucca Valley, spoke in favor, stating he thinks the Town did a good job.

Mike Kelliher, Yucca Valley, spoke in favor, advising of the many references to Jesus Christ throughout the history of this country.

Charles Springer, Yucca Valley, spoke in favor of continuing invocations at the Council Meetings.

Town Manager Nuaimi advised speaker cards were also received from Donna Jones and Elena Angioi who did not wish to speak but indicated they are in favor of continuing with invocations to open the meetings.

John Snethen, Yucca Valley, spoke in favor of the having invocations.

Elena Angioi, Yucca Valley, spoke reiterating her agreement with continuing the tradition of having an invocation.

Sarann Graham, Yucca Valley, recommended Council consider changing invocation to inspirational messages.

Council Member Rowe explained the reason for asking that the item be agendaized, and the need for a more formal policy.

Council Member Huntington stated that the key is wanting to address criticism in the community and to put the Town on the path of diversity.

Council Member Lombardo agreed that the invocation is an important item to have on our agenda adding that the Council wants it to be inclusive.

Mayor Abel requested explanation and direction regarding the point made earlier about the city of Lancaster's policy being under review at the 9th District Court. Town Attorney Laymon advised the Town did receive letters that were direct threats of litigation for this matter. The basis was the fact that the Town doesn't currently have written policy noting that not having one puts the Town in a worse position.

Mayor Abel commented this action opens the opportunity to all faiths and all beliefs, adding the Town Council understands that we represent all the citizens of the town.

Upon discussion, Council consensus is to move forward with a policy now rather than waiting.

Council Member Rowe moved to adopt Resolution No. 13-02, documenting the Town policy regarding invocations at meetings. Council Member Huntington seconded. Motion carried 4-0.

14. FY 2013-14 Budget Preparation Calendar

Administrative Services Director Yakimow advised the calendar is being presented to demonstrate the multiple opportunities for the public to have an opportunity to have their voices heard in the budget process. In addition to budget workshops prior to the February 19th and April 2nd Town Council Meetings, there will be a Saturday Workshop. The original date proposed was Saturday, April 20th, however that date is the date of the Earth Day celebration, so the Town Clerk will poll the Council regarding availability on that date.

Council Member Lombardo commented regarding the importance of public involvement in the budget process.

Council Member Lombardo moved to approve the proposed Budget Calendar. Council Member Huntington seconded. Motion carried 4-0.

FUTURE AGENDA ITEMS

Mayor Abel requested discussion regarding the possibility of forming an ad-hoc committee to meet with the Basin Wide Foundation to discuss Brehm Park. Council agreed.

PUBLIC COMMENT

Bob Guthrie, Yucca Valley, commented regarding the wastewater project and the destruction caused by the use of petroleum based cleaning products.

Margo Sturges, Yucca Valley, commented regarding those participating in the meeting tonight.

Roger Duran, Yucca Valley, wished the Council luck with making the right decisions.

STAFF REPORTS AND COMMENTS

15. **Johnson Valley Petition**

Town Manager Nuaimi advised of an on-line petition to the White House regarding the proposed Marine Base expansion into Johnson Valley, and requested Council concurrence whether or not to have staff add the link for the petition to the Town's website, and to use outreach through our constant contact account.

Council Member Rowe advised there is only a 30 day period to sign the petition and noted that even though the rules have changed now requiring 100,000 signatures instead of 25,000, this particular petition is grandfathered in for the 25,000.

Council agreed to linking the petition on the Town's webpage.

Town Manager Nuaimi thanked all those who participated in the Strategic Plan session noting there were over 50 in attendance in addition to the Town Council and Management Team.

Town Manager Nuaimi stated there is need to have an ad-hoc committee to meet with Supervisor Ramos, and upon Council concurrence, staff will place both the ad-hoc committee for the Basin Wide Foundation and Supervisor Ramos on the next Town Council meeting for action.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. **Council Member Rowe**

Thanked staff for the Strategic Planning Session.

17. **Council Member Huntington**

Thanked staff for the Strategic Planning Session.

Commented regarding the number of calls received by the Fire Department last year.

Advised the construction contracts are all signed for animal shelter so construction should begin shortly.

Commented regarding the need for the Planning Commission to start looking at neighborhood solar requirements.

18. Mayor Pro Tem Lombardo

Commented regarding the Strategic Planning Session.

Commented in agreement for the need of an ad-hoc committee for Brehm Park.

19. Mayor Abel

Advised of comments from the community expressing appreciation for the Strategic Planning Session.

Expressed appreciation for the format of community workshops on a Saturday.

Stated he is glad the Town is moving forward on the safe routes to school program.

Advised of a link on the Town's webpage showing the results of the polling at the Strategic Planning Session.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, February 5, 2013, 6:00 p.m.

CLOSED SESSION

Margo Sturges, Yucca Valley, thanked the Council for holding the Town Manager evaluation in conjunction with a regular meeting.

Mayor Abel adjourned to Closed Session at 7:15 p.m.

- 20. Government Code Section 54956.8, Conference with Real Property Negotiators.**
State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.

Property: APN 061-171-20, 6457 El Dorado
3 Pointe Asset Management/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

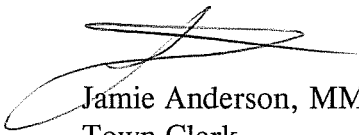
21. **Closed Session pursuant to Government Code Section 54956.9(c), Potential litigation -- One (1) Matter**
22. **Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation (Town Manager)**
23. **Closed Session pursuant to Government Code Section 54957.6, Conference with Labor Negotiators, Negotiators: Mark Nuaimi; Employee Organization(s): Unrepresented Exempt, Unrepresented Non-Exempt**

Mayor Able called the Closed Session to order at 7:25 p.m. and reconvened to open session at 9:05 p.m. Town Attorney Laymon advised there was no reportable action taken.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Jamie Anderson, MMC
Town Clerk