

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
APRIL 2, 2013**

CLOSED SESSION: 5:00 P.M.

Mayor Abel called the meeting to order at 5:13 p.m. with all members present

1. Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation (Town Manager)

Mayor Abel adjourned to closed session at 5:13 p.m. and reconvened to open session at 5:50 p.m. The meeting was recessed to 6:00 p.m.

Mayor Abel reconvened the meeting at 6:00 p.m.

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Abel

INVOCATION

Led by Pastor Tyrone Bridges, Calvary Christian Fellowship

AGENCY REPORTS

Chamber of Commerce

1. Monthly Chamber of Commerce Report for February 2013.

Jennifer Collins, Chamber President, gave the monthly report for February 2013.

APPROVAL OF AGENDA

Council Member Huntington moved to approve the agenda. Council Member Leone seconded. Motion carried 5-0.

CONSENT AGENDA

- 2. **Approve**, Minutes of the Regular Town Council Meeting of March 19, 2013 and Special Meeting of March 26, 2013, as presented.
- 3. **Waive**, further reading of all ordinances and read by title only.
- 4. **Adopt**, Resolution No. 13-11 supporting San Bernardino County’s efforts to provide adequate, equitable, and ongoing funding for San Bernardino County Superior Courts.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, TO SUPPORT EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING SAN BERNARDINO COUNTY SUPERIOR COURT FUNDING TO ENSURE THAT RESIDENTS OF SAN BERNARDINO COUNTY CONTINUE TO HAVE ACCESS TO JUSTICE THROUGH THE SAN BERNARDINO SUPERIOR COURT

- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of February 2013.
- 6. **Approve the accept**, Settlement Agreement between the Town of Yucca Valley and the County of San Bernardino, relative to property tax administration fees (PTAF) charged by the County of San Bernardino, and authorize the Mayor, Town Manager, Town Attorney, and Town Clerk to sign all necessary documents.
- 7. **Ratify**, the Warrant Register total of \$94,933.41 for checks dated March 21, 2013. Ratify Payroll Registers total of \$175,430.41 for checks dated March 15, 2013.

Ramon Mendoza, Morongo Valley, questioned the definition of “equitable funding” in Item 4. Town Manager Nuaimi advised the resolution the Council is being asked to consider, was modeled after the resolution adopted by the County and requested by the County Supervisor. It does not define what equitable is, but gives an indication that all cities in the county will be united.

Council Member Huntington moved to adopt Consent Agenda Item 2-7. Council Member Lombardo seconded. Motion carried 5-0

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

DEPARTMENT REPORTS

8. Appointments to Parks, Recreation and Cultural Commission and Planning Commission.

Town Manager Nuaimi reported the positions have been advertised and posted. Applications were received from Curt Duffy and Charles McHenry for the Planning Commission and Lori Herbel for the Parks, Recreation and Cultural Commission.

Curt Duffy, Yucca Valley, advised of his background and qualifications.

Lori Herbel, Yucca Valley, gave her background and qualifications.

Council Member Leone advised that after going over the applications and background, he has chosen Curt Duffy for Planning Commission. He feels he is a good choice because the position takes a lot of reading and can be quite complex. Land use is an important issue in a growing community. Lori Herbel is his choice for Parks, Recreation and Cultural Commission because she was a former member of the Commission and the Town Council and is active in the basin.

Council Member Leone moved to nominate Curt Duffy to the Planning Commission. Motion died for lack of a second.

Council Member Leone moved to nominate Lori Herbel to the Parks, Recreation and Cultural Commission. Council Member Huntington seconded.

Council Member Rowe advised her concerns are not specific to the individuals nominated, but the process of announcing the choices before the positions had been advertised and applicants brought forward for discussion.

Mayor Abel commented that Council Members do have a right to make recommendations for appointments, however, there are bylaws and checks and balances, and Council has to ratify those appointments. He also expressed concern about the announcements being made even before the positions were officially advertised and posted.

Council Member Rowe commented she is more concerned about the Planning Commission than the Parks, Recreation and Cultural commission noting the Town is in the middle of a General Plan update and Development Code rewrite which are very technical. For that reason she made a substitute motion to leave the current Commissioner in place on the Planning Commission to have that continuum through the general plan update.

Mayor Abel expressed concern that there is a need to review the roles and schedules of the existing commissions due to the staff restructuring and loss of key positions.

Council Member Leone stated he would like to leave the Parks, Recreation and Cultural Commission position open so that others can apply. In meantime he will reappoint Michael Hildebrand to serve on the Planning Commission, but will not choose Jennifer Collins for the Parks, Recreation and Cultural Commission.

Council Member Rowe's substitute motion died for lack of a second.

Council Member Leone advised he did make a substitute motion to leave the position open on the Parks and Recreation Commission.

Council Member Huntington stated he is more concerned about the Planning Commission than about the Parks, Recreation and Cultural Commission which is why he seconded Ms. Herbel's nomination. The Planning Commission is in the middle of two huge projects getting the General Plan and Development Code out. Charles McHenry would have been a better choice due to his position on the General Plan Advisory Committee. He noted he appreciates Mr. Duffy's qualifications but does not see anything related to land use or planning, in addition to being a short time resident, which has bearing on his knowledge of the Community.

Town Attorney Laymon advised a substitute motion was made by Council Member Leone to retain Commissioner Hildebrand on the Planning Commission, remove Parks Commissioner Collins and keep the process open to review applications for Parks, Recreation and Cultural Commission. Council Member Leone agreed. Mayor Abel seconded the substitute motion.

Ramon Mendoza, Morongo Valley, spoke in opposition noting Council Member Leone deserves to have his appointments seconded.

Ray Packard, Yucca Valley, spoke in opposition.

Nancy McHenry, Yucca Valley, stated that her husband didn't get an interview, call or anything in relation to his application.

Jim Walker, Yucca Valley, spoke in opposition questioning if there is a residency requirement.

Dr. Jones Poland, Yucca Valley, commented the Town Manager doesn't live in Town.

Scott McKone, Yucca Valley, commented regarding the ruling change.

Phyllis Lyte, Yucca Valley, questioned the voting procedures on the motions.

Curt Duffy, Yucca Valley, spoke regarding why he submitted his application.

Margo Sturges, Yucca Valley, commented the Council is denying their own rules and regulations.

Jennifer Collins, Yucca Valley, commented she has served on the Parks, Recreation and Cultural Commission for over 4 years and noted she was originally appointed by past Council Member Herbel.

Town Attorney Laymon repeated the motion. Motion carried 4-1 on a roll call vote.

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

9. FY 2013/14 Baseline Budget Update.

Town Manager Nuaimi advised there has been a lot of misreporting about what will and will not be funded. Last week reorganization was implemented for this Town that affected a number of positions and a number of valued employees. Every employee in this organization provides premiere service to this community and every service we provide is valued. We are trying to balance what has been a very challenging budget since about 2010. He noted there are about 20 cards of citizens wishing to speak and expressed appreciation for everyone’s time.

Administrative Services Director Yakimow gave an update on the budget, advising there will also be a budget workshop on Saturday, April 6, 2013 from 9:00 a.m. to 11:00 a.m. He noted that significant changes to the budget since the last workshop include early retirement staff changes, organizational staff changes, reduction in sales tax growth rate to 2%, property growth rate is estimated at 2%, there are no election expenses included, the Public Safety contract increases 3.8% which includes the Sheriff’s Safety Specialist, and the Successor Agency allocation continues at \$200,000. With regard to the Successor Agency he noted that the funds for administrative expenses as well as the enforceable obligations that are allowed by the state for the Successor Agency is subject to tax increment that the agency receives. We are starting to see that tax increment declining, based on assessed values in our commercial area, so if the tax increment isn’t there the expenses need to be picked up by the General Fund.

The organizational changes include 6 full time employees opting to take the early retirement incentive program and 3 full time employees affected by reduction in work

force. Some of those positions will be backfilled to assure continuity in the organization. The resulting savings are estimated to be \$700,000 annually.

Town Manager Nuaimi commented regarding the fact that the Town provides services to the entire basin, noting Council has delivered that message to the County Supervisors and staff as well as to the School District. He encouraged citizens in the audience to also attend County Board of Supervisors and School District meetings to add additional influence to those entities.

Administrative Services Director Yakimow advised the proposed changes take the originally estimated budget deficit of \$388,000 to a surplus of \$293,000. There are still ongoing concerns and unfunded liabilities such as infrastructure maintenance, Brehm Park maintenance, retirement increases and other post-employment benefits. Partnership requests for funding are in the amount of \$43,000 for things such as the Rotary fireworks, youth park maintenance, festival of lights parade, the tennis program, adult literacy, Unity Home and adult health services.

Town Manager Nuaimi advised that the \$10,000 Rotary fireworks allocation last year was provided by County Supervisor Derry and passed through the Town. With regard to the aquatics program, the pool use is going to be maintained for the high school swim team, and the aquatics program is being discussed. There have also been a lot of comments regarding the museum being closed, which is not the case, but it is incumbent on the Town to figure out how to maintain services after retirements. You don't lose 17% of an organization without having an impact.

Mayor Abel opened the floor to public comments.

Shirley Anderson, Yucca Valley, spoke on behalf of the pool and its use for physical rehabilitation.

Bonnie Brady, Yucca Valley, commented regarding the need for programs such as the 4th of July fireworks, the pool, concerts and museum.

Carol Hall Husband, Yucca Valley, spoke in support of the pool that some use because of physical needs.

Dora Poland, Yucca Valley, spoke in support of the concerts and pool and suggested Council forgo their medical and monthly stipend.

Charles McHenry, Yucca Valley, commented that the departments serving the community as a whole are the ones that are getting cut the most. Leaving one person at the museum doesn't give him a warm fuzzy feeling.

Raquel Reed, Yucca Valley, spoke in support of keeping the swim program.

Reggie Ponsford, Yucca Valley, commented that a good portion of the kids in the audience are on the swim team and another portion of them use the pool to keep in shape between school years.

Amanda Garcia, Joshua Tree, commented regarding the importance of swimming to her family, and the impact it has had.

Jake Frank, Yucca Valley, Team Captain for YVHS Swim Team advised the team is preparing to spearhead discussions and negotiations with the School District to try to get their support for the pool and would appreciate it if the Town would hold off on making changes to budget at this point.

Sarah Bartlett, Morongo Valley, commented she likes visiting the animals at the Hi Desert Nature Museum and having the pool during the hot summer months is very important.

Kari Cozza, Huntington Beach, commented regarding being here on spring break with her son, and is grateful to have the opportunity to enjoy pool and community.

Trent Cozza, Huntington Beach, advised he is a CIF Division 1 swimmer at his high school. If the pool wasn't here for him to practice he would not be able to leave home and visit here during spring break.

Charlotte Poland, Yucca Valley, read a note regarding the need for the pool.

Annabelle Poland, Yucca Valley, asked the Council not to close the pool.

Edith Jones Poland, Yucca Valley, spoke in opposition to cutting the aquatics program and reorganization that harms the museum.

John Babrowski, Yucca Valley, representing the Rotary Club of Yucca Valley, requested support for the fireworks. If the requested amount isn't feasible please don't say no to a lesser amount. They are working with other organizations for proposals and contributions.

John Foy, Yucca Valley, Yucca Valley High School swim coach commented that swimming is a life skill.

Rebecca Pessa, Yucca Valley, thanked the Council for their consideration of keeping the pool open.

Loya Howell, Yucca Valley, spoke in support of the swim program and fireworks, noting if the swim program isn't available they will have to go to Palm Springs and give them their money.

Kari Grimes, Yucca Valley, advised the Special Olympics athletes swim at the pool. Asked the Council not to close the pool, and the members of the audience to call their representatives asking for help.

Aaron Ahmadi, Yucca Valley, commented regarding the safety issue of taking the pool away, suggested the use of solar energy to heat it.

Patience McDowell, Yucca Valley, spoke in support of the pool.

Sage Bernardini-Smith, Yucca Valley, commented regarding the importance of the swimming program.

Joshua Goddard, Yucca Valley, commented in support of the pool.

Andrea Garcia, Yucca Valley, spoke in support of the pool.

Lisa Muscari, Yucca Valley, commented regarding the importance of the swim team in their lives. Noted if there aren't little kids learning to swim they will have no feeder program for the high school swim team.

Jennifer Kolisz, Yucca Valley, commented in support of the summer programs.

Lori Herbel, Yucca Valley, commented regarding Council's priorities.

Ramon Mendoza, Morongo Valley, stated he would like to know more about the early retirement. He also commented regarding the need to talk to the School District.

John Yonushonis, Yucca Valley, spoke in support of funding for the Morongo Basin Senior Support Center.

Phyllis Lyte, Yucca Valley, spoke in support of the museum and funding for the adult literacy program.

Faith McAllen, Yucca Valley, Capt. of the girls varsity swim team, commented in support of the pool.

Kathy Goddard, Yucca Valley, commented in support of the pool.

Sheldon Hough, Yucca Valley, commented regarding the popularity of the fireworks

display and the importance of the pool.

Susan Shannon, Yucca Valley, commented that 36 years ago she lost a 2 ½ year old son to drowning, which made swim instruction an urgent priority in her family. Her remaining children all learned to swim.

Tara Paigentini, Yucca Valley, spoke in favor of the pool noting she would be willing to pay an increased fee to use it.

Kimberly Wiederhold, Joshua Tree, Director of summer program for Joshua Springs commented regarding the need for the pool and how much money would be spent down the hill without it.

Andrea Nicole Rivera, Yucca Valley, asked the Council to please not close the pool.

Margo Sturges, Yucca Valley, commented there is an overage from construction of the dog park so there is plenty of money for the pool and concerts for the next couple of years.

Town Manager Nuaimi answered questions regarding how the budget is developed starting with the annual goal setting workshop in January.

Mayor Abel expressed appreciation to those who gave their concerns and offered possible solutions.

Council Member Lombardo commented it is very obvious the Town is not willing to lose the benefits of pool, museum and other services. We must work together to prioritize our wants, and the School District has to be part of the solution. Council has heard loud and clear the need to save the pool and museum, but it can't be just the town. We will all have to take money out of our pockets to help fund the things we value. He donated \$500.00 and asked all the other dentists in the community to match that amount.

Council Member Rowe commented that we have some ideas for the pool, clarifying that tonight's discussion is an overview of the budget, not a line item by line item review. Administrative Services Director Yakimow noted that comments will also be taken on Saturday. Town Manager Nuaimi commented that staff heard from many that they are willing to pay higher fees, but we can't go crazy and drive people away by raising fees to where they are no longer competitive. We will do the best we can to identify other funding and don't want to overprice the programs to where no one uses it.

Mayor Abel reiterated that the Council will be having another budget workshop on Saturday, April 6, 2013 from 9:00 a.m. to 11:00 a.m.

Council Member Leone advised he has heard the residents loud and clear that quality of life issues are extremely important. He still feels there is a lot of waste in government and we have to look closely to see where we might be able to cut to save these quality of life programs.

Council Member Huntington agreed that quality of life issues are very important noting Council will work diligently to maintain them the best we can. We don't want to destroy or close anything that we can't restore.

Town Manager Nuaimi added when you look at the baseline budget and take out the costs for Animal Control there is currently \$1,000,000 budgeted for Community Services, which is not an insignificant amount of money.

Council Member Lombardo moved to receive the updated baseline budget report for the 2013-14 fiscal year, and approve the Agreement of Separation, Severance and General Release in form, and authorize the Town Manager to make non-substantive changes as needed and execute the agreements with the following eligible employees: James Schooler; Janet ("Jamie") Anderson; Lynne Richardson; Linda Wright; Christine Lewis; and Janine Cleveland. Council Member Rowe seconded. Motion carried 5-0

FUTURE AGENDA ITEMS

Mayor Abel requested review of commissions. Town Manager Nuaimi requested that be discussed after budget adoption.

PUBLIC COMMENT

Ramon Mendoza, Morongo Valley, commented regarding the employees who are leaving stating they are going to be missed. Agreed with the need to hold the fireworks display due to the potential fire danger without it. There is also a need to make sure there is enough money for the Sheriffs.

Charles McHenry, Yucca Valley, wished Community Services Director Schooler and Town Clerk Anderson well in retirement, noting they will be hard to replace. Commented regarding the ceremony for Minerva Hoyt last Wednesday and thanked Council Members Huntington, Leone and Rowe for attending.

Margo Sturges, Yucca Valley, thanked everyone for showing up this evening, commented it was condescending to tell people they are going to have to pay more out of their pocket. Asked the Town Manager not to talk so much.

Jim Babb, Landers, questioned the Council's decision regarding Mr. Duffy.

Lori Herbel, Yucca Valley, questioned why there isn't enough money for programs all of a sudden.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi stated that Council has hired him to answer questions, it is his job. His role is to continue to provide information to the Council so they can make policy decisions. Advised he will sit down with Mr. Mendoza and anyone else to answer questions and go over the budget.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

10. Council Member Leone

Commented he was not surprised by the outcome of his commission selections, wondered if Council Members made their opposition know in the public with the other Council Members present and whether or not there might be a Brown Act violation.

11. Council Member Rowe

Commented she had no opposition to the candidate choice, it was the process and the pre-announcement.

Thanked the Chamber of Commerce and the Marines for the work they did on the west end of Town.

Thanked staff for putting together the successful Easter egg hunt.

12. Council Member Huntington

Advised his opposition to Mr. Duffy was only stated in a personal phone call to Council Member Leone

Advised he enjoyed attending the Mt. Minerva presentation and appreciated that the recognition went to Steve and Ruth Rieman.

Reported regarding attendance at the dedication of the newly expanded Greenleaf Library at Copper Mountain College, noting he was surprised to learn that it was a public library

Commented regarding the progress at the animal shelter construction site.

13. Mayor Pro Tem Lombardo

Expressed shock about some of what went on tonight noting he loves this town and wants to see it prosper and grow. Everyone needs to find ways to be a little more supportive of the Town and its programs, and he doesn't understand the attitude he received for trying to participate and help. We all have to stand together and make through until times are better.

14. Mayor Abel

Thanked all those who did attend tonight to be a part of process. Council got a lot of good information and specific reasons to support a program. Council has a lot of hard decisions to make.

Advised he spoke to the area representative for Senator Barbara Boxer about the condition of the road to the Black Rock Campground.

Thanked Commissioner Collins for all her hard work and dedication noting it is a thankless job sometimes and Council appreciates those who apply and are appointed.

Advised that the CHP is actively enforcing the law regarding use of hand held electronic devices this month.

ANNOUNCEMENTS

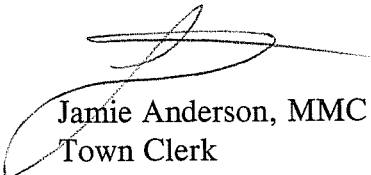
Budget Workshop, Saturday, April 6, 2013, 9:00 a.m.

Next Town Council Meeting, 6:00 p.m., Tuesday, April 16, 2013, Regular Meeting, Yucca Valley Community Center Yucca Room

ADJOURNMENT

There being no further business the meeting was adjourned at 9:10 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk