

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JUNE 18, 2013**

OPENING CEREMONIES

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

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

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Police Captain Boswell, and Deputy Town Clerk Copeland

PLEDGE OF ALLEGIANCE

Led by Mayor Abel

PRESENTATIONS

Employees of the Year

Rose Stewart was awarded as the Town of Yucca Valley's part-time employee of the year. Kim Casey, Animal Control Officer II was awarded as the Town of Yucca Valley's full-time employee of the year. Both were presented with plaques and well wishes by the Town Council.

Retirees- Jamie Anderson and Jim Schooler

Jamie Anderson was recognized by the Town Council for her career in public service as Town Clerk for the Town of Yucca Valley.

Jim Schooler was recognized by the Town Council for his many years of service as Community Services Director for the Town of Yucca Valley.

AGENCY REPORTS

1. Hi Desert Water District

Mark Ban, Director of Operations for Hi Desert Water District presented a water and wastewater update. Ban announced the date and time of the Water Quality Control Board meeting for June 20, 2013 at 10 a.m. at the Yucca Valley Community Center.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Council Member Leone requested that items 7 and 9 be pulled from the consent agenda.

- 2. **Waive**, further reading of all ordinances and read by title only.
- 3. **Adopt** Ordinance No. 238, amending the Development Code relating to Second Dwelling Units

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0305(b), 84.0320(b) AND 84.0325(b), CHAPTER 5, SECTION 84.0510 RELATING TO ACCESSORY USES

- 4. **Adopt** Ordinance No. 239, amending the Municipal Code by adding section relating to Density Bonus

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8, DIVISION 7 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING CHAPTER 11, SECTIONS 87.1110-87.1180, DENSITY BONUS AND OTHER HOUSING DEVELOPMENT INCENTIVES

- 5. **Adopt** Ordinance No. 240, amending the Development Code to allow Emergency Transitional Housing and Single Room Occupancy Units within the Industrial Land Use District

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0370 TO ALLOW EMERGENCY TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS WITHIN THE INDUSTRIAL LAND USE DISTRICT

- 6. **Adopt** Ordinance No. 241, amending the Municipal Code by adding section addressing Reasonable Accommodations

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8, DIVISION 3, CHAPTER 3 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING ARTICLE 9, SECTION 83.0309, REASONABLE ACCOMMODATIONS

- 7. Item Pulled
- 8. **Adopt** Resolution No.13-23, authorizing the annual levy of special taxes for Community

Facilities District No. 11-1, for fiscal year 2013-14

- 9. Item Pulled
- 10. **Award** construction contract to Pavement Coatings Company, in the amount of \$364,700 and authorizes a construction contingency in the amount of \$35,300, for a total contract amount of \$400,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
- 11. **Ratify** the Warrant Register total of \$90,288.46 for checks dated May 30, 2013.
Ratify the Payroll Register total of \$154,658.57 for checks dated May 24, 2013

Ron Cohen, Yucca Valley commented on items included in the warrant register addressed to Administrative Services Director Yakimow earlier in the day.

Council Member Huntington moved to approve the consent agenda, (Items 2-6, 8, 10 and 11) Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

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

Item 7- Network Support Services- Professional Services Agreement

James Walker, Yucca Valley questioned the renewal of the existing contract instead of going out to bid.

Ron Cohen, Yucca Valley spoke against the award of bid.

Community Services Director Yakimow explained the current timeline and that an RFP for contract information technology services was conducted in 2011. Going out to bid each time the annual contract is up for renewal is not efficient. Town staff has been very pleased by the service provided by Southwest Networks. At the time of the RFP, the cost was competitive with other responding firms.

Council Member Leone stated that he would like to see more local businesses bid on these contracts.

Council Member Huntington moved to authorize a one-year extension through June 30, 2014 of the current contract with Southwest Networks, Inc. to provide professional network maintenance and computer services, and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney and to release

an RFP before returning the information technology contract in the future. Council Member Lombardo seconded. Motion carried 5-0 on a voice vote.

Item 9- SR62 @ Dumosa Traffic Signal Project: San Bernardino Associated Governments (SANBAG) Project Funding Agreement C13161

Council Member Leone stated he was in favor of the funding agreement with SANBAG for the Dumosa Signal, but was opposed to the closure of Antelope Trail.

Fritz Koenig, Yucca Valley spoke in opposition of the Dumosa traffic signal.

Council Member Rowe moved to approve Project Funding Agreement C13161 between the Town of Yucca Valley and SANBAG. Council Member Huntington seconded. Motion carried on a 4-1 voice vote.

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

PUBLIC HEARING

12. Resolution No. 13-24, Annual Assessment Engineer’s report for Previously Formed Street and Draining and Landscape & Lighting Maintenance Districts Levying Annual Assessments Upon Real Property Within the Districts.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER’S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2013-14 TAX YEAR

Mayor Abel opened the public hearing and questioned if the Town Clerk has any written communication regarding the street vacation. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report and explained that before the annual assessment can be established, Town Council approval is necessary following a public hearing. The assessment of an annual fee upon properties within the district provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

With no one wishing to speak on the item, Mayor Abel closed the public hearing.

Council Member Leone questioned if homeowners are noticed that the levy will go into effect. Deputy Town Manager Stueckle explained that when the Assessment Districts are formed, the property owners vote on the initial levy. In subsequent years, if the annual levy were to exceed the maximum allowable charges as stated in the original levy, the property owners would be required to vote on the increase.

Council Member Leone moved to adopt the Resolution 13-24, approving and confirming the assessments as set forth in the Engineer’s Reports and declares its intent to levy and collect assessments upon real property within the existing districts for the 2013-14 tax year, and authorizes the levy of assessments as recommended in the Engineer’s Reports. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

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

13. Resolution No. 13-25, Street Vacation SV-01-13, SR 62 Outer Highway North, SR 62 @ Dumosa Avenue 7,567 square feet relinquishment of the outer highway on SR 62. APN 0595-371-41

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA APPROVING STREET VACATION SV-01-13 VACATING THAT PORTION OF EASEMENT ON ASSESSOR’S PARCEL NO. 0595-371-41 AS IDENTIFIED IN THE ATTACHED LEGAL DESCRIPTIONS

Mayor Abel explained that the public hearing is a continuance of the June 4, 2013 Yucca Valley Town Council meeting. Abel questioned if the Town Clerk has any written communication regarding the Street Vacation SV-01-13 resolution. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report and explained that the street vacation is an essential component for public utility accommodations.

With no one wishing to speak, Mayor Abel closed the public hearing.

Council Member Leone asked for clarification that the street vacation will not affect the restaurant located adjacent to Dumosa Ave. Deputy Town Manager Stueckle confirmed that the street vacation is on the west side of Dumosa.

Council Member Huntington moved to: 1) Approve the granting of an easement to the public for street and utility purposes for Dumosa Avenue, as described in Attachment “A” to this staff report, and authorizes the Mayor to sign the grant of easement, and directs the Town Clerk to record the easement with the San Bernardino County Recorder’s Office. 2) As recommended by

the Planing Commission at their meeting of April 9, 2013, approve Resolution No. 13-25 vacating approximately 7,567 square feet of that portion of the existing highway easement across Assessor’s Parcel Number 595-371-41, as specifically identified in Exhibit “B: to this staff report, and directing the Town Clerk to record the vacation with the San Bernardino County Recorder’s Office. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

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

DEPARTMENT REPORTS

14. Resolution No. 13-26, Desert Renewable Energy Conservation Plan; Utility-Scale Renewable Energy Projects; AB12-13 Bobcat Protection Act of 2013 Status Update

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA REQUESTING THE CALIFORNIA ENERGY COMMISSION TO HOLD PUBLIC WORKSHOPS IN THE MORONGO BASIN FOR THE DESERT RENEWABLE ENERGY CONSERVATION PLAN

Deputy Town Manager Stueckle presented the staff report and explained that the resolution is in response to council direction at the June 4, 2013 meeting. The purpose of the resolution is to encourage local, public participation with the Desert Renewable Energy Conservation Plan. The resolution also requests the California Energy Commission to analyze the socio-economic impacts in Morongo Basin communities from each of the DRECP alternatives.

Deputy Town Manager Stueckle presented an update on AB12-13 Bobcat Protection Act of 2013 including geographical boundaries and the changes in the legislation as it moves through the standard process. If adopted, the legislation would prohibit the trapping of bobcats on the south side of Highway 62, to the intersection of Highway 62 with Interstate 10 to the west, Interstate 10 to the south, and Highway 177 to the east.

With no public wishing to speak, Mayor Abel closed public comment.

Council Member Huntington announced that San Bernardino County has placed a 45-day moratorium on all commercial solar projects.

Council Member Rowe stated that in recent correspondence, the DRECP, the State Energy Commission and San Bernardino County have agreed to meet in Lucerne Valley, Morongo Valley, and Johnson Valley during July and August for public outreach in the Hi-Desert.

Council Member Leone expressed concern for intrusive windmill construction in the Morongo Basin.

Mayor Pro Tem Lombardo commented on the benefit of possible impact fees paid by commercial energy companies.

Mayor Pro Tem Lombardo moved to adopt the Resolution 13-26, requesting the California Energy Commission to convene meetings in the Morongo Basin to allow for public participation of Morongo Basin residents in the development of the Desert Renewable Energy Conservation Plan. Council Member Huntington seconded. Motion carried on a 5-0 voice vote.

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

15. Five Year Capital Improvement Program

Deputy Town Manager Stueckle presented the staff report and explained that the Capital Improvement Program (CIP) is a planning tool for the expenditure of resources for public infrastructure. Stueckle reviewed the key projects contained in the CIP and thanked Town engineering and finance staff for the collaborative work in bringing this plan forward.

Ron Cohen, Yucca Valley, commended staff on the CIP document and questioned how unfunded projects are brought into the plan.

Margo Sturges, Yucca Valley questioned the lack of projects listed in years 3, 4 and 5.

Mayor Abel commented on the CIP document that with all the unfunded projects listed, finding funding is the key in bringing these forward. Abel stated he is looking forward for the completion of the signal synchronization project and would like to see a way for additional signals to be included in that plan.

Council Member Rowe explained that the projects listed do drop off after the first couple of years and is because the funding is not in place. Once a budget is established for projects, they are moved from unfunded to the calendar.

Town Manager Nuaimi reminded that with the dissolution of RDA funding, many of these projects are awaiting alternative funding. Development impact fees are predominantly from the retail side of development and is targeting road and flood control infrastructure and not the other projects listed in the plan. With the recession and the lack of RDA funding, the CIP shows a significant level of unfunded projects and a significant drop off in the out-years.

Council Member Rowe requested that staff work on an update to the Parks Master Plan. Town Manager Nuaimi explained that a series of updates is required for consideration. This series begins with the General Plan Update which is currently in progress. Once the updated General

Plan is adopted and includes projected growth periods, the other plans such as the Parks Master Plan, the Storm Drain Master Plan can follow as long as resources are available to do so.

Mayor Pro Tem Lombardo thanked staff for their hard work with the CIP and the budget. With more than 10 million dollars' worth of capital improvement projects and relatively little local funds to bring the projects forward is incredible and shows resourcefulness of the Town staff.

Council Member Huntington questioned if some of the items listed were from the Parks Master Plan and the Public Facilities Master Plan and forecasted the need for infrastructure as the community grew. Deputy Town Manager Stueckle confirmed that as a planning tool, these documents do list needed infrastructure necessary for the organization to provide appropriate service to a growing community.

Council Member Leone commented on the proposed equestrian center in the Yucca Mesa area.

Council Member Leone moved to:

- 1) Find that the project is exempt from CEQA in accordance with Section 15378 (b)(4) and Section 15061 (b)(3) of the California Environmental Quality Act. The Capital Improvement Program is not a project nor is there possibility of a significant effect on the environment from the Program. Further the CIP does not result in a commitment to any specific project.
- 2) Adopt the Five Year Capital Improvement Program for Fiscal Years 2013/2014 through 2017/2018.

Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

16. Fiscal Year 2013-14 Proposed Budget Adoption

Administrative Services Director Yakimow presented the staff report and explained the budget process beginning in January 2013. With five public budget workshops, Yakimow thanked the public for the participation throughout the process. The budget priorities addressed in the budget document includes:

- Public Safety – Schedule A Funding Restored
- Emphasis on Fiscal Responsibility- Balanced Budget
- Addresses Projected Structural Deficit
- Begins to Fund Previously Unfunded Liabilities
- Continues to Provide Stable Reserves
- Implements Funding Strategy for Major Capital Projects

Administrative Services Director Yakimow continued by presented a budget summary and recap with anticipated revenues of \$9.2 million and reserves of \$6.6 million. Total expenditures are projected at \$9.1 million with a 15% reduction of full-time personnel positions. Public Safety is fully funded including the restoration of the Sheriff's Safety Specialist. The budget does not

provide for a cost of living adjustment (COLA) for employees. Town staff continues to work on modifications on public partnerships and contracts.

Bill Neeb, Indio, thanked staff and the Town Council for their hard work and keeping stable reserves.

Ron Cohen, Yucca Valley, spoke in opposition of the budget document

Margo Sturges, Yucca Valley, commented on the 2012-13 budget transmittal letter, the use of budget reserves and funding the Sheriff's Safety Specialist.

Hilary Slotta, Yucca Valley, thanked the Town Manager for his hard work in procuring alternative funding for the Summer Music Festival

Joe Sullivan, Yucca Valley, thanked Town staff and spoke in favor of the budget document.

Mayor Abel asked the staff to address items presented during public comment. Town Manager responded to comments regarding, unfunded liabilities, retirement costs, reserve levels, and the Sheriff's Safety Specialist.

Administrative Services Director Yakimow explained GANN limitation, setting the maximum amount of taxes the Town of Yucca Valley can collect at \$32 million annually. With projected tax revenues estimated at \$7.3 million, the Town is far below the maximum cap.

Mayor Abel stated he is very pleased with the transparent process used to create the proposed budget. For the past six months, workshops were planned, information prepared and hearings held. Abel explained he understands the need for efficiency with such a small staff and limited funding.

Council Member Rowe thanked staff for their work and the public for their input during the budget preparation process.

Mayor Pro Tem Lombardo stated it is apparent that the budget preparation was a collaborative effort between staff and the public and commented that local government budgeting is different than private industry. Because of these differences, Lombardo thanked staff for presenting the information in a clear manner.

Council Member Huntington cautioned staff to watch salary and benefit costs in the future.

Council Member Leone thanked Town Manager Nuaimi for his true-to-fact budget transmittal letter and spoke against staff salaries as how they compare to the revenues of a community this size. Leone stated he is fearful of the future now that big-government is in Yucca Valley.

Council Member Rowe responded to Leone's statement and gave a reminder that the current Town Manager's salary is less than the former Town Manager.

Mayor Abel spoke in favor of the Town Manager’s salary and explained with the Town Manager’s expertise, outside funding has been brought into the community to complete several projects that were unreachable in the past.

Council Member Rowe moved to:

- Adopt Resolution No. 13-27 approving the fiscal year 2013-14 proposed budget, and designating those officials authorized to make requisitions for encumbrances against appropriations.
- Adopt Resolution No. 13-28 establishing the spending limitation for fiscal year 2013-14.
- Adopt Resolution No. 13-29 authorizing positions for fiscal year 2013-14, and authorizing pay ranges for such positions for fiscal year 2013-14, effective with the payroll dated July 19, 2013.
- Approve an amendment to the contract with the San Bernardino County Sheriff’s Department, and authorize the Town Manager to sign on behalf of the Town.
- Approve the staff recommendation regarding the public safety budget including the rollover of the FY 2012-13 service level,
- Approve the staff recommendation of the transfer of fund balance in an amount of \$170,000 to be used in meeting a portion of the Town’s infrastructure deficit.

Council Member Huntington seconded. Motion carried on 4-1 on a roll call vote.

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

FUTURE AGENDA ITEMS

None

PUBLIC COMMENT

Charles McHenry, Yucca Valley, spokes about the recent art exhibit opening at the Hi Desert Nature Museum, thanked the museum staff and encouraged visitors to sign the log book.

Paul Hoffman, Yucca Valley, spoke against the potential recall of two council members.

Cary Harwin, Yucca Valley thanked Town staff and the Town Council for the transparent budget process and spoke against the potential recall.

Art Miller, Jr. Yucca Valley thanked council and staff for due diligence with the budget process this year and spoke in support of the California Welcome Center and the Hi Desert Nature Museum.

Scot McKone, Yucca Valley spoke against the potential recall.

Margo Sturges, Yucca Valley commented on the freedom and rights of Americans in government and spoke in favor of the potential recall.

Joe Sullivan, Yucca Valley spoke against the potential recall. Our local government is transparent, thanks to staff and town council.

Marge Crouter, Yucca Valley, asked for Town Council support in enforcement of the Night Sky Ordinance.

Jamie Anderson, Yucca Valley, thanked the Town Council for their dedication to the community and stated it was a pleasure working with them.

Jennifer Collins, Yucca Valley, thanked the Town Council and Town staff for moving many projects forward for the benefit of the community.

Fritz Koenig, Yucca Valley, spoke on transparency in government and the culture of Yucca Valley.

Robert Dunn, Yucca Valley, thanked the Town Council for representing the people of the community and spoke against the potential recall.

Hilary Slotta, Yucca Valley, spoke against the potential recall and thanked staff and Town Council for serving the people of Yucca Valley

Bob Stadum, Yucca Valley, commented on the democracy process and gave thanks to the Town Council

Bill Warner, Yucca Valley offered gratitude with the Town Council for representing the residents of Yucca Valley and spoke in opposition of the proposed recall effort.

Sarann Graham, Yucca Valley, spoke in opposition of the proposed recall and thanked council for their dedicated service.

Sheldon Hough, Yucca Valley commented on the good things happening in the community and spoke against the proposed recall.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi thanked Town staff for their commitment to the organization and the extra efforts put forth because of the reduction in Town personnel.

Nuaimi reminded the Town Council of the Regional Water Quality Board meeting on Thursday, June 20th.

Nuaimi thanked the Town Council for their input and policy direction given to staff to pass a balanced budget, and announced that the Town Council will be dark in July.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

17. **Council Member Leone** congratulated the retirees, Jim and Jamie for their service and to the Employees of the Year, Kim and Rose for their fantastic work.
18. **Council Member Rowe** congratulated the retirees, the employees of the year and the Sheriff's department for their service.
19. **Council Member Huntington** also congratulated Jim, Jamie, Kim and Rose. Huntington thanked the Museum staff for a wonderful reception last Friday and stated the recent Drug Court Graduation was an uplifting event.
20. **Mayor Pro Tem Lombardo** congratulated Jim and Jamie on their retirement and wished them well; thanked Kim and Rose for their hard work.
21. **Mayor Abel** expressed appreciation to staff and fellow council members for a balanced budget; thanked Jamie and Jim for their help over the years and representing the Town of Yucca Valley very well; looking forward to the Summer Concert Series beginning on June 29th and thanked the public for their kind words and support.

ANNOUNCEMENTS

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

ADJOURNMENT

There being no further business the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Deputy Town Clerk