

**TOWN OF YUCCA VALLEY
SPECIAL TOWN COUNCIL MEETING MINUTES
DECEMBER 10, 2013**

OPENING CEREMONIES

Mayor Abel called the Town Council meeting to order at 6:00 pm. Council Members present were Huntington, Leone, Rowe, Mayor Pro Tem Lombardo and Mayor Abel.

Staff members present were: Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Police Lieutenant Wilke, Town Attorney Laymon and Town Clerk Copeland.

The Pledge of Allegiance was led by Mayor Abel

The Invocation was presented by Pastor Myron Wells, of First Christian Church

PRESENTATION

1. San Bernardino County Sheriff's School Resource Officer Update

San Bernardino County Sherri's Lieutenant Wilke presented an update on the recent activity of the local School Resource Officer.

Mayor Abel commented favorably of having this wonderful asset in our community.

Council Member Leone inquired on the percentage that Morongo Unified School District contributes to the expense of this position.

2. State of the Town Address

The State of the Town Address was presented by Mayor Abel, highlighting Financial Activity, Public Safety, Recreation and community Services, Public Works and Private Land Development

APPROVAL OF AGENDA

Council Member Huntington moved to approve Town Council meeting agenda for December 10, 2013. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

3. **Waive** further reading of all ordinances and read by title only.

4. **Approve** the Town Council Meeting minutes of November 5, 2013 as presented

- 5. Item Pulled
- 6. **Ratify** the Payroll Registers total of \$258,684.37 for checks dated November 8, 2013 and November 22, 2013;
Ratify the Warrant Registers total of \$376,612.59 for checks dated November 14, 2013

Mayor Abel opened public comment on the Consent Agenda items. With no members of the public wishing to speak, Mayor Abel closed public comment.

Council Member Huntington moved to approve Consent Agenda items 3, 4 and 6. 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 5- Records Retention Policy Compliance; Authorization to Purge Records

Administrative Services Director Yakimow presented the staff report on the item, explaining that listed items to be purged are primarily financial records. All records meet the criteria for destruction in accordance to the Town’s approved Records Destruction Policy.

Mayor Abel opened public comment on the item.

Ramon Mendoza, Morongo Valley inquired if flood control records were included.

With no other members of the public wishing to speak, Mayor Abel closed public comment.

Council Member Leone moved to approve continuing compliance with the Town’s Records Retention Policy and authorizes the purging of out-of-date records in accordance with California Government Code and the Town’s Resolution 04-14. Council Member Huntington 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

REORGANIZATION OF TOWN COUNCIL

7. Selection of Mayor

Town Clerk Copeland opened Public Comment on the selection of Mayor and the selection of Mayor Pro Tem. With no members of the public wishing to speak, public comments were closed.

Town Clerk Copeland opened nominations for Mayor.

Council Member Rowe nominated Mayor Pro Tem Lombardo for the position of Mayor. Council Member Leone seconded. There were no other nominations. Motion carried 5-0 on a roll call vote.

8. Selection of Mayor Pro Tem

Mayor Lombardo opened nominations for the selection of Mayor Pro Tem.

Council Member Leone nominated Council Member Huntington for the position of Mayor Pro Tem. Council Member Abel seconded. There were no other nominations. Motion carried 5-0 on a roll call vote.

9. Presentation to Outgoing Mayor

Mayor Lombardo presented a plaque to Outgoing Mayor Abel for his dedication and leadership while serving as the Mayor of Yucca Valley.

PUBLIC HEARING

**10. Development Code Amendment, DCA 08-13;
Chapter 9.46, Renewable Energy Generation Facilities**

Mayor Lombardo opened the public hearing on Development Code Amendment, DCA 08-13; Chapter 9.46, Renewable Energy Generation Facilities

Town Clerk Copeland announced that no written communication has been received on the item.

Planning Technician Diane Olsen presented the staff report, explaining that Chapter 9.46 prohibits the development of commercial solar facilities and commercial wind energy facilities in any land use district with the Town of Yucca Valley. The Yucca Valley Planning Commission discussed this item at its meeting of May 7, 2013 and held a public hearing on October 22, 2013. Under this ordinance, the description of solar energy generation project or wind energy facilities does not include accessory solar or wind energy equipment installed primarily for onsite consumption.

Mayor Lombardo opened public comment. With no members of the public wishing to speak, public comments were closed.

Council Member Leone commented favorably on the item and was glad to see that it does not restrict renewable energy projects for onsite consumption.

Mayor Pro Tem Huntington stated he also is in favor of prohibiting commercial farms which can disrupt Yucca Valley's natural beauty.

Council Member Rowe commented on the current situation in the County Area regarding commercial solar facilities.

Council Member Rowe moved to:

- A. Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 08-13 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".
- B. Introduce the Ordinance amending the Development Code, DCA 08-13

Council Member Leone seconded. Motion carried 5-0 on a roll call vote

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

DEPARTMENT REPORTS

**11. Budget Report for the fiscal year ended June 30, 2013;
Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013**

Senior Accountant Sharon Cisneros presented the Budget Report for the fiscal year ending June 30, 2013 summarizing the General Fund fiscal performance. Revenue exceeded the final budget by \$602,000 and expenditures were \$352,000 less than the final budget.

Administrative Services Director presented a recap on General Fund Reserves which as of June 30, 2013 totaled \$7.1 million.

Charles DeSimoni for Rogers, Anderson, Malody and Scott, LLP (RAMS) presented the audit report and explained the audit process, the responsibilities as an auditing firm and findings from the recent audit.

Mayor Lombardo opened public comments.

Ramon Mendoza, Morongo Valley commented on the financial reports and requested data to report if the available budget is affective and meeting all the needed services.

Margo Sturges, Yucca Valley commented on development impact fees and senior housing fund restrictions.

Fritz Koenig, Yucca Valley state he would like to see the infrastructure deficit included in the annual budget report.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Council Member Rowe inquired on the status of development impact fee loans for the current fiscal year. Rowe also commented that the excess of the general fund balance for fiscal year ending June 30, 2013 should be earmarked for roads as previously discussed.

Mayor Lombardo asked for clarification that the General Fund will not be impacted by development impact fee repayment activity.

Mayor Abel thanked RAMS for their professional service.

Mayor Pro Tem Huntington asked DeSimoni if having the same audit firm each year produces the most comprehensive review. DeSimoni explained that the audit staff assigned to the Town periodically changes and RAMS also has its own quality control standards each audit team must meet.

Council Member Abel moved to receive and file the Budget Report for the fiscal year ended June 30, 2013; and receive and file the Comprehensive Annual financial Report (CAFR) for the fiscal year ended June 30, 2013. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a voice vote.

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

NOES: None

ABSTAIN: None

ABSENT: None

**12. 2013 California Building Codes Overview; Set Public Hearing for January 21, 2014,
Town Council Meeting**

Patrick Carroll of Charles Abbott and Associates presented the staff report to introduce the ordinance and set the matter for public hearing. Carroll explained that the State of California updates building code standards every three years. The Town of Yucca Valley currently uses 2010 California Building Codes. The majority of the changes are related to energy efficiency.

Town Attorney Laymon gave clarification that adopting an ordinance by reference as in this case, the public hearing is held at the second reading of the ordinance.

Mayor Lombardo opened public comment.

Fritz Koenig, Yucca Valley commented on Appendix J regarding grading limits.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Council Member Abel spoke on the benefits of keeping up with the current building standards.

Mayor Pro Tem Huntington asked for clarification of Appendix J and if this was a change from previous code standards.

Mayor Pro Tem Huntington moved to introduce the Ordinance and set the matter for public hearing at the Town Council meeting of January 21, 2014. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

NOES: None

ABSTAIN: None

ABSENT: None

FUTURE AGENDA ITEMS

Council Member Leone stated he would like to discuss speed limits on dirt roads at a future meeting.

PUBLIC COMMENTS

Mayor Lombardo opened public comments for items not on the agenda.

Fritz Koenig, Yucca Valley commented on the recruitment process for the vacant Town Manager position.

Sarann Graham, Yucca Valley congratulated the Lombardo and Huntington and wished everyone well for the new year.

Cary Harwin, Yucca Valley thanked the Town Council for the accomplishments during the past year.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle reported that San Bernardino County Fire personnel will be using available office space at the Community Development Building for fire inspection services. Stueckle continued by thanking the Town Council for their financial guidance and to the Administrative Services staff for a successful audit.

Administrative Services Director Yakimow reported that the Town events this past weekend, including the Holiday Craft Faire and the Annual Tree Lighting Ceremony were a success.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

13. Council Member Abel thanked Town Staff for assistance with the State of the Town Address and commented that he is proud of the Town Council and Town Staff for what has been accomplished during this challenging year.
14. Council Member Leone congratulated Mayor Lombardo and Mayor Pro Tem Huntington.
15. Council Member Rowe thanked Council Member Abel for his leadership this past year and congratulated Lombardo and Huntington.
16. Mayor Pro Tem Huntington thanked Yakimow and Cisneros for a successful audit and announced that the Replacement Animal Shelter facility is now operational.
17. Mayor Lombardo commended staff for a clean financial report and thanked Council Member Abel for his mentorship.

ANNOUNCEMENTS

The next Yucca Valley Town Council meeting is scheduled for Tuesday, December 17, 2013 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room.

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Mirage Front Properties, LLC

Mayor Lombardo opened public comments for the closed session item.

Bart Porter, Newport Beach stated he is formally involved with the property being discussed in closed session and believes that the interests of both parties are aligned and the bonds should be released properly.

Mayor Lombardo adjourned the meeting to closed session at 8:25 pm.

Town Attorney Lona Laymon reported out from closed session with no reportable action at 9:10 pm.

Respectfully submitted,

Lesley Copeland, CMC

Town Clerk