

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
DECEMBER 17, 2013**

OPENING CEREMONIES

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

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

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

The Pledge of Allegiance was led by Mayor Lombardo

AGENCY REPORTS

1. Hi Desert Water District

The monthly Water / Wastewater Report was presented by Hi Desert Water District Operations Manager, Mark Ban.

APPROVAL OF AGENDA

Mayor Lombardo asked to amend the meeting agenda to allow for public comment for items not on the agenda, and then address the Public Hearing (Item 8), followed by the Joint Meeting of the Town Council and Planning Commission, and then reconvene the Town Council meeting at the Consent Agenda portion of the regular Town Council agenda.

Council Member Rowe moved to approve the amended agenda for the Regular Town Council Meeting of December 17, 2013. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENT

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

David Peach, Joshua Tree requested the Town Council reconsider the decision to close the medical marijuana dispensary in Yucca Valley.

Lanny Swerdlow, Whitewater, CA spoke of his experience in Palm Springs with medical marijuana taxation and urged the Town Council to take a similar approach and allow California Alternative Medicinal Solutions (CAMS) to operate in Yucca Valley.

Sam Sloneker, spoke favorably of CAMS as a medical marijuana dispensary in Yucca Valley.

Curt Duffy, Yucca Valley commented in favor of a medical marijuana dispensary in Yucca Valley.

Margo Sturges, Yucca Valley spoke in favor of medical marijuana use.

Brian Nicholson, CAMS Director, spoke of concern about the lack of facilities for local clients.

Jamie Anderson, Yucca Valley spoke on opposition of CAMS operation in Yucca Valley.

Susan Simmons, Yucca Valley spoke in favor of medical marijuana use.

Almut Fleck, Twentynine Palms spoke favorably of medical marijuana use.

Bonnie Brady, Yucca Valley asked the Town Council to reconsider letting CAMS operate in Yucca Valley.

Ramon Mendoza, Morongo Valley spoke favorably of cannabis use.

Terry Turner, Landers informed the Town Council of several clandestine marijuana operating in Yucca Valley since the CAMS closure.

Steve McQuire, Yucca Valley spoke in favor of medical marijuana use.

Red Toph, Twentynine Palms spoke of medical marijuana use for a recent health condition and asked the Town Council to reconsider the decision to close the local dispensary.

Mark Simmons, Yucca Valley asked the Town Council to reconsider the decision to close CAMS.

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

8. Conduit financing for the Caritas Affordable Housing, Inc.; Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA); Aztec Mobile Home Park

Mayor Lombardo opened the public hearing for Conduit financing for the Caritas Affordable Housing, Inc.; Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA); Aztec Mobile Home Park.

Deputy Town Manager Stueckle presented the staff report explaining the purpose for the public hearing. Caritas Affordable Housing Inc. is seeking tax-exempt bond funding. A TEFRA Hearing is required to allow the community to speak either for or against the use of tax-exempt bonds for financing of their project. Stueckle clarified that the bonds to be issued by the California Municipal Finance Authority (CMFA) for the project will be the sole responsibility of the borrower and the Town will have no financial, legal, moral obligation, liability or responsibility for the project or the repayment of the bonds. There are no costs associated with

membership in the CMFA and the Town will in no way become exposed to any financial liability by reason of its membership in the CMFA. In addition, participation by the Town will not impact the Town's appropriations limits and will not constitute any type of indebtedness by the Town.

Deputy Town Manager Stueckle continued to explain that Caritas Affordable Housing, Inc. has requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$70,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds will be used to finance the acquisition and improvement of three mobile home parks, one of these being in Yucca Valley, known as Aztec Mobile Home Estates located at 7425 Church Street.

Ben Barker of California Municipal Finance Authority explained that this is part of a multi-jurisdictional project for several parks in California. Caritas is seeking tax-exempt funding and as part of the required process, a public hearing is required.

Mayor Lombardo opened public comment and noted that written communication was received prior to the hearing from Margaret Aston.

Margaret Aston, Yucca Valley spoke in opposition of the Caritas transaction and is concerned with the new park owner's intent and stated she does not want to see the rent increased.

Margo Sturges, Yucca Valley commented in opposition of the Caritas transaction.

Ramon Mendoza, Morongo Valley spoke in favor of the project as it is a private venture.

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

Ben Barker of California Municipal Finance Authority addressed some of the questions posed during public comment by restating that a public hearing is a tax law requirement and the Town's only involvement is to hold the public hearing in this jurisdiction. The Town does not have any liability or tax debt with the transaction.

Council Member Leone questioned the potential rent increases and Caritas' business plan.

Council Member Rowe inquired if the current owner or any other owner in the future could raise the rent.

Council Member Abel asked about the facility requirements for a non-profit operation.

Council Member Leone stated he does not want to see the Town's logo on anything that could be construed as support or advertisement.

Council Member Huntington moved to:

- 1) Conduct the public hearing under the requirements of TEFRA and the Internal

Revenue Code of 1986, as amended (the “Code”).

- 2) Adopt the resolution approving the issuance of the Bonds by the CMFA for the benefit of Caritas Affordable Housing, Inc., a California nonprofit or by another limited partnership or limited liability company to be formed by Caritas Affordable Housing, Inc., or a related entity (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The resolution will also authorize the Mayor or any designee thereof to execute the Joint Exercise of Powers Agreement with the CMFA.

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

Mayor Lombardo recessed the regular Town Council meeting to convene the Joint Special Meeting of the Yucca Valley Town Council and the Yucca Valley Planning Commission at 7:15 p.m.

Mayor Lombardo reconvened the regular meeting of the Town Council at 9:35 p.m.

CONSENT AGENDA

Council Member Leone pulled Item 6 from the consent agenda

3. **Waive** further reading of all ordinances and read by title only.
4. **Amend** FY 2013-14 Adopted Budget
5. **Review and approve** the proposed Budget Calendar FY 2014-16.
6. Item pulled.
7. **Ratify** the Warrant Registers total of \$285,360.71 for checks dated November 27, 2013

Mayor Lombardo opened public comment for the Consent Agenda items.

Margo Sturges, Yucca Valley questioned items listed on the warrant register for expenses paid to Hi Desert Water District and Basin Wide Foundation.

Ramon Mendoza, Morongo Valley commented on the Town’s conflict of interest policy and also spoke of local water issues.

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

Council Member Rowe moved to approve items 3, 4, 5, 7, and 8 on the Consent Agenda. Council Member Leone 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

Item 6- Council Member Leone spoke of the San Bernardino County Vital Signs Symposium he attended as listed on the schedule

Council Member Huntington moved to receive and file the AB1234 Reporting Requirement Schedule for the month of November 2013. Council Member Rowe 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

DEPARTMENT REPORTS

9. Public Facilities Development Impact Fees; Annual Report; Set Public Hearing for January 21, 2014

Deputy Town Manager Stueckle presented the staff report for the annual review of the Public Facility Development Impact fee schedule, and setting a public hearing for January 21, 2014. The Public Facilities Development Impact Fee Study by MiniFinancial dated May 5, 2005 evaluated and established maximum legally defensible fee levels that could be imposed on new development, based upon the impact to the Town’s public infrastructure system.

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

Council Member Rowe moved to receive and file the report and schedule the public hearing for January 21, 2014. Council Member 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

10. Town Council Public Agency Board / Committee Liaison Assignments

Deputy Town Manager Stueckle presented the staff report explaining that an annual review is required for Council Member Assignments on various regional boards, Joint Power Authorities (JPA's) and Ad-Hoc committees with local agencies.

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

Mayor Lombardo commented on the benefits of keeping Mayor Pro Tem Huntington as the representative for the SANBAG.

Council Member Abel would like to relinquish his position on the Mojave Desert Air Quality Management District (MDAQMD) board.

Council Member Abel moved to select Council Member Leone for the MDAQMD representative. Mayor Lombardo seconded. Motion carried 5-0 on a voice vote.

Council Member Huntington stated he would like to relinquish his position on the Morongo Basin Transit Authority (MBTA) board. Council Member Leone stated he would be interested in taking this position.

Council Member Huntington moved to select Council Member Leone for the MBTA representative. Mayor Lombardo seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

None Stated

PUBLIC COMMENTS

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

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow announced that the Town will be participating in the Holiday Light Parade. The Youth Commission will be participating and a Town vehicle will be available for those wishing to either walk or ride in the parade.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

None stated.

ANNOUNCEMENTS

The next meeting of the Yucca Valley Town Council will be held on Tuesday, January 7, 2014 at 6:00 pm, in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

With no further business, Mayor Lombardo adjourned to closed session at 9:37 p.m.

CLOSED SESSION

Mayor Lombardo opened public comment for closed session. With no members of the public wishing to speak, Mayor Abel closed public comment.

REPORT OUT FROM CLOSED SESSION

Town Attorney Lona Laymon announced that the Town Council met in Closed Session with no reportable action.

Meeting adjourned at 10:10 pm.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk