

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
OCTOBER 7, 2014**

OPENING CEREMONIES

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

Council Members Present: Huntington, Leone, Rowe, and Mayor Lombardo. Council Member Abel was absent due to a prior commitment.

Staff Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Assistant Police Chief Wilke, and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Pro Tem Huntington.

While no formal invocation was presented, Mayor Lombardo led the public in a moment of silence.

PRESENTATIONS

1. Community Benefactor Proclamation- Mr. and Mrs. William Brehm

Mayor Lombardo presented a proclamation to Mr. and Mrs. Brehm for the exceptional generosity displayed to the residents of Yucca Valley and the Morongo Basin.

2. Community Disaster Preparedness Day

Nancy Gwen, a representative from the Morongo Basin Community Emergency Response Team, invited the community to attend an emergency preparedness event being held at the Walmart Parking lot on Saturday, October 11th.

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

Mayor Lombardo recessed the meeting at 6:15 p.m. for a small reception given in honor of the Brehm Family

Mayor Lombardo reconvened the meeting at 6:25 p.m.

APPROVAL OF AGENDA

Council Member Leone moved to approve the agenda for the Town Council Meeting of October 7, 2014. Mayor Pro Tem Huntington seconded. Motion carried 4-0-1 on a roll call vote.

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

CONSENT AGENDA

- 3. **Waive** further reading of all ordinances and read by title only
- 4. **Approve** the minutes of the Town Council Meeting of August, 19, 2014 as presented
- 5. **Adopt** Resolution No. 14-31 approving the 2013-14 purchase order encumbrances and project carry-forwards as identified.
- 6. **Amend** the 2014-15 Special Revenue Budget transferring \$500,000 to the Capital Projects Reserve Fund 800 increasing the Town Wide Infrastructure line item by \$400,000 and the Specialized Professional Services line item by \$100,000.

Amend the 2014-15 General Fund Budget appropriating \$90,000 of the prior year positive net change in fund balance toward reducing the Town’s other post-employment benefit (OPEB) or CalPERS unfunded liabilities.
- 7. **Authorize** the Director of Administrative Services to file a claim with the San Bernardino Associated Governments (SANBAG) for Local Transportation Funds (LTF) in the amount of \$121,431.
- 8. **Receive and** file the AB1234 Reporting Requirement Schedule for the month of August 2014
- 9. **Ratify** the Payroll Registers Total of \$136,862.06 for checks dated September 12, 2014
Ratify the Warrant Registers total of \$1,086,228.14 for checks dated September 18, 2014

Mayor Lombardo opened public comments for the consent agenda items with the following commenting:

Fritz Koenig, Yucca Valley

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

Council Member Rowe moved to approve consent agenda items 3-9. Mayor Pro Tem Huntington seconded. Motion carried 4-0-1 on a roll call vote.

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

NOES: None
ABSTAIN: None
ABSENT: Council Member Abel

DEPARTMENT REPORTS

10. Desert Regional Tourism Agency Quarterly Report for the quarter ending September 30, 2014 and the Annual Report for the 2013-14 fiscal year.

Town Manager Yakimow introduced the item. Cary Harwin, from DRTA presented the annual report.

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

Mayor Pro Tem Huntington commented on the increased number of the DRTA team members and additional public groups becoming involved.

No formal action was taken on the item.

**11. Public Lands Highway Discretionary Funds Project (PLHD)
SR62, Apache Trail to Palm Avenue – Town Project No. 8661
Federal Project No. PLHL04-5466(015)
Modifications to Contract Amendment No. 1
Black Rock Canyon Road**

Deputy Town Manager Stueckle presented the staff report. At the Town Council’s prior direction, staff has identified two alternatives for the needed maintenance of Black Rock Canyon Road. Staff also recommends posting the speed limit of 25 miles per hour, though it will not be enforceable. With council direction, the current PLHD project contract with Matich Corporation will be amended to conduct the work.

Mayor Lombardo opened public comments and the following individuals spoke on the item.

Lori Herbel, Yucca Valley

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

Council Member Leone spoke in favor of improving Black Rock Canyon Road.

Mayor Pro Tem Huntington inquired on the status of the contingency availability from the current PLHD project.

Council Member Rowe inquired about the drainage issues from Joshua Tree National Park that has not yet been addressed. Rowe stated she would like the issues fixed, so they are not a detriment to the roadway.

Mayor Lombardo commented favorably on improvements for the roadway.

Council Member Leone moved to approve an amendment to the contract per Section 1.10 of the original Contract between the Town of Yucca Valley and Matich Corporation, to add Black Rock Canyon Road repair to the scope of work in the amount of \$108,000 plus \$11,000 contingency, for a total of \$119,000, and therefore amending the Town Council action on Section 1.1 of the Agreement from June 23, 2014. Mayor Lombardo seconded. Motion carried 4-0-1 on a roll call vote.

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

12. Initiative Process Update

Town Attorney Laymon presented the staff report explaining the medical marijuana initiative currently being circulated for voter signatures by initiative proponents. Laymon also explained options the Town Council has in initiating a Town’s sponsored ordinance for a similar subject.

Mayor Lombardo opened public comments with the following individuals speaking on the item:

Brian Nicholson, Yucca Valley

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

Town Manager Yakimow clarified the staff recommendation on the item.

Council Member Leone inquired on scheduling requirements of a special election.

Mayor Pro Tem Huntington questioned if a fee structure, similar to Transient Occupancy Taxes or Franchise Fees could be imposed for medical marijuana dispensaries. Huntington continued by voicing his concern with certain aspects of the initiative currently being circulated and believes the Town should be prepared with a competing initiative or other measures to address these flaws.

Council Member Rowe concurred with Huntington’s statement.

Mayor Lombardo asked for clarification on if the proponent’s ordinance is passed, it cannot be modified. Lombardo also stated that if medical marijuana dispensaries are eventually allowed in

the community, that it is not benefitting the proponents only, and that a limited number of other dispensary owners be allowed under ordinance provisions.

Mayor Pro Tem Huntington moved to

1. Direct staff and legal counsel to prepare an analysis of the currently proposed initiative to evaluate perceived regulatory shortfalls and to develop a framework through which the Council can address the primary policy considerations such as preferred dispensaries, number of dispensaries, hours of operation, and zoning considerations.
2. Direct staff to commission a study to determine the cost nexus between medical marijuana dispensaries and public safety, code enforcement and environmental impacts.
3. Direct staff to return to Council with the necessary professional services budget amendments to complete the directed actions.

Mayor Lombardo seconded. Motion carried 4-0-1 on a roll call vote.

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

FUTURE AGENDA ITEMS

Discussion was held on a possible public ordinance regarding septic tank use. Stueckle explained that the issue is being addressed at the State level.

PUBLIC COMMENTS

Mayor Lombardo opened public comments.

Fritz Koenig, Yucca Valley spoke of the federal case he has against the Town of Yucca Valley.

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

Town Attorney Laymon addressed legal precedence on the matter expressed in public comment.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle announced upcoming Development Code items to be brought forward before the Town Council.

Town Manager Yakimow reported on a recent community meeting with the Commanding General of the MCAGCC.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 13. Council Member Leone spoke of a recent accident on Hwy 62.

Assistant Police Chief Wilke cautioned any speculation and that an official report will be announced once the accident has been fully investigated.

- 14. Council Member Rowe thanked the Brehm Family for its generosity to the community and spoke favorably of the Hi Desert Memorial Hospital's new 3D mammogram imaging equipment.

- 12. Mayor Pro Tem Huntington stated he was at the recent, well-attended grand opening for Marshalls and invited the public to the upcoming Gourd Festival sponsored by the Yucca Valley Chamber of Commerce.

- 18. Mayor Lombardo expressed enthusiasm on seeing many of the local projects coming to fruition.

ANNOUNCEMENTS

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, October 21, 2014 at the Yucca Valley Community Center Yucca Room.

ADJOURNMENT

Mayor Lombardo adjourned the meeting at 7:40 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk