

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JANUARY 20, 2015**

OPENING CEREMONIES

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

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

Staff Members Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, and Town Clerk Copeland

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

With the lack of clergy present for the invocation, Mayor Huntington invited the public in a moment of silence.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Yucca Valley Chamber of Commerce

Yucca Valley Chamber of Commerce President Tom Huls presented information on the Chamber's Shop Local Campaign, including proposed highway street banners identifying various geographical shopping districts in Town and reminding motorists to shop local. The Chamber is also conducting a target marketing campaign for the upcoming King of the Hammers event in Johnson Valley encouraging visitors to purchase supplies in Yucca Valley.

2. Yucca Valley Point-in-Time Count Update

Management Analyst Rice updated the Council on the San Bernardino County's Point-in-Time Homelessness Count occurring later in the week. The results of the count will provide a benchmark of the needs of the homeless community in the area.

APPROVAL OF AGENDA

Mayor Pro Tem Leone moved to approve the agenda for the Town Council meeting of January 20, 2015. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

CONSENT AGENDA

2. **Waive** further reading of all ordinances and read by title only
3. **Receive and file** the monthly Statistical Fire Department Reports for the month of November 2014
4. **Approve** the Town Council meeting minutes of November 18, 2014 as amended
5. **Receive and file** the monthly Statistical Fire Department Reports for the month of December 2014
6. **Accept** the Public Lands Highway Discretionary Funds Project (PLHD), Town Project No. 8661 as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months.
7. **Receive and file** the report outlining the draft spring/summer 2015 programs and events to be organized and conducted by the Community Services Department
8. **Accept** the bequest from the Charles C. May Trust, and direct staff to designate that the funds are used to the benefit of the Yucca Valley Animal Shelter, in accordance with the wishes of the benefactor.
9. **Reject** all bids received on January 13, 2105 for the Community Center Infield Refurbishment Project; **Authorize** the Town Clerk to return all Bid Bonds to all bidders; **Authorize** the Town Clerk to re-advertise and solicit bids for the project with a bid opening date of February 10, 2015.
10. **Support** the nomination of council member Robert Leone to the Bureau of Land Management's California Desert District Advisory Council, and **authorize** the Mayor to offer a letter of support on behalf of the Council.
11. **Receive and file** the AB1234 Reporting Requirement Schedule for the month of December 2014
12. **Ratify** the Payroll Registers total of \$392,703.48 for checks dated December 5, 2014 - January 2, 2015 and; **Ratify** the Warrant Registers total of \$849,356.08 for checks dated December 18, 2014 and January 8, 2015

Town Clerk Copeland requested Town Council consideration in amending the presented Town Council Meeting Minutes of November 18, 2014 (Agenda Item No. 4) to include the approved Native Plant list. The list includes: Yucca Brevifolia (Joshua Tree), Yucca Schidigera (Mojave Yucca), Nolina Parryi (Parry's Nolina), Juniperus Californica (California Juniper), Yucca Whipplei (Our Lords Candle), and Pinus Monophylla (Pinon Pine).

Mayor Huntington opened public comment on the Consent Agenda. With no members of the public wishing to speak, public comments were closed.

Council Member Abel moved to approve Consent Agenda items 3-12. Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

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

DEPARTMENT REPORTS

13. Accept Certificate of Sufficiency of Petition Regarding the Medical Cannabis Restriction and Limitation Initiative Petition and Other Related Actions

Town Attorney Laymon explained the purpose of the item. By law, the Council is required to accept the Certificate of Sufficiency issued by the County of San Bernardino Registrar of Voters (ROV) regarding The Medical Marijuana Dispensary Authorization and Regulation Initiative. After the ROV review of the signatures included on the Initiative petition, it was determined that 1,873 signatures were found valid, meeting the 15% threshold to hold a special election on the item. The Town Council must make its determination on how to proceed on the initiative based on the available options.

Laymon continued by explaining each of the options available before the Council. 1) Adopt the Voter’s Ordinance as proposed, 2) Immediately set the matter for voter approval at a special election, or 3) Direct Staff to prepare a report on the effect of the initiative.

Mayor Huntington opened public comments on the item.

Jason Elsasser, Yucca Valley stated he would like to defer his comments until the next agenda item.

Ron Cohen, Yucca Valley spoke of the initiative timeline and the potential costs of a prepared impact study.

Susan Simmons, Yucca Valley spoke of concern on the length of time bringing this item forward and spoke favorably of a dispensary being a potential revenue source for the Town.

Craig Beresh, California Cannabis Coalition, spoke of a statewide movement on the medical cannabis issue.

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

Mayor Pro Tem Leone commended the initiative proponents in collecting the required number of signatures in only 74 days. Leone also reminded that the previous medical marijuana dispensary operated within the Town with no public safety issues, and noted favorably in requesting an impact study.

Council Member Abel explained that as a member of the Medical Marijuana Ad Hoc Committee, the recommendations here are in line with the Ad-Hoc Committee’s recommendations.

Council Member Denison also commended the proponents in the effort of bringing this before the Town Council. Denison concurred with the recommendation.

Council Member Lombardo explained he is also on the Medical Marijuana Ad Hoc Committee and with much discussion, the Ad Hoc Committee recommends bringing the item before the voters of Yucca Valley and an impact report would be beneficial in determining any benefits or concerns to be addressed.

Mayor Huntington voiced he is favorable to the recommendation.

Council Member Lombardo moved to accept the Certificate of Sufficiency issued by the County of San Bernardino Registrar of Voters regarding The Medical Marijuana Dispensary Authorization and Regulation Initiative (the “Initiative”). (*See*, Initiative at Attachment A.) Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Lombardo moved to direct staff to prepare a report as allowed by Election Code § 9212, and present such report at the February 17, 2015, Regular Town Council meeting. Council Member Denison seconded. Motion carried 5-0 on a roll call vote.

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

14. Town-Sponsored Medical Marijuana Ballot Measure

Town Attorney Laymon presented the staff report for the Town Council's consideration of a Town-sponsored medical marijuana ballot measure to be voted on at the same election where the citizen-sponsored initiative measure is to be held. Laymon explained that because of the action taken by the Town Council on Item No. 13, options b) and c) (ii) on the staff recommendation are no longer valid options.

Because some concerns have been expressed about specific provisions in the Citizen Initiative, the medical marijuana subcommittee was formed and has discussed possibly preparing a Town Measure to be placed on the ballot as an alternative or amendatory ordinance to the petition measure.

Town Attorney Laymon introduced Aleshire & Wynder Attorney Jeff Malaway to explain the specific provisions in both the citizen initiative and the draft version of the Town's potential ordinance. Malaway presented a comprehensive comparison of the similarities and differences in the Voter Initiative and the proposed Town Initiative. Both would allow for medical marijuana dispensaries within the Town's jurisdiction.

Mayor Huntington opened public comments.

Jason Elsasser- Yucca Valley spoke of the need for safe access to medical cannabis in Yucca Valley. Elsasser stated he is working with the proponents on the citizen's measure and doesn't believe there is anything that cannot be worked out and would like to see the ordinance approved without going to the voters in a special ballot.

Joseph Spiegel, Yucca Valley commended Elsasser and his group for what they have done so far. Spiegel suggested letting the cannabis business owners foot the bill of the election through application fees, and spoke favorably on letting a free market determine the number of dispensaries, and stated that the Town's version of the ordinance cleared up a lot of questions he had.

David Clifford, Yucca Valley thanked Attorney Malaway for the detailed comparison of the two proposed ordinances and spoke favorably on the Town's version. Clifford continued to explain that there should not be just one dispensary in Town as this could drive up prices.

Ken Nyquist, Yucca Valley commented favorably on the Town's proposed ordinance and explained that a negotiated approach should be used instead of spending the money on a special election.

Susan Simmons, Yucca Valley spoke in opposition to the Town's proposed ordinance.

Lanny Swerdlow, Whitewater explained he helped Palm Springs with their ordinance and suggested forming a Yucca Valley community garden for people to grow their own cannabis.

Jimmy McShane, Palm Springs spoke as a cancer survivor and the revenue the City of Palm Springs is receiving from the medical cannabis sales in their community.

Craig Beresh, California Cannabis Coalition asked that the Town work with proponents, approve their ordinance and not to spend money on a special election.

Richard Harlan, Yucca Valley spoke of the money that appears to be behind the medical cannabis business and spoke in opposition of dispensaries in Yucca Valley.

Dezaray Resendez, Joshua Tree spoke as a nurse at the local medical cannabis resource office and the sick people she sees every day.

Joseph Sullivan, Yucca Valley spoke favorably of taking the issue to the voters in a special election.

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

Council Member Denison commended the proponents for spearheading this issue and spoke in favor of working on a revised ordinance with the proponents to bring one potential ordinance before the voters.

Council Member Abel agreed with Denison that the proponents have had great dialog with the Town through this process. Abel also commented in favor of continuing to work with the proponents on a combined ordinance to take before the voters.

Council Member Lombardo stated he would like to continue to work with the proponents on a revised ordinance and then have a special election to allow the voters of Yucca Valley to decide.

Attorney Laymon explained the complexity of scheduling a special election and the possibility of consolidating the election if there is an available date within the allotted time frame.

Mayor Pro Tem Leone spoke of concern of not wanting to wait too long for a special election and inquired if there is a way for the applying businesses to pay a larger permit fee to try and recoup election costs.

Mayor Huntington commented favorably of a consolidation approach and would like to continue working with the proponents, on something that both groups would agree on. Then, take the matter to the voters. Huntington suggested that if a compromise is not met, then the Town Council would need a contingent approach if necessary. Huntington would like to see the Medical Marijuana Ad Hoc Committee (Abel, Lombardo) work out the details, including clarification on the proponent's preferred treatment wording.

Mayor Pro Tem Leone stated his preference on limiting the potential allowable location to include industrial and commercial zoning areas for visibility.

Council Member Denison stated he understands the need for easy access; however it does not

need highway frontage. Industrial and some commercial areas would be okay.

Mayor Huntington stated he is in favor of allowing dispensaries in the industrial areas and general service areas, and not general commercial zoned areas.

Council Member Lombardo commented on the medical cannabis business is driven by prescriptions and the location is known by referral, not walk-in traffic. Industrial and commercial service areas would accommodate this type of business.

Consensus was made among the Council Members providing staff policy direction to pursue a joint Proponent/Town Measure for voter consideration by directing the Town’s Medical Marijuana Ad Hoc committee to continue discussions with the citizen initiative representatives.

No formal vote was held.

15. Planning Commission Appointments

Town Clerk Copeland presented a brief staff report explaining the commissioner appointment process. Currently, there are four vacancies on the Planning Commission. Commissioners Bridenstine, Lavender and Whitten’s terms expire January 31, 2015. New appointments for the three expiring positions will be for four year terms thru January 31, 2019. Also, there is an unfilled vacancy on the commission since the resignation of Commissioner Humphreville from November 2014. Council Member Lombardo has the opportunity to nominate an applicant to fill this vacancy for a term ending January 31, 2017.

Mayor Huntington opened public comments.

Charles McHenry, Yucca Valley stated he was an applicant seeking appointment to the Planning Commission and is interested in serving the community in this capacity.

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

Mayor Huntington opened nominations for Planning Commission appointments.

Council Member Lombardo moved to appoint Charles McHenry for a term ending on January 31, 2017. Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Denison moved to nominate Steven Whitten for another four year term on the Planning Commission thru January 31, 2019. Council Member Abel seconded. Motion carried

5-0 on a roll call vote.

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

Mayor Pro Tem Leone moved to nominate Jeff Evans to the Planning Commission for a four-year term ending January 31, 2019. Mayor Huntington seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Abel moved to nominate Vickie Bridenstine for another four year term on the Planning Commission thru January 31, 2019. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

16. Parks, Recreation and Cultural Commission Recruitment Extension

Town Clerk Copeland presented a brief staff report requesting an extension of the recruitment period for four vacancies on the Parks, Recreation and Cultural Commission (PRCC). Though the PRCC has had the same recruitment period as the Planning Commission, only two applications were received by interested individuals. Copeland explained that keeping the recruitment period open for an extended period will allow for additional outreach.

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

Council Member Abel thanked the outgoing Parks, Recreation, and Cultural Commissioners for their service to the community.

Mayor Pro Tem moved to extend the Parks, Recreation, and Cultural Commission member recruitment period to February 19, 2015 to allow for additional applicants. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

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

FUTURE AGENDA ITEMS

Council Member Leone received consensus from the Town Council to consider placing an item on a future agenda to discuss the inclusion of the words “In God We Trust” on the Town Council dais, as invited by Jacquie Sullivan of In God We Trust-America, Inc.

PUBLIC COMMENTS

Mayor Huntington opened public comments.

Ken Nyquist, Yucca Valley congratulated those council members elected in the recent race and spoke of poor road conditions in his neighborhood.

Robert Dunn, Yucca Valley thanked the Town Council members for their service and perseverance with the tough decisions.

Richard Harlan, Yucca Valley spoke of proposed sewer inspection fees.

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

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle responded to public comment that any fees charged for inspections are for recouping actual cost, and not for any form of profit.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 17. Council Member Abel- thanked everyone for attending the meeting; thanked the Town’s Commissioners for their dedication and service. Abel also thanked the Town Attorneys for their explanations in the complicated matters discussed this evening.
- 18. Council Member Denison- thanked the public for their input and great ideas. Denison also offered thanks to the many volunteers helping with the annual Tender Loving Christmas event and also thanked those working on the Point-in-Time Homelessness

count.

19. Council Member Lombardo wished everyone a happy new year and thanked everyone for great dialog this evening.
20. Mayor Pro Tem Leone- congratulated the YV Chamber for their marketing ideas and their Shop Local campaign. Leone thanked outgoing Planning Commissioner Lavender and outgoing Parks, Recreation and Cultural Commissioner Jones-Poland for their time on the Town’s commissions. Encouraged the public to get involved, and welcomed McHenry to the Planning Commission.
21. Mayor Huntington- congratulated the newly appointed commissioners, and announced he will be holding regular office hours at Town Hall. If the regular hours are not convenient, Huntington encouraged the public to contact the Town Clerk to make an appointment.

ANNOUNCEMENTS

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, February 3, 2015 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room

ADJOURNED TO CLOSED SESSION

Town Attorney Laymon announced the Closed Session items.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

A closed session will be held, pursuant to Government Code § 54956.8, to enable the Town Council to consider negotiations with Basin Wide Foundation- Youth Sports Park Coalition, and to give direction to its negotiator Curtis Yakimow, Town Manager regarding that certain real property APNs 0595-131-01, 0595-131-49, 0595-131-45, 0595-131-17, and 0595-131-47, 0595-131-11 The Town’s real property negotiator will seek direction from the Town Council regarding the price and terms of payment for the property.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Friederich Koenig vs. Town of Yucca Valley; CV14-01310 R; US District Court

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Friederich Koenig vs. Town of Yucca Valley; CIVDS1417121; CA Superior Court

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Town of Yucca Valley vs. Yashraj Hospitality, Inc., dba Best Western Yucca Valley Hotel and Suites, Nathsons Hospitality, Inc., Venokumar Nathraj, Charmaine Nathraj et. al; CIVDS1415964; San Bernardino County Superior Court

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Mirage Front Properties, LLC vs. Town of Yucca Valley; CIVDS1400401

Mayor Huntington opened public comments on the Closed Session items.

Robert Nelson, Yucca Valley submitted a letter to the Town Council via email prior to the meeting opposing the Brehm Park acquisition.

Ken Nyquist, Yucca Valley commented on items relating to existing litigation with Koenig.

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

Mayor Huntington adjourned to closed session at 8:20 p.m.

REPORT OUT FROM CLOSED SESSION /ADJOURNMENT

Town Attorney Laymon reported that Closed Session was adjourned at 9:05 p.m. with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk