

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MARCH 3, 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, Assistant Police Chief Wilke, and Town Clerk Copeland.

The Pledge of Allegiance was led by Mayor Huntington

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

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. San Bernardino County Fire Update

Division Chief Benfield updated the Town Council on the status of the new ladder truck. Benfield also announced his upcoming retirement and introduced his replacement, Jon Chamberlin as the new Division Chief. Congratulations were also given to Council Member Denison on his promotion to Battalion Chief.

2. Hi-Desert Water District- Wastewater Project Update

Jennifer Poland gave a brief update on the upcoming Wastewater Project. Assessment figures have been determined and ballots to HDWD customers should be sent out in the near future.

APPROVAL OF AGENDA

Mayor Pro Tem Leone moved to approve the agenda for the Town Council meeting of March 3, 2015. 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

CONSENT AGENDA

- 3. **Waive** further reading of all ordinances and read by title only
- 4. **Support** the Hi Desert Water District’s request for a zero percent interest rate loan from the State Water Resources Control Board for the District’s wastewater collection, treatment, and reclamation system, and authorize the mayor to offer a letter of support on behalf of the Council
- 5. **Receive and file** the Public Facilities Development Impact Fees Annual Report and schedule the public hearing for April 7, 2015.
- 6. **Item Pulled**

Mayor Pro Tem Leone pulled Item No. 6 for discussion.

Mayor Huntington opened public comment on the Consent Agenda, Items 3-5. With no members of the public wishing to speak, public comments were closed.

Council Member Lombardo moved to approve Consent Agenda items 3-5. 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

Item No. 6- Warrant Register

Mayor Pro Tem Leone inquired on two disbursements, one for benefits for a retired employee, the other for Chamber of Commerce Joint Marketing

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

Council Member Lombardo moved to **Ratify** the Payroll Register total of \$137463.31 for checks dated February 13, 2015 and **Ratify** the Warrant Register total of \$186,598.79 for checks dated February 19, 2015. 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

7. Town and Citizen Negotiated Medical Marijuana Ballot Measure

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 2, 2015, FOR THE SUBMISSION TO THE VOTERS OF THE TOWN A PROPOSED MEASURE ALLOWING A LIMITED NUMBER OF MEDICAL MARIJUANA DISPENSARIES IN TOWN LIMITS AND REQUESTING THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE THE TOWN'S SPECIAL ELECTION WITH THE SPECAIL AND GENERAL MUNICIPAL ELECTIONS HELD WITHIN SAN BERNARDINO COUNTY ON THAT DATE.

Town Manager Yakimow presented the staff report, explaining the background of a citizen initiative received to allow a limited number of medical marijuana dispensaries to operate within the Town limits.

At previous Town Council direction upon entering a Tolling Agreement on February 12, 2015, the Medical Marijuana Subcommittee has continued to work with the Initiative proponents in developing a negotiated measure to go before the voters. The proposed Negotiated Measure is substantially similar to the Citizen Measure but with additional provisions to enhance regulations for the protection of public health, safety and welfare, and providing for the Town's recovery of certain fees and costs attributed to law enforcement and other Town operational expenses affected by dispensaries.

The Town Council Subcommittee believes that the terms of the Negotiated Measure have been found acceptable to the Proponents. Town Council action calling an election for June 2, 2015, would trigger the Proponents' obligation to withdraw the Citizen measure as required by the Tolling Agreement.

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

Mayor Pro Tem Leone commented on the negotiated measure as acceptable by both the Town Subcommittee and the Proponents and the estimated cost of a special election.

Mayor Pro Tem Leone moved to forego a special election and to introduce the Ordinance, amending the Yucca Valley Development Code to repeal the Town ban on Marijuana Dispensaries and Regulate the Location and Operation of Medical Marijuana Dispensaries. Motion died for a lack of second.

Council Member Abel spoke of benefits of bringing a well-balanced ordinance before the voters.

Council Member Denison commented that it is in the best interest of the community, to bring the negotiated measure to an election and believes it is a good investment for the democratic process. As an elected official, it is important to see what position the residents hold.

Council Member Lombardo stated that though there is an expense, it is important to see what the community wants.

Mayor Huntington inquired on the hours of operation, and offered updated language for the application process, as first preferred exemption and others by public drawing. Huntington thanked the subcommittee for their excellent work.

Town Attorney Laymon explained the provisions of the Tolling Agreement requiring the proponents to publicly withdraw their ordinance, if the negotiated measure is accepted.

Mayor Huntington invited the proponents to state their intention.

Jason Elsasser, Yucca Valley and representing the proponents stated that the proponents withdraw the citizen ordinance.

Council Member Lombardo moved adopt Resolution No. 15-04, calling a special election for the Town and Citizen Negotiated Medical Marijuana Ballot Measure, on Tuesday, June 2, 2015; and to request the Proponents to fulfill their obligation to immediately, and publicly, withdraw the Citizen measure and endorse passage of the negotiated measure, as well as immediately memorialize such withdrawal in writing. 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

8. Award of Contract for Total Compensation and Classification Study

Human Resources Manager Breidenbach-Sterling presented the staff report explaining the need to conduct a total staff compensation and compensation study. With significant changes in its labor structure since the Town’s last study in 2006, regular review of salary alignment, benefits and proper classification is important.

A request for proposal for a total compensation and classification study was distributed, with five consulting firms responding. After review and evaluation of the proposals, it is recommended to award the contract to Koff & Associates. It is also recommended for consideration for the Council to establish a subcommittee and assign two council members to the subcommittee to participate in the study process.

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

Council Member Abel expressed excitement to see this coming forward and feels it is necessary to support the dedicated staff as well as to ensure transparency by comparing labor structure with similar communities keeping wages fair and competitive, yet without excess.

Council Member Lombardo voiced concern about the cost of the study, yet understands the need with the major change in staffing since the last study.

Council Member Denison commented on the change in staffing since the last study and sees the dedication in the current employees, keeping a high level of service. Denison stated he would like to see a succession plan in place for the organization.

Mayor Pro Tem Leone commented favorably on the item, and suggested using revenue levels among cities as a comparison tool.

Mayor Huntington expressed concern over the difficult task of comparing similar organizations, but sees the need. Huntington suggested assigning himself and Council Member Abel to the subcommittee.

Council Member Lombardo moved to approve the award of contract for total Compensation and Classification Study to Koff & Associates in the amount of \$42,100.00 and authorize the Town Manager and Town Attorney to prepare and execute a professional services agreement utilizing the Town's standard professional agreement form. Additionally, to establish a Class and Compensation Ad Hoc Committee and to appoint Mayor Huntington and Council Member Abel to the committee. 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

FUTURE AGENDA ITEMS

Council Member Lombardo inquired on the possibility of a visioning session. Town Manager Yakimow suggested including a visioning session as part of the budget development process, possible in Fall 2015

Council Member Lombardo also requested a review of possible grant opportunities available to the Town.

Mayor Huntington requested a review of a recently introduced, California’s Assembly Bill No. 266

Council Member Denison requested a review of the local trails system.

Consensus was made among the Council Members on these future agenda items.

PUBLIC COMMENTS

Mayor Huntington opened public comments.

Susan Simmons, Yucca Valley commented in support of a future discussion on parks and trails and reported of missing signage at local parks.

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

STAFF REPORTS AND COMMENTS

Town Attorney Laymon reported that she has received from the Medical Marijuana Proponents, the formal notice, withdrawing the citizen measure as required.

Town Manager Yakimow thanked the Town Attorney, Staff and the Medical Marijuana Ad Hoc Committee for their work with the proponents through the process.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 17. Council Member Abel wished Chief Benfield well in his retirement and welcomed Chamberlin to the community. Abel congratulated Denison on his promotion and reminded all to shop locally.
- 18. Council Member Denison congratulated Benfield on his retirement and welcomed Chamberlin. Denison also thanked Poland for the Hi Desert Water District’s wastewater update.
- 19. Council Member Lombardo also congratulated the Fire Personnel for their new appointments and thanked the proponents for their work in bringing a combined ordinance before the voters.
- 20. Mayor Pro Tem Leone thanked the fire personnel for their service to the community and thanked the ad-hoc committee and the medical marijuana proponents for working together for a common cause.
- 20. Mayor Huntington also gave kudos to the fire personnel and invited the public to the

upcoming Hi-Desert Nature Museum exhibit opening- Reduce, Reuse, Recycle on March 6th. Huntington also announced the opening of Hawks Landing at Blue Skies Golf Course later this month, with the driving range opening on March 7th and the course opening on March 14th.

ANNOUNCEMENTS

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, March 17, 2015 at 6:00 p.m.in the Yucca Valley Community Center Yucca Room.

CLOSED SESSION

1. 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

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

Mayor Huntington adjourned the meeting to Closed Session at 7:10 p.m.

CLOSED SESSION REPORT/ADJOURNMENT

Town Attorney Laymon reported that Closed Session adjourned at 7:50 p.m. with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk