

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
APRIL 7, 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, Police Chief Mondary, Finance Manager Cisneros, and Town Clerk Copeland

The Pledge of Allegiance was led by Council Member Denison.

With no member of the clergy present for the invocation, Mayor Huntington invited the public in a moment of silence.

**APPROVAL OF AGENDA**

Mayor Pro Tem Leone moved to approve the agenda for the Town Council meeting of April 7, 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**

1. **Waive** further reading of all ordinances and read by title only
2. **Approve** the Town Council meeting minutes of March 17, 2015 as presented.
3. **Accept** the Community Center Infield Refurbishment project as substantially complete, authorizes staff to file the Notice of Completion, authorizes the reduction of the Faithful Performance Bond to 10%, and directs staff to retain the Labor and Material Bond for six (6) months for Community Center Infield Refurbishment Project.
4. **Approve** and adopt Resolution No. 15-06, directing the preparation of annual assessment engineer's reports describing any new improvements or any substantial changes to the existing improvements in the existing assessment districts.

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S  
REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED**

**WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2015-2016 TAX YEAR**

- 5. **Ratify** the Warrant Register total of \$211,711.08 for checks dated March 12, 2015

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 the Consent Agenda items 1-5. 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

**PUBLIC HEARING**

- 6. **Public Facilities Development Impact Fees Annual Report & Public Hearing**

Deputy Town Manager Stueckle presented the staff report for the Public Facilities Development Impact Fee Annual Report and Public Hearing, giving background information on development impact fees. In October, 2005, the Town Council adopted the MuniFinancial Study giving guidance to future fee structure. In 2006, impact fees became effective for residential development at 1/3 of maximum. In 2008, impact fees were effective for non-residential development at \$1.00 per square foot. In October 2010, the residential and non-residential infill incentive program was established.

In 2011, the Town Council made modifications to the previously adopted schedule by establishing the subdivision single family residential public facility development impact fees at the maximum level of \$9,081 per unit; modified the development incentive program for infill single family residential, setting the fees at \$2,568 per unit with those fees dedicated to Park facilities; retained the multi-family residential fees at \$3,600 per unit; Modified the commercial, general office and industrial development projects in a tiered approach, up to 3,000 square feet- \$1.00 per square foot, 3,001 to 5,000 square feet- \$2.00 per square foot, 5,001 to 10,000 square feet- \$4.00 per square foot; 10,001 square feet or more- \$7.85 per square foot. There were no modifications to these fees in 2012, 2013, or 2014.

Mayor Huntington opened the public hearing.

Town Clerk Copeland reported that written communication was received on the item from William Shack, Yucca Valley, developer of Copper Hill Homes at Sage Estates, which the Town

Council received a copy prior to the hearing.

Vincent Shack, Copper Hills Homes at Stage Estates, spoke in opposition to the current level of residential subdivision fees, requesting they be reduced.

Bill Warner, Yucca Valley spoke of the validity of the rates currently in place and requested that the Town Council consider reducing the Impact Fees for subdivision housing. Warner also inquired on the reasoning behind the difference in fee levels between residential subdivision and residential infill.

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

Deputy Town Manager Stueckle spoke of the challenge many municipalities face regarding infrastructure maintenance, and explained that the infill rates were lower than the subdivision rates as an incentive.

Mayor Pro Tem Leone inquired if square footage has any bearing on the residential subdivision unit rates. Stueckle replied that they do not. Leone suggested a review of this option.

Mayor Huntington commented on past conversations regarding the change in fee schedule in 2011.

Council Member Lombardo inquired if an impact study was conducted regarding the Copper Hills subdivision.

Council Member Abel spoke favorably on impact fees as a viable resource in making the town a better community and agrees with the lower rate for residential infill.

Council Member Lombardo moved to retain the current Public Facility Development Impact Fee structure. 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

**DEPARTMENT REPORTS**

- 7. Resolution No. 15-07  
Hi-Desert Water District, Assessment District No. 2014-1  
Notice of Public Hearing and Proposed Assessment  
California Regional Water Quality Control Board**

**Septic Discharge Prohibition  
Town Assessments**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF YUCCA VALLEY CALIFORNIA APPROVING THE  
ASSESSMENTS OF AND SUPPORTING THE HI-DESERT  
WATER DISTRICT ASSESSMENT DISTRICT NO. 2014-1.**

Deputy Town Manager Stueckle presented the staff report or the Hi-Desert Water District Assessment District No. 2014-1 giving background for the purpose for the local assessment.

The California Regional Water Quality Control Board amended the Basin Plan prohibiting septic discharges beginning May 19, 2016, within Phase I, boundaries. Phases II and III prohibition dates as established by the CRWQCB are May 2019 and May 2022 respectively.

The Hi-Desert Water District (HDWD) assessment district voting process concludes on May 13, 2015. The Town has received property owner assessment ballots from HDWD for Assessment District No. 2014-1 for the Town-owned properties. The total assessment amount at this time for all phases of Town and former Redevelopment Agency owned properties, including potential financial liability for leased and pending purchases of property is \$ 648,821.35. Future assessment votes will be necessary for Phases II and III as they are implemented by HDWD.

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

Council Member Abel moved to:

- Approve the assessments on the Town's thirty-one (31) properties currently owned as identified in Attachment A to this Staff Report.
- Authorize and Direct the Town Manager to Vote "Yes" on the Ballots received for the thirty-one (31) properties as identified in Attachment A to this Staff Report.
- Authorize and approve potential liability of assessments for leased properties and pending purchases properties, including Jacobs Park and the Boys and Girls Club of the Hi-Desert leased parks, and the pending purchase of the Brehm Youth Sports Park Facility.
- Approve Resolution 15-07 in support of the Hi-Desert Water District Assessment District No. 2014-1.
- Authorize the Town Manager to vote affirmatively for any verified subsequent ballots in the Assessment District received after April 7, 2015, up to the legal assessment or \$25,000.
- Direct staff to return to the Town Council with all necessary budget actions after

successful formation of the Assessment District.

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

**8. Overview of Town Wide Grant Process**

Management Analyst Rice presented the staff report giving an overview of the use of grants the Town participates in as well as potential opportunities. Town Manager Yakimow expressed that grant activities align with Town Council direction.

Management Analyst Rice explained the benefits of using a grant management software program. Rice informed the Council that Town staff has researched such software programs and intends to subscribe to eCivis with an annual fee of \$3,675.00 annually. The cost can be accommodated by the current 2014-16 budget.

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

Council Member Abel inquired on the flexibility of eCivis and if the software can be designed to target the Town’s specific needs. Abel thanked staff for the amount of money the Town has gained by using available grant funding.

Mayor Pro Tem Leone spoke favorably of using local talent in seeking grant opportunities.

Council Member Denison and Mayor Huntington commented favorably of using software to target the Town’s funding needs.

Mayor Pro Tem Leone moved to receive and file the informational overview of the Town’s grant process. 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

**9. FY 2014-16 Investment Policy**

Finance Manager Cisneros presented the staff report, giving an overview of the Town’s current

investment policy. Management of the Town’s investments is governed by the Prudent Investor Standard as set forth in California Government Code Section 53600.3. An updated and revised investment policy was presented outlining principles and practices with guidelines incorporated into the policy that are in accordance with, or more stringent than the requirements set forth in the California Government Code. The underlying foundation of the proposed policy remains safety, liquidity, and yield with the respect to the investment of surplus funds.

Finance Manager Cisneros continued to explain that though most changes in the investment policy are minor, there are three changes that require noting. The three significant changes are: 1) to include required financial statements as part of the annual review of financial institutions, 2) to update the language related to “Negotiable Certificates of Deposit, and 3) to increase the maximum allowable investment amount per institution.

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

Council Member Lombardo moved to review and approve the FY 2014-16 Investment Policy and to review and approve the town planned investment activities which includes moving funds from the Local Agency Investment Fund (LAIF) to Negotiable Certificates of Deposit as allowed by the Investment Policy. 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

**10. Gas Tax Fund Financial Model Forecast**

Finance Manager Cisneros presented the staff report with the presentation of the recently implemented financial forecasting tool by Municast Forecasting and Trend Analysis software. The new software assists staff in long-term financial planning activities. The review of the Town’s gas Tax Fund is the initial rollout of the forecasting tool. Cisneros demonstrated the software capabilities, using various scenarios, using the gas tax fund information. It is anticipated that the Town Council will see similar projections with other funds in the near future.

With the given forecasting information, additional language is suggested to be added to the Town’s existing Reserve Policy. The new language states, “The Town’s gas tax fund balance shall be maintained between 20% and 25% of annual gas tax expenditures.”

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

Council Member Abel thanked Finance Manager Cisneros for the product tour and useful information.

Council Member Lombardo inquired on the frequency of such financial projections. Cisneros explained that as the Town receives information that may affect the Town’s revenue or expense picture, staff can use this tool, to allow for educated projections for future business decisions.

Mayor Pro Tem Leone spoke favorably of the software.

Council Member Abel moved to receive and file the Gas Tax Fund 515 Analysis and Five-Year Forecast, and approve the proposed Gas Tax Fund Balance Reserve Policy. 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 Abel suggested looking at the Town’s water usage in light of the recent statewide action to control water usage during current drought conditions.

**PUBLIC COMMENTS**

Mayor Huntington opened public comments.

Town Clerk Copeland announced that written correspondence has been received by Mr. and Mrs. Harvey Legrone of Yucca Valley, and Mr. and Mrs. Miller, part time Yucca Valley residents, voicing opposition to Measure X.

Becki Vowles, Pioneertown addressed Council Member Leone in regards to a recent conversation.

Sarann Graham, Yucca Valley spoke as a HDWD board member, thanked the Town Council for their support of the assessment vote. Graham announced an upcoming golf event for Father’s Day in June 20<sup>th</sup>. The event is sponsored by the Soroptomist International of Yucca Valley.

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

**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle gave a brief update on the Dumosa signal project.

Town Manager Yakimow thanked Mayor Huntington for participating in the Town’s annual Easter Egg Hunt and also thanked the Community Services staff for a fabulous event.

Yakimow announced that the Town website will be updated to include a page dedicated to information on Measure X and the election scheduled for June 2, 2015.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

- 11. Council Member Abel thanked for public for attending the meeting and spoke favorably of the services provided by the San Bernardino County Sheriff’s Department school resource officer. Abel also announced that there are a few vacancies at the Dumosa Senior Village, if anyone would like to live in a nice, downtown facility.
- 12. Council Member Denison reported that he attended a recent Vietnam Veterans’ event and thanked all who participated. Denison spoke highly of the Sheriff’s Department’s OHV enforcement program.
- 13. Council Member Lombardo spoke of recent community outreach for young Abigail Snipes, and her battle with cancer.
- 14. Mayor Pro Tem Leone thanked Town staff for a very informative meeting this evening.
- 15. Mayor Huntington thanked Town staff for the Easter Egg Hunt and reported on recent SANBAG action on express lanes. Huntington reminded the public that the Earth Day Celebration is scheduled for Saturday, April 18<sup>th</sup> at the Yucca Valley Community Center.

**ANNOUNCEMENTS**

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, April 21, 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
- 2. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**  
A closed session will be held, pursuant to Government Code §54956.9 (d)(2), significant exposure to litigation in one (1) case.



3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**  
A closed session will be held, pursuant to Government Code §54956.9 (d)(4), for the Town Council to consider whether to initiate litigation in four (4) cases.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
A closed session will be held, pursuant to Government Code §54956.8, to enable the Town Council to consider negotiations with:

Property: APN 0587-361-02, San Bernardino County, CA  
56711 Twentynine Palms Hwy, Yucca Valley  
Hi Desert Water District  
Curtis Yakimow, Real Property Negotiator  
Real Property Negotiations

Property: APN 586-101-07, San Bernardino County, CA  
SE Corner of Kickapoo Trail and Benecia  
Hi Desert Water District  
Curtis Yakimow, Real Property Negotiator  
Real Property Negotiations

Town Attorney Laymon announced the Closed Session items, and informed the public that the Report Out on Closed Session will be conducted at Town Hall immediately following Closed Session.

Mayor Huntington 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 7:52 p.m.

**CLOSED SESSION REPORT/ADJOURNMENT**

Town Attorney Laymon reported that Closed Session adjourned at 8:40 p.m. with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC  
Town Clerk