

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
AUGUST 4, 2015**

OPENING CEREMONIES

Mayor George Huntington called the meeting to order at 6:00 PM.

CALL TO ORDER

PRESENT: Denison, Leone, Lombardo, Huntington

ABSENT: Abel

Council Member Abel absent due to a scheduled vacation.

Staff Members present were: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Police Chief Joling, and Town Clerk Copeland.

PLEDGE OF ALLEGIANCE

Led by Mayor Huntington

INVOCATION

Led by Pastor Stephen Jones, First Southern Baptist Church

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

MINUTES APPROVAL

1. Approval of July 7, 2015 Town Council Regular Meeting Minutes

RESULT: APPROVED [UNANIMOUS]

MOVER: Robert Leone, Mayor Pro Tem

SECONDER: Robert Lombardo, Council Member

AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington

ABSENT: Merl Abel

CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]

MOVER: Robert Lombardo, Council Member

SECONDER: Robert Leone, Mayor Pro Tem

AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington

ABSENT: Merl Abel

2. Approve the Rejection of Claim

MOTION:

That the Town Council rejects one Claim filed against the Town of Yucca Valley submitted on July 15, 2015 by Rachel Hancock.

3. Approve the Contract Facility/Park Maintenance Services; Desert Arc Contract Amendment for Contract Services

MOTION:

That the Town Council authorizes the Town Manager to execute the Amendment of the professional services agreement with Desert Arc, with a maximum annual contract value of \$52,132.42, based upon organizational need and efficiency, and with the Agreement ending on June 30, 2016.

4. Approve the Jacobs Park Playground Improvements – Town Project No. 8948; Notice of Completion; R.E. Schultz Construction, Silverado CA

MOTION:

That the Town Council accepts the 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 Project No.8948.

5. Adopt the Grant of Easement to the Public for Street and Utility Purposes; Approximately 0.0524 Acre dedication for SR62 (Welcome Center) APN#587-361-02; Grant of Easement to the High Desert Water District (HDWD); Approximately .0131 Acre dedication for SR62 (Welcome Center) APN#587-361-02.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE GRANT OF EASEMENTS ON APN #587-361-02 FOR PUBLIC UTILITY AND ROADWAY PURPOSES AND FOR HI-DESERT WATER DISTRICT WASTEWATER COLLECTION SYSTEM PURPOSES

MOTION:

That the Town Council approves Resolution No. 15-16, Granting of easements to:

- The Public for Street and Utility Purposes (SR 62), approximately 0.0524 acres (2,282 sq. ft. +/-) Dedication; APN#587-361-02, California Welcome Center Property
- Hi-Desert Water District, approximately .0131 acres (566 sq. ft.+/-) dedication for wastewater facilities; APN#587-361-02, California Welcome Center Property;
- and authorizes the Town Manager to sign the grant of easement, and directs the Town Clerk to record the easement with the San Bernardino County Recorder's

Office.

6. **Approve the Fourth Amendment to the Subdivision Improvement Agreement; Reduction of Bond Obligations; Tract Map 16587; Located at the northeast corner of Acoma Trail and Zuni Trail**

MOTION:

That the Town Council approves the attached 4th Amendment to the Subdivision Improvement Agreement, extending the period of time for completion of improvements an additional twenty-four (24) months through November 22, 2017, reducing the Irrevocable Standby Letters of Credit from \$211,185 to \$ 183,391 for the remaining public improvements.

7. **Approve the Second Reading and Adoption of Ordinance No. 256**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 9.50, HOME OCCUPATION PERMITS, OF ARTICLE 3, GENERAL DEVELOPMENT STANDARDS, OF TITLE 9, YUCCA VALLEY DEVELOPMENT CODE

MOTION:

That the Town Council Adopts Ordinance 256.

8. **Approve the Warrant Registers**

MOTION:

Ratify the Warrant Registers totaling \$1,156,926,76 for checks dated June 25, 2015 through July 23, 2015.

Ratify the Payroll Registers totaling \$457,491.72 dated June 19, 2015 through July 2, 2015.

PUBLIC HEARING

9. **Resolution No. 15- ; Annual Assessment Engineer’s Report for Previously Formed Street & Drainage and Landscape & Lighting Maintenance Districts; Levying Annual Assessments upon Real Property within the Districts**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENT DIAGRAMS AND CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER’S

REPORTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS WITHIN THE EXISTING DISTRICTS FOR THE 2015-2016 TAX YEAR AND AUTHORIZES THE LEVY OF ASSESSMENT UPON REAL PROPERTY AS IDENTIFIED IN THE ENGINEER'S REPORTS

Staff report presented by Deputy Town Manager Stueckle for the Annual Assessment Engineer's Report for previously formed Street and Drainage, and Landscape and Lighting Maintenance Districts. Stueckle explained that the Town Council previously formed these districts as a condition of private subdivision development project approvals. The Assessment Engineer's Report(s) , which establishes the annual assessment in each of the Districts must be updated annually and approved by the Town Council, following a public hearing, in order to levy the annual assessment. The Town has nine such districts. A recommendation to increase assessments for Tract Map 16587 (Mesquite 55) is proposed, as the Town has accepted the roads within this development into the maintained road system. The annual assessment is designed to annually contribute to fund future reconstruction of the subject roadways, as well as for annual maintenance of the drainage system and ancillary improvements.

The recommended annual assessment for Tract Map 16587 is:

Street and Drainage Maintenance District No. 1

Annexation No. 1, Zone 2: \$378.18

Landscape and Lighting Maintenance District No. 1,

Annexation No. 1, Zone 2: \$187.72

Assessments for remaining Districts are unchanged for 2015-16.

Mayor Huntington opened the public hearing. Town Clerk Copeland reported that no written communication has been received on this item. With no members of the public wishing to speak, Mayor Huntington closed the public hearing.

MOTION:

That the Town Council adopts Resolution No. 15-17, Confirming the assessment diagrams and confirming the assessments as set forth in the engineer's reports for landscaping and lighting maintenance districts and street and drainage maintenance districts within the existing districts for the 2015-2016 tax year and authorizes the levy of assessment upon real property as identified in the engineer's reports.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Leone, Mayor Pro Tem
SECONDER: Rick Denison, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

DEPARTMENT REPORTS

10. Resolution No. 15- ; Authorization of the Levy of a Special Service Tax upon Real Property within Community Facilities District (CFD) No. 11-1; Improvement Areas # 1, 2, and 3

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AUTHORIZING THE ANNUAL LEVY OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO 11-1 FOR FISCAL YEAR 2015/2016

Deputy Town Manager Stueckle presented the staff report on the Authorization of the Levy of a Special Service Tax upon Real Property within Community Facilities District (CFD) No. 11-1. Stueckle explained that the Town Council previously established Town of Yucca Valley CFD No. 11-1 to finance a portion of the cost of providing street, storm drain, and landscape maintenance and street lighting services that are in addition to those services provided within the CFD territory prior to the formation of the CFD. The Town Council sets annual levies for the CFD.

The Town has formed three (3) such service areas:
 Warren Vista Center CFD, Annexation Area No. 1, Improvement Area 1
 Dollar General CFD, Annexation Area No. 1, Improvement Area 2
 Super Wal Mart CFD, Annexation Area No. 2, Improvement Area 3

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

MOTION:

That the Town Council adopts the Resolution, authorizing the annual levy of special taxes for Community Facility District No. 11-1, Improvement Areas # 1, 2, and 3 for fiscal year 2015/2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Lombardo, Council Member
SECONDER: Rick Denison, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

11. Contract Yucca Trail Traffic Safety & Circulation Analysis; Albert Webb Associates; Authorization for Contract Services

Deputy Town Manager Stueckle presented the staff report, giving explanation for the recommendation to contract for services, to conduct a traffic safety and circulation analysis for Yucca Trail, from Sage Avenue to La Contenta Road. Currently, Yucca Trail carries the largest volume of daily vehicle traffic within the Town, not including state highways. Yucca Trail is partially to fully improved at its current state. Traffic volumes and patterns have changed on Yucca Trail and its intersecting streets over the past several years.

Stueckle continued to explain that prior to proceeding with additional improvements along Yucca Trail, evaluating immediate, mid-range and long term roadway improvement is recommended. A tiered approach for implementation will accommodate based on safety needs, roadway and intersection improvements, and scheduled construction of Phase 1 of the Hi Desert Water District's collection system for the sewer project.

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

Mayor Pro Tem Leone spoke of recent accidents at the corner of Warren Vista and Yucca Trail.

Council Member Denison inquired on costs for recommended improvements along Yucca Trail and also inquired on any additional outlay for the seven referenced items, the Town will provide to the Consultant prior to the kick-off meeting.

Council Member Lombardo spoke of the heavy traffic on Yucca Trail and welcomes this study.

Huntington spoke favorably of the item and inquired on a need to identify a cost effective fix for needed areas prior to pulverization by the sewer project.

MOTION:

That the Town Council authorizes the Town Manager to enter into a professional services agreement with Albert Webb Associates, with a maximum contract value of \$23,100, and direct staff to include this project and associated costs in the Measure I 5-Year Plan and Measure I Budget for Fiscal Year 2015/1016.

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Leone, Mayor Pro Tem
SECONDER: Robert Lombardo, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

12. Ordinance No. ; AB 2188; Expedited Permitting Small Residential Rooftop Solar Systems; State Mandate

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE YUCCA VALLEY MUNICIPAL CODE, TITLE 8, ADDING CHAPTER 8.05, IMPLEMENTING AB 2188, PROVIDING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

Deputy Town Manager Stueckle read the title of the ordinance and clarified the motion, to waive further reading of the ordinance, and read by title only, and to introduce the ordinance, establishing expedited permitting for small residential rooftop solar systems as outlined in AB2188.

Patrick Carroll of Charles Abbot and Associates who the Town contracts with for building and safety services, gave information on the item, explaining the state mandate through AB2188 requiring municipalities to provide an expedited, streamlined, permitting process for small residential rooftop solar systems. The Town currently practices an expedited process for standard, residential rooftop solar system installs.

Mayor Huntington opened public comment.

Ricky Carrier, Yucca Valley spoke of SCE's involvement in the connectivity process of his rooftop solar system.

Bonnie Brady, Yucca Valley spoke of residential solar systems and large commercial solar projects.

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

Council Member Lombardo inquired if this ordinance effects anything other than streamlining the permitting process. Deputy Town Manager Stueckle explained that this is specifically for the permitting process, which is separate from SCE's connectivity process.

Carroll explained the permitting process for those applicants that do not meet the standard streamlined process checklist.

Mayor Pro Tem Leone spoke of solar companies business practices, and inquired on any additional cost to the Town for the streamlined permitting process.

MOTION:

That the Town Council waives further reading of the ordinance, and read by title only, and to introduce the ordinance, establishing expedited permitting for small residential rooftop solar systems as outlined in AB2188.

RESULT: INTRODUCED [UNANIMOUS]

Next: 9/1/2015 12:00 AM

MOVER: Robert Leone, Mayor Pro Tem

SECONDER: Robert Lombardo, Council Member

AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington

ABSENT: Merl Abel

13. Contract SR62 Landscape Median Maintenance Services; Desert Green Landscape; Authorization for Contract Services

Deputy Town Manager Stueckle presented the staff report requesting authorization of a contract for landscape median maintenance along Hwy 62. A Request for Proposals (RFP) was prepared and competitive bids were received by two landscape contracting companies. Desert Green Landscape is a local company, with a bid of \$21, 398. Mariposa Landscapes, Inc. Is located in Irwindale, California with a bid of \$18, 640. The RFP places responsibility upon any potential, selected contractor for Caltrans and Town coordination, traffic control, maintenance and irrigation repairs. It is staff's recommendation to award the bid to Desert Green Landscape.

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

Mayor Pro Tem Leone agreed with the recommendation to use a local company.

Council Member Denison commented on the benefit of using an outside source for these duties, to allow Town staff to attend to their other responsibilities.

Mayor Huntington spoke in favor of using a local contractor for quicker response time if the need arises.

MOTION:

That the Town Council authorizes the Town Manager to enter into a professional services agreement with Desert Green Landscape, with a maximum annual contract value of \$21,398, based upon organizational need and efficiency.

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lombardo, Council Member
SECONDER: Rick Denison, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

14. HVAC Equipment Replacement/Upgrade; Community Center/Museum HVAC Controller

Staff report presented the staff report explaining the services needed to upgrade the HVAC equipment at the Yucca Valley Community Center. The Town has contracted with Honeywell since 1994 for maintaining the system. As part of that contract, the HVAC controlling software was purchased and has become obsolete. The recommendation action would tie the Community Center system with the system at the Museum building. Staff recommends awarding project to Honeywell for the familiarity of the commercial systems.

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

Council Member Lombardo expressed interest in using a local company for these services.

Council Member Denison also spoke favorably in using a local contractor, and inquired if Hi Desert Air had the capability to provide the services as needed. Denison expressed disappointment in the way Honeywell didn't upgrade the software system prior to it becoming obsolete.

Mayor Huntington spoke in favor of contracting Honeywell as they are familiar to the complex commercial system.

Mayor Pro Tem Leone also announced favor of using Honeywell.

MOTION:

That the Town Council amends the 2015/2016 fiscal year budget, appropriating \$12,000 from undesignated reserves, authorizes the purchase of HVAC replacement controllers in the amount of \$11,491.82 through existing maintenance service contracts with Honeywell, Inc., authorizing the Town Manager to expend the funds for project implementation, and finding that the purchase is consistent with the Town's purchasing policies as Honeywell, Inc., is under contract to the Town to provide maintenance and services to the Town's HVAC systems.

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lombardo, Council Member
SECONDER: Robert Leone, Mayor Pro Tem
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

15. Wireless Communications Standards, Development Code Chapter 9.44; Table 3-3 of Section 9.31.030, of Article 3, Structures that May Exceed Height Limit, Policy Discussion

Deputy Town Manager Stueckle presented the staff report, giving an update to the Town Council on the current wireless communication standards to launch a policy discussion on the topic. The Development Code Chapter 9.44 Wireless Communication Facilities is currently in place to reduce the impact of the appearance of communication towers in the community. The Town currently has an application for 55 foot high pine tree in the commercial corridor near Hwy 62.

Through recent application reviews, Development Code Table 3-3 of Section 9.31.030 of Article 3, Structures that May Exceed Height Limit, and based upon legal review, allows wireless communication facilities in commercial land use districts to exceed structure height limits by 50%. This allows wireless communication facilities in commercial land use districts and within the 5,000 foot Special Design Areas. Even when designed as trees, water tanks, or other disguised design, these facilities within the Special Design Areas may have undesirable visual impacts upon the community.

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

Mayor Pro Tem Leone inquired on the height requirement for structures to have a flashing light installed to warn aircraft. Leone also commented on the negative impact the wireless structures may have on the natural views.

Council Member Lombardo inquired on required spacing between communication structures and encouraged the Town Council to consider future infrastructure for the anticipated need for wireless technology. Local residents will expect proper coverage as technology needs increase in the future.

Mayor Pro Tem Leone questioned if companies share locations.

Council Member Denison expressed the elected officials have an obligation to provide opportunity for communication facilities are available for local residents. Denison stated he would like the ordinance revisited with research to determine what is required by the wireless companies and how access can be available for our community without a negative appearance.

Council Member Lombardo inquired if the Town would be able to build a tower and rent the space to communication companies for a revenue stream.

Mayor Huntington believes the current ordinance is discretionary and allows staff to make an appropriate determination.

Mayor Pro Tem Leone also stated favor of the current ordinance.

No motion was made on this item.

MOTION:

RESULT: NO MOTION MADE

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

Mayor Huntington opened public comments for items not on the agenda.

Bonnie Brady, Yucca Valley distributed photos to the Town Council of a parcel near Joshua Drive in Yucca Valley and requested that the native plants are not removed in a similar fashion as the recently graded Sage Estates.

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

STAFF REPORTS AND COMMENTS

San Bernardino County Fire Chief Chamberlin gave an update on fire activity around the State.

Community Services Manager Earnest presented an update on mid-summer activities Family Fun Day, On the Farm was a huge success and aquatics programs will continue through August 15. Family Movie Night is coming up this weekend at Paradise Park and the Summer Music Festival continues through August 15. Earnest thanked the Senior Club for sponsoring the senior dance luau.

Town Manager Yakimow gave a brief update on current State legislation.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

Council Member Abel: Absent

Council Member Denison: None

Council Member Lombardo: None

Mayor Pro Tem Leone: Reminded the public that the concerts in the park are still going on for a couple more weeks, come down and enjoy the beautiful night air and cool grass. Leone also inquired on road maintenance conducted by Hi Desert Water District along Onaga Trail, west of Amador.

Mayor Huntington: Reported he enjoyed being "On the Farm" at the recent Family Fun Day- great event.

ANNOUNCEMENTS

Upcoming Meeting Schedule

The next regular meeting of the Yucca Valley Town Council is scheduled for Tuesday, August 18, 2015 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room.

CLOSED SESSION

Adjourn to Closed Session- Public Comments will be heard prior to Closed Session

Town Attorney Laymon read the Closed Session items.

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

Mayor Huntington Adjourned to Closed Session at 7:25 pm.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A closed session will be held, pursuant to Government Code §54956.(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

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: 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

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: Frank Lindsay vs. Town of Yucca Valley; Case Number 515-cv-0036-VAP-DTBx; United States District Court

REPORT OUT OF CLOSED SESSION / ADJOURNMENT- TOWN HALL LOBBY

Town Attorney Closed Session Report

Town Attorney Laymon reported that Closed Session ended at 8:00 p.m. with reportable action on Closed Session Item No. 1. Existing Litigation- Mirage Front Properties.

A settlement was approved by a 4-0-1 vote by the Council (Abel absent). Terms of the Settlement: case to be dismissed with prejudice by Plaintiff in exchange for Plaintiff entering into a new subdivision improvement agreement for Tract Map 17328. There will be no payment of money with respect to this settlement.

Respectfully Submitted,

Lesley Copeland, CMC

Town Clerk