

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
AUGUST 9, 2007**

Mayor Neeb called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Leone, Luckino, Mayes, and Mayor Neeb. Council Member Herbel was absent as she was out of Town.

Staff Present: Town Manager Takata, Town Attorney Silvergleid, Deputy Town Manager Stueckle, Human Resources & Risk Manager Lassetter, Community Development Director Best, Public Works Director Glowitz, Capt. Williams, and Town Clerk Anderson

**PLEDGE OF ALLEGIANCE**

Led by Council Member Luckino

**AGENCY REPORTS**

**Hi Desert Water District**

**1. Wastewater Treatment Facility update.**

Ed Muzik, Hi Desert Water District Interim General Manager, advised of the progress of the wastewater treatment facility project.

Council Member Luckino questioned the time line for the plan. Mr. Muzik advised that once the consulting firm returns with the information and a soils report is engaged, it will take about 9 months to finalize the plan.

**PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS**

**2. April Sall, California Desert Coalition, Presentation regarding placement of high power transmission lines.**

April Sall gave a Power Point presentation regarding the impact of the "Green Path Project" proposal by the Los Angeles Department of Water and Power to bring high tension power lines through the Morongo basin.

Council Member Luckino questioned where the proposal is in the process. Ms. Sall advised they are waiting to hear from DWP as to when they are going to be holding the public meetings. She noted that a similar project in San Diego has been postponed for about 6 months.

Council Member Mayes questioned the statement made that this was not a public project. Ms. Sall advised that the project will serve Los Angeles only noting that DWP is not a public utility such as Edison.

Council Member Leone questioned if there is anything that would empower the Town since it is being proposed by a private, not public, company. Ms. Sall advised that the fact that the area is not within a federal interest corridor is good, however, if it does become a federal interest corridor it will be a problem for us.

Council Member Mayes recommended that this issue be brought back.

Mayor Neeb reported regarding a meeting with the DWP between the Town Manager Takata, Town Staff, and Bruce Davis on Monday. Town Manager Takata advised that DWP met with us but they had never contacted Supervisor Hansberger's office during this whole thing. Mr. Davis told them some of the things that they had done without giving the County and knowledge of their proposal. He noted that he informed them that the Town has come out against this project and will do whatever it takes to stop it coming through the area. There are other routes that could be used, and they have other options, but this is the cheapest option.

Mayor Neeb requested an update as new information comes to light.

**2a. Employee Introduction.**

Town Manager Takata introduced Donna Palmer-Faoro, Administrative Analyst.

**APPROVAL OF AGENDA**

Council Member Leone moved to approve the agenda. Council Member Luckino seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

**CONSENT AGENDA**

3. **Approve**, Regular Town Council Meeting Minutes of June 28, 2007 as presented.
4. **Waive**, further reading of all ordinances and read by title only.
5. **Award**, contract for professional engineering services for two highway improvement projects on SR 62, in the amount of \$747,004, subject to final negotiations, and authorize the Town Manager to execute a contract with RBF Consultants, using the Town's standard form professional services agreement, with such non substantive changes as approved by the Town Manager and Town Attorney. Fairway to Camino Del Cielo / Sage to Airway & Cholla to Trojan, Construction Plan Preparation for Ultimate Widening of

SR 62 & Camino Del Cielo Traffic Signal and Raised Median Island.

6. **Approve**, draft contract and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents. Network Support Services
7. **Receive and File**, Treasurer's Report for 4<sup>th</sup> Quarter FY 2006/07 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC)
8. **Award**, construction contract to J. D. Stine Constructors, Inc. for the lowest submitted base bid in the amount of \$235,652; establish \$23,565 contingency and \$5,000 administrative costs and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency if necessary to complete the project. Repair Damaged Wash Crossings, Town Project No. 8318-8319-8341.
9. **Authorize**, staff to advertise for bid the 2007 annual street striping program.
10. **Receive and file**, the General Plan Annual Report for the 2006-2007 Fiscal Year.
11. **Adopt**, Resolution No. 07-25, authorizing the Mayor to sign the Cooperative Agreement, Town of Yucca Valley and Caltrans, Project Approval & Environmental Determination Phase of the SR 62 Old Town Re-alignment Project (EA 0G930K) District Agreement No. 8-1337, Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS RELATING TO THE SR 62 OLD TOWN RE-ALIGNMENT PROJECT COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA, ACTING THROUGH ITS DEPARTMENT OF TRANSPORTATION

12. **Accept**, repair and resurfacing of the Jacobs Park Tennis Courts, Town Project No. 8216 by Richard S Hottel, dba California Surfacing in the amount of \$9,900 as substantially complete, authorize Town staff to file Notice of Completion with the County Recorder; and authorize staff to release retention monies due the Contractor thirty-five (35) calendar days after recordation of the Notice of Completion.
15. **Receive**, and file the AB 1234 Reporting Requirement Schedule for the month of June 2007
16. **Ratify**, Warrant Registers in the amount of \$1,529,782.91 for expenses dated June 15, 2007 through July 27, 2007.  
**Rae Packard**, Yucca Valley, requested that the ordinance be read in its entirety.

**YUCCA VALLEY TOWN COUNCIL MINUTES**

**August 9, 2007**

Council Member Mayes requested to pull Item 13 for discussion and advised that he is abstaining on Item No. 6.

Council Member Leone requested to pull Item 14.

Council Member Luckino moved to adopt Consent Agenda Items 3-12, 15 and 16. Council Member Leone seconded. Motion carried 4-0-1 on a roll call vote.

- AYES:** Council Member Leone, Luckino, Mayes, and Mayor Neeb.
- NOES:** None
- ABSTAIN:** Council Member Mayes on Item No. 6
- ABSENT:** Council Member Herbel

**13. SB 53, 2006 State Legislation, SB 1809, 2006 State Legislation, Requirement for Legislative Body Ordinance for Redevelopment Implementation Plan.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONTAINING A DESCRIPTION OF THE YUCCA VALLEY REDEVELOPMENT AGENCY’S PROGRAM TO ACQUIRE REAL PROPERTY THROUGH EMINENT DOMAIN ACTIONS

Deputy Town Manager Stueckle gave the staff report noting the Town’s Agency does not have eminent domain authority, which is what the ordinance says.

Council Member Mayes commented that there has been a lot of discussion since the Supreme Court case a couple of years ago, noting that the Town’s RDA does not have the power to take property from one property owner and give it to another private business.

Council Member Leone moved to adopt Ordinance No. 182. Council Member Luckino seconded. Motion carried 4-0-1 on a roll call vote.

- AYES:** Council Member Leone, Luckino, Mayes, and Mayor Neeb.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Council Member Herbel

**14. Off-Highway Motor Vehicle Recreation (OHMVR) grant application, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE APPLICATION FOR STATE OF CALIFORNIA 2007 OFF-HIGHWAY MOTOR VEHICLE RECREATION (OHMVR) GRANT FUNDING

Sheriff’s Sgt. Collins advised that the Council appointed a citizens’ committee in the

spring of 2003 to study issues associated with OHV operation within the Town limits. Proposed funding includes \$80,000 to fund staffing for enforcing, \$45,000 to purchase a pick-up to pull the bike trailer, \$25,000 for pamphlets, \$6,000 to purchase two portable signs to direct OHV users to the proper areas. There will also be funds to purchase additional safety equipment. The use and amount of funding is tentative pending the final grant application.

Council Member Mayes questioned where legal places are to ride in the incorporated area of Yucca Valley. Sgt. Collins advised there are no legal OHV routes within the Town limits.

Council Member Leone questioned what portion of the grant would be delegated for patrol in Yucca Valley. Sgt. Collins advised it depends on where the most calls for service come from.

Council Member Luckino commented that in his opinion there are a few bad apples making things bad for all vehicle riders. He questioned if the Town can look at some of our fines to impose on the people we do catch. Sgt. Collins advised the primary complaints received involve riding through neighborhoods noting the punishment depends on the rider. They can receive a warning, a ticket, or have their bike towed, depending on what they are cited for. Council Member Luckino suggested making the fines more punitive. Capt. Williams advised that the fines are set by the state and court system, not by the local jurisdiction. He noted there are sufficient levels of punishment, the challenge is apprehending the bad apples.

Council Member Leone questioned if the types of vehicles the Department is using are motorcycles. Sgt. Collins noted they currently have 3 street legal dirt bikes.

Council Member Mayes moved to adopt Resolution No. 07-26, authorizing the preparation and submittal of an application to the State of California Off-Highway Motor Vehicle Recreation Division requesting grant funding for OHV law enforcement programs. Council Member Leone seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

## **DEPARTMENT REPORTS**

### **17. Appointment of Voting Delegate and Alternates at the League of California Cities Annual Conference**

Town Clerk Anderson reported that the League Annual Conference will be held September 5-8 in Sacramento. The business meeting will be on Saturday, September 8<sup>th</sup>. As the Mayor and Council Member Herbel will be the only two remaining at the conference at that time, the recommendation is to appoint Mayor Neeb as the voting

delegate and Council Member Herbel as the alternate for the business meeting at the League of California Cities annual conference business meeting on Saturday, September 8, 2007.

Council Member Mayes moved to designate the Mayor as Voting Delegate, and Council Member Herbel as Alternate at the business meeting of the League of California Cities Annual Conference. Council Member Leone seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

**18. Budget Amendment, Authorization to Purchase Vehicles: One Animal Control Field Service Vehicle, Two Citizen on Patrol Vehicles.**

Public Works Director Glowitz reported that Council requested that staff further investigate applying for a grant from the Mojave Desert Air Quality Management District (MDAQMD), as well as other alternative fuel vehicles. The action before the Council is to request \$103,000 for the immediate purchase of two Citizens on Patrol vehicles and one Animal Control Field Services vehicle. Grant monies from the MDAQMD are now available with the release for the call for projects on August 1<sup>st</sup>, however, the contract execution period is not until February 2008 – April 2008.

Town Manager Takata noted that the key fact is that the Citizen Patrol vehicles need immediate replacement.

Council Member Leone questioned if the difference of \$13,000 between the hybrid and gas vehicles is per vehicle or for both of them. Public Works Director Glowitz advised that is the total cost. Council Member Leone questioned if both the Citizen Patrol vehicles are in need of replacement. Public Works Director Glowitz advised they are.

Deputy Town Manager Stueckle added that one of the vehicles due for replacement is 12 to 13 years old. And the Explorer is the second newest at about 7 or 8 years old. Both vehicles are past their prime. While the Town desires to promote the type of issues that come with cleaner vehicles, the time frame is more than staff would recommend.

Council Member Luckino questioned if the vehicles can be purchased and the grant applied for later. Public Works Director Glowitz answered no, but added that the Town could apply for a grant for vehicles in the future. Council Member Luckino comments that the Town needs to do that in the future, but there is a need to purchase the gas vehicles at this time.

Mayor Neeb commented that he would like to be able to purchase more clean burning vehicles, but the cycle is not working for us.

Council Member Leone questioned if there are any studies regarding the life of hybrids and whether they are more durable in the long term. Public Works Director Glowitz

advised he has investigated the Ford Escape hybrids, but it is too soon to be able to say definitively if they are more or less dependable. There is a 100,000 mile warranty on the batteries.

Town Manager Takata questioned if there are any fleet vehicles the Town can replace with hybrids next year. Public Works Director Glowitz advised that most of the staff vehicles are in good shape not ready to be replaced.

Council Member Mayes commented that the difference in cost could almost purchase another vehicle and agreed to purchasing the gas vehicles at this time.

Mayor Neeb stated it is hope that the policy would be to try to coordinate with the Air Quality District in the future.

Council Member Luckino questioned if it would be a problem to apply and get grants when there are no vehicles to apply it to. Deputy Town Manager Stueckle advised that the Town has budgeted for these vehicles at this time, and applying for grants for more vehicles would require pulling more funds out of reserve just for the purpose of filing a grant application. Council Member Luckino asked that the sales tax for the purchase of the vehicles be credited to the Town.

Council Member Leone commented that grants have been given to other municipalities for their police departments, and questioned if there are any vehicles the Sheriff's Department might be interested in that may qualify as hybrid. Capt. Williams advised that they have looked at segways and they do have 4-5 bicycles. They could be open to look at those type things.

Council Member Luckino moved to amend the FY 2007-08 budget and appropriate funding from the Internal Service Fund Fleet and Equipment Replacement reserve in the amount of \$103,000 for the immediate purchase of two gasoline Citizens on Patrol vehicles and one Animal Control Vehicle. Council Member Leone seconded. Motion carried 4-0-1 on a roll call vote.

Council Member Leone advised that he will discuss the issue with the MDAQMD Board.

**AYES:** Council Member Leone, Luckino, Mayes, and Mayor Neeb.  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Council Member Herbel

- 19. Authorization to advertise bid for Solar Project No. 2, Metal Roofed Vehicle Parking Structure with Solar Photovoltaic System, Community Development Public Works Facility; Authorization to execute a loan application to the California Energy Commission in the amount of \$69,000; Authorization to execute an**

**application to reserve \$88,500 of California Solar Initiative funding for the Town of Yucca Valley**

Public Works Director Glowitz advised that Solar Project No. 1 was constructed at the Town Center and completed on schedule. Solar Project No. 2 will be located at the Community Development Public Works Department and will consist of a metal shade shelter for 10 parking spaces for Town vehicles. A photovoltaic solar panel array will be mounted on the shade structure to provide solar generated electricity for the facility. If the total project does not exceed \$316,000, the CEC and CSI dollars will comprise the total local match requirement and the Town will have no additional expense.

Council Member Luckino questioned the return on investment. Deputy Town Manager Stueckle Town's advised it is 11 – 13 years.

Council Member Mayes questioned what the Town is doing to try to conserve energy, noting that changing to thinks such as LED lighting is a better return on investment. Deputy Town Manager Stueckle explained what has been done over the last 13 years.

Council Member Luckino questioned if the grants are due to expire and if it would make more sense to loot at a larger project in conjunction with other agencies. Public Works Director Glowitz advised that the current grant expires in August of next year and the Town must substantially complete construction by that time.

Council Members Mayes and Leone advised of a presentation regarding solar/thermal energy currently being used in the Cities of Victorville and Hesperia. Yucca Valley's climate is conducive to this.

Mayor Neeb noted that the Towns vehicles and equipment do take a beating from the sun, and the more we can protect them the more life we will see out of our fleet.

Council Member Leone advised this particular shade area is to be used for the Town Vehicles and equipment.

Council Member Leone moved to authorize the Town Manager and Deputy Town Manager to: advertise public bid for the construction of Solar Project No. 2, consisting of a metal shade shelter with photovoltaic solar array at the Community Development/Public Works Facility; execute loan application for a loan from California Energy Commission (CEC) in the amount of \$69,000; and execute a reservation application for California Solar Initiative (CSI) incentive funds from Southern California Edison in the amount of \$88,500. Council Member Luckino seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

**POLICY DISCUSSION**

**20. Policy Discussion and Direction Posting Speed Signs on Private Dirt Roads.**

Item continued.

**21. Hi Desert Water District Request, Waste Water Treatment System Implementation, Request for \$350,000 Loan.**

Deputy Town Manager Stueckle advised Council has indicated a desire to support the development of a wastewater treatment system moving forward. A letter has been received from the Hi Desert Water District requesting that the Town contribute, in the form of a loan, in the amount of \$350,000 for the project, due and payable within 5 years. The item is under policy discussion, and if the Council desires to consider the request, formal action would be to direct that loan documents be prepared and placed on the August 23<sup>rd</sup> agenda for action.

Council Member Luckino questioned if the Town can get some kind of collateral. Town Attorney Silvergleid advised that the initial reaction of Town Staff was that there would be no security. Council Member Luckino commented that the Council has look at our finances and respect our constituent dollars and need to collateralize this.

Council Member Mayes questioned what the \$350,000 is going to be used for and why it needs to be delivered now. Ed Muzik, Interim General Manager, commented when the first meeting was held a JPA was discussed, however the Town Attorney recommended that a loan be granted rather than forming a JPA. He noted that wastewater is a separate fund and water funds should not be used for that purpose. Council Member Mayes commented he did not feel there is a need to collateralize the loan noting there will be a contract.

Council Member Luckino advised that Montgomery Watson going to come in with some scenario information next month, along with time lines and possibly where the \$700,000 will be spent. Mr. Muzik advised the District is looking for the commitment from the Town.

Council Member Leone stated he feels this is a good initiative and he does not see any problem with the loan.

Mayor Neeb questioned if the Town would have legal grounds to recoup the money from the District once the loan is completed. Town Attorney Silvergleid advised if the loan wasn't paid the Town would use normal collection process. If the District went bankrupt they would be an unsecured vendor.

Council Member Luckino stated he too feels this is a good faith gesture and is important to the Town as well as the District, however he does feel any financial transaction needs to be collateralized.

Council Member Mayes commented the issue when writing a big check is one of what it is going to be used for. It is a priority of the Town's, but why not wait until the money is actually needed before the Town puts it in. Mr. Muzik stated they can put in requests to pay for the expenses at a 50/50 basis. Town Attorney Silvergleid advised she can draft an agreement that would be up to \$350,000 for trigger points. Town Manager Takata commented that there would be more involved in that process.

Mayor Neeb stated he can go along with waiting until the money is due, but to put the money out a little at a time is not an efficient use of staff time.

Council Member Luckino also recommended asking for a demand feature, noting his fear is the makeup of the board changing during the election and for some reason this is no longer their priority and the money is sitting there.

Mayor Neeb commented that Council would be making a commitment now for the next 5 years.

Council Member Mayes questioned if it would be easy enough to put something in the agreement to secure the loan better. Town Attorney Silvergleid suggested either security or bullet points, rather than a demand note. She added that security always good to have, but that is a policy decision for Council.

Council Member Mayes moved to bring forward loan documents on the August 23, 2007, Town Council Agenda for formal action. Council Member Leone seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

## **PUBLIC COMMENT**

**Shauna McGloin**, Cathedral City, introduced Optimist International, and advised they would like to start one in the area and have their sign put up on the organization sign at the entrance to Town.

**William Hampton**, Landers, commented regarding the Joshua Tree Kids Center.

**Art Conklin**, Yucca Valley, discussed problems with Time Warner cable.

**Charles McHenry**, Yucca Valley, requested the Town work on the surface water study.

**Rae Packard**, Yucca Valley, commented regarding Wal-Mart and distributed a video.

**Sarann Graham**, Yucca Valley, commented regarding the Town's decision to purchase gas vehicles, advised that the Chamber is supporting the California Desert Coalition, and commented that changing the exit signs to LED would save money.

**STAFF REPORTS AND COMMENTS**

Town Manager Takata advised that the comments regarding Time Warner will be referred to Administrative Services Director Yakimow for review.

Deputy Town Manager Stueckle advised that staff will look into the LED lights and get the savings numbers to the Council if interested.

Public Works Director Glowitz gave an update on SR 62 projects and shelf ready plans. Council Member Mayes requested that Assemblyman Cook and Senator Dutton get a copy of the list.

Town Manager Takata reported regarding attendance at a meeting with the Mayor and the General, and attendance at the Water Conference.

Community Development Director Best reported regarding the progress of the Super Wal-Mart EIR, noting it is in the public review phase staff is accepting written comments until August 28<sup>th</sup>. A number of comments have been received and will be forwarded to the consultant after the 28<sup>th</sup>.

Capt. Williams thanked the Mayor and Council for their support of Citizen Patrol by approving the purchase of the vehicles.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**22. Council Member Luckino**

Welcome Donna Faoro to the staff.

Commented that he is looking forward to getting back to Town business after the summer break.

Council Member Luckino reported regarding attendance at the 2+2 meeting with the Hi Desert Water District.

**23. Council Member Mayes**

Welcomed Donna Faoro.

Reported regarding attendance at the Mayor and Council Member Forum in Monterey in July, noting there is a lot of very interesting upcoming legislation regarding climate change etc. The Council will have to pay close attention to what is going on in Sacramento.

**24. Council Member Herbel**

Absent

**25. Mayor Pro Tem Leone**

Welcomed Donna Faoro back.

Reminded everyone of the Concert in the Park on Saturday.

**26. Mayor Neeb**

Welcomed back Donna Faoro.

Thanked April Sall for her presentation regarding the high tension power lines.

Reported regarding the visit with Gen. Spiese at the Marine Base, noting he will be attending a future Council meeting to give an update of base activities.

Reported regarding attendance at the Water Conference Ontario noting one topic was discussion of reopening the peripheral canal in the delta area. There are 25,000,000 people living in Southern California and water is very important.

**CLOSED SESSION**

27. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (subdivision (a) of Section 54956.9) Town of Apple Valley, et. al. vs. County of San Bernardino, SCVSS 141139, Superior Court of the State of California, County of San Bernardino.

28. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9(c) 1 potential case.

Mayor Neeb adjourned the meeting to closed session at 8:20 p.m. and returned to open session at 8:59 p.m. with no reportable action taken. There were no members of the public present.

**ANNOUNCEMENTS**

Next Town Council Meeting, Thursday, August 23, 2007, 6:00 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:59 p.m.

**YUCCA VALLEY TOWN COUNCIL MINUTES**

**August 9, 2007**

Respectfully submitted,

Jamie Anderson,  
Town Clerk