

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
AUGUST 3, 2010**

Mayor Mayes called the regular meeting of the Town of Yucca Valley Council to order at 5:04 p.m.

Council Members Present: Herbel, Huntington, Luckino, Neeb and Mayor Mayes.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b) 1 potential case

B. Government Code Section 54956.8, Conference with Real Property Negotiators.

Property: 586-031-36, 594-031-23, 594-041-34, Golf Course, 3 parcels totaling 99.42 acres located on the NW corner of Yucca Tr. and Kickapoo Tr.

Blue Skies Golf, LLC/Town of Yucca Valley
Mark Nuaimi/Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Mayor Mayes adjourned to Closed Session at 5:04 p.m., reconvened at 5:31 p.m. and recessed to 6:00 p.m.

Mayor Mayes reconvened the meeting at 6:00 p.m.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Town Attorney Laymon, Administrative Services Director Yakimow, Community Services Director Schooler, Police Lt. Boswell, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Council Member Herbel

CLOSED SESSION REPORT

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b) 1 potential case

Town Manager Nuaimi reported that during the Closed Session Council agreed to permit continued operation of CAMS Alternative Medicine Dispensary, subject to a 36 month

amortization period, and CAMS’ relocation to 7054 Wamego Trail. In exchange for the Town granting continued operation of CAMS, CAMS has agreed to a number of land use conditions and regulatory oversight by the Town to further protect the public health, safety and welfare.

Motion by Mayor Mayes and second by Council Member Neeb carried 4-1 on a roll call vote.

AYES: Council Member Herbel, Huntington, Neeb and Mayor Mayes.

NOES: Council Member Luckino

ABSTAIN: None

ABSENT: None

B. Government Code Section 54956.8, Conference with Real Property Negotiators.

Property: 586-031-36, 594-031-23, 594-041-34, Golf Course, 3 parcels totaling 99.42 acres located on the NW corner of Yucca Tr. and Kickapoo Tr.
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No Reportable action on this item.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Update from Kathleen DeRosa, Southern California Edison.

Kathy DeRosa, Southern California Edison, gave a district overview for the Morongo Basin.

Council Member Luckino questioned if the utilities will be put underground when Edison is replacing poles. Ms. DeRosa stated no advising that they are replacing the pole itself.

Council Member Herbel requested an explanation of “Smart Homes”. Ms. DeRosa commented that at some point in time appliances will talk to the electrical meters to enable customers to oversee their usage.

2. Employee of the Quarter

Presented to Jessica Haws, Administrative Assistant II.

APPROVAL OF AGENDA

Town Manager Nuaimi advised of a correction to Item 18, AB 1234 report, correcting the titles for Luckino and Mayes, and Item 22, setting the public hearing for September 7, 2010 not August

17, 2010.

Council Member Luckino moved to approve the agenda as amended. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

Mayor Mayes opened the floor to public comments

Lori Green, Yucca Valley, spoke regarding the Medical Marijuana Ordinance and in opposition to moving the existing CAMS to a larger location and allowing them to stay in business.

William Green, Yucca Valley, commented regarding the increase in the number of robberies in medical marijuana facilities in the state, and thanked the Council for taking the time to work on the ordinance.

- 3. **Approve**, Regular Town Council Meeting Minutes of June 1, 2010 Adjourned Town Council Meeting Minutes of June 7, 2010, Regular Town Council Meeting Minutes of June 15, 2010, Special Town Council Meeting Minutes of June 3, 2010 and June 17, 2010 as presented.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Adopt**, Ordinance No. 215, Medical Marijuana Dispensaries on second reading.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING A NEW CHAPTER, CHAPTER 9, TO DIVISION 4, TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE TO PROHIBIT THE ESTABLISHMENT OR USE OF MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES

- 6. **Authorize**, purchase of fleet vehicle fuel from Morongo Unified School District for Fiscal Year 2010/2011, and waive the formal bidding procedures as the Town Council finds that adherence to the method of the purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
- 7. **Authorize**, the purchase of asphalt maintenance supplies from Crafcro, Inc. for fiscal year 2010/2011 in the not to exceed amount of \$25,000, and waive the formal bidding procedures as the Town Council finds that adherence to the method of the purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
- 8. **Authorize**, the purchase of animal food and cat litter from The Cowboy Corral for FY 2010/2011 in the amount not to exceed \$16,200.00 annually.

9. **Authorize**, the Town's Animal Shelter to utilize the services of the two local veterinarian offices, Hi Desert Animal Hospital and Companion Animal Clinic for spay/neuter services for FY 2010/2011, in the amount not to exceed \$60,000.00 annually, and waive the informal bidding procedures as the Town Council finds that adherence to the method of the purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
10. **Approve**, the purchase of asphalt concrete from Matich Corporation at the rate of \$65.00 per ton, for the 2010/2011 fiscal year authorizing the Town Manager to expend funds as appropriated in the 2010/2011 annual budget.
11. **Adopt**, Resolution No. 10-21 authorizing application for and acceptance of Town participation in the California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG) Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING TOWN PARTICIPATION IN, AND THE APPLICATION FOR FUNDING UNDER, THE CALIFORNIA ENERGY COMMISSION'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

12. **Authorize**, the transfer of the \$14,000 allocation from CDBG project #123-32037/2638 (Desert Christ Park ADA Improvements) to the Town's CDBG Un-programmed Funds Account; and **Authorize**, the cancellation of CDBG Project #123-32037/2638 (Desert Christ Park ADA Improvements)
13. **Approve**, the Revised Town Fraud Policy
14. **Accept**, construction of the MBAHS facility improvements, Town Project No. 2914 by Joe Putrino General Contractor as substantially complete; Authorize Town staff to file the Notice of Completion with the County Recorder; Authorize Town staff to release the Performance Bond in the amount of \$46,875.00; and Authorize staff to release retention monies in the amount of \$4,687.50 due the contractor. (The improvements were completed by July 3, 2010 and Town Council did not meet in July, therefore, staff requests the retention be released upon approval by Town Council).
15. **Authorize**, a Professional Services Agreement with Overland Pacific & Cutler, Inc. in the amount of Fifty Thousand Eight Hundred Seventy Five Dollars (\$50,875) to provide Right of Way acquisition and support services for the PLHD SR 62 Median Improvement project and authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents.

- 16. **Approve**, the improvement drawings and specifications for the reconstruction of Del Monte Avenue from San Andreas Road to Santa Barbara Drive and authorize staff to proceed with advertisement for competitive bids.
- 18. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of June and July, 2010.
- 19. **Authorize**, the purchase of swimming pool chemicals and supplies from Knorr Systems, Inc., in the amount of not to exceed \$15,000 for fiscal year 2010/2011, and to waive the formal bidding procedures as the Town Council finds that adherence to the method of purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
- 20. **Ratify**, Warrant Registers in the amount of \$1,377,929.10 for checks dated June 24, 2010 to July 16, 2010. Ratify Payroll Register total of \$489,322.00 dated June 11, 2010 through June 25, 2010.

Mayor Mayes commented he is going to pull Item 17 in order to abstain, noting he does not have a legal conflict of interest however his brother in law does work for the company so he is going to abstain.

Council Member Neeb moved to Adopt Consent Agenda Items 3-16, and 18-20. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote, except that Council Member Herbel voted no on Item 5 only.

- AYES:** Council Member Herbel, Huntington, Luckino, Neeb and Mayor Mayes.
- NOES:** Council Member Herbel on Item 5 only
- ABSTAIN:** None
- ABSENT:** None

17. Network Support Services – Professional Services Agreement

Council Member Neeb moved to authorize the engagement of Southwest Networks, Inc. to provide professional network maintenance and computer services, and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney. Council Member Huntington seconded. Motion carried 4-0-1 on a roll call vote.

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

DEPARTMENT REPORTS

21. Appointment of Voting Delegate and Alternates at the League of California Cities Annual Conference.

Town Clerk Anderson advised of the voting requirements for the League of California Cities Annual Conference.

Council Member Neeb moved to designate Mayor Mayes as Voting Delegate and Mayor Pro Tem Herbel as alternate for the business meeting of the League of California Cities Annual Conference. Council Member Luckino seconded. Motion carried 4-1 on a voice vote with Mayor Mayes voting no.

22. Public Facilities Development Impact Fees, Set Public Hearing for September 7, 2010, Direction to Staff.

Deputy Town Manager Stueckle advised this item is to set the annual Public Hearing to look at Development Impact Fees and perhaps amend them.

Council Member Luckino moved to set a public hearing for September 7, 2010 to receive the annual report for 2009/2010 Public Facilities Development Impact Fees, and to consider any adjustments to the existing Public Facilities Development Impact Fees. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

Council Member Luckino requested that Council request a resolution supporting Congressman Lewis's work to oppose the administration on repealing Arizona's immigration reform act. He would like to support Arizona and their immigration reform act. There was no agreement from Council as to the proposed future agenda item

PUBLIC COMMENT

Fritz Koenig, Yucca Valley, commented regarding dog issues on Hoot Owl Trail.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi advised that staff has prepared a summary of Executive and Council Member compensation for the website in response to the unfortunate circumstances surrounding the City of Bell and noted that Cities will be required to publish compensation on the State Controllers website or face fine. Reminded anyone interested in running for office that the deadline is Friday at 4:30 p.m. for incumbents and Wednesday, August 11th at 5:00 p.m. for all others.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

23. Council Member Luckino

Commended Community Services Director Schooler, Candy Drake and staff for the Concerts in the Park.

Commented that the State is now on day 48 without a budget.

24. Council Member Huntington

Congratulate Administrative Assistant II Haws for being selected Employee of the Quarter.

Reported regarding the Animal Care JPA Meeting and selection of Williams Architects from Upland to provide consultation services to design the new Animal Control facility. Advised that the Planning Commission reviewed the proposed location and felt the property had several problems and recommended that additional properties be considered.

25. Council Member Neeb

Commented there is an opening on the LAFCO Board and recommended that Council support Council Member Huntington as an applicant for the position.

26. Mayor Pro Tem Herbel

Thanked the public for attending the meeting.

Congratulated Administrative Assistant II Haws for being selected as Employee of the Quarter, and thanked Burrtec for sponsoring the award.

Encouraged everyone to have their animal spayed or neutered to address the issue of overpopulation of animals.

27. Mayor Mayes

Congratulated Administrative Assistant II Haws, stating that the employees make this organization function and work, and they are all very dedicated to their work.

Welcome Town Manager Nuaimi noting this is his first full Council Meeting. He is on his 5th week, and has hit the ground running.

COMMITTEE REPORTS

Council Member Huntington reported regarding attendance at the 2+2 meeting with the Water District and discussion regarding the proposed gravity sewer system and possible assessments.

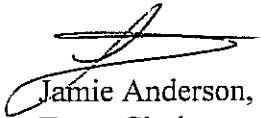
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, August 17, 2010.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:45 p.m.

Respectfully submitted,



Jamie Anderson, MMC
Town Clerk