

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MAY 5, 2020**

OPENING CEREMONIES

CALL TO ORDER

Mayor Jeff Drozd called the meeting to order at 2:00 PM.

ROLL CALL

PRESENT: Drozd, Abel, Denison, Lombardo, Schooler

ABSENT:

Staff Members Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Jex (remote), Police Captain Niles (remote), Public Works Director Baldizzone (remote), Human Resources and Risk Manager Breidenbach-Sterling (remote), Management Analyst Rice, Community Services Manager Earnest and Town Clerk Copeland

PLEDGE OF ALLEGIANCE

Led by Deputy Town Manager Stueckle

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Merl Abel, Mayor Pro Tem
SECONDER: Rick Denison, Council Member
AYES: Drozd, Abel, Denison, Lombardo, Schooler

CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Rick Denison, Council Member
SECONDER: Jim Schooler, Council Member
AYES: Drozd, Abel, Denison, Lombardo, Schooler

- 1. Waive further reading of all ordinances (if any in the agenda) and read by title only.**

MOTION:

Waive further reading of all ordinances and read by title only.

- 2. Town Council - Special Meeting Minutes - Mar 31, 2020 6:00 PM**

MOTION:

Approve the special meeting minutes of March 31, 2020 as presented.

3. Town Council - Special Meeting Minutes- Apr 14, 2020 2:00 PM

MOTION:

Approve the special meeting minutes of April 14, 2020 as presented.

4. Town Council - Special Meeting Minutes- Apr 21, 2020 2:00 PM

MOTION:

Approve the special meeting minutes of April 21, 2020 as presented.

5. Approve the Town Project No. 8971 B Yucca Trail and Palomar Avenue Intersection Signal Improvements - Procurement of Traffic Signal Poles and Mast Arms - Contract Award

MOTION:

Approve the following actions for the procurement of traffic signal poles and mast arms for the Town Project No. 8971B - Yucca Trail and Palomar Avenue Intersection Signal Improvements:

1. Award the procurement contract to McCain Inc, in the amount of \$66,308.
2. Establish a project budget of \$72,940 including a contingency budget fund in the amount of \$6,632 (10% of the bid amount),
3. Authorize the Mayor, Town Manager, and Town Attorney to execute the agreement/purchase order with McCain Inc, contingent on all proper contract documents being fully executed to the satisfaction of the Town Manager and Town Attorney.
4. Authorize the Town Manager to expend contingency funds if necessary, for project completion.

6. Adopt the Resolution No 20-20; Town Project No.7037-2020; Town-Wide Crack Seal Project. Award of Contract

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA AMENDING THE 2019/2020 FISCAL YEAR BUDGET FOR THE ANNUAL CRACK SEAL PROGRAM

MOTION:

Approve the following actions for Project No. 7037-2020, Town-wide Crack Seal.

1. Adopt Resolution No. 20-20, amending the FY2019/20 Special Revenue Funds Budget.
2. Award the construction contract to Pavement Rehab Company in the amount not to exceed \$593,990.00 and authorize a 10% contingency in the amount of \$59,399.00.
3. Establish a project budget of \$758,562 including construction contract, a contingency budget of 10% of the bid amount, inspection and administration costs, and indirect recovery costs.
4. Authorize the Mayor, Town Manager, and Town Attorney to execute the

agreement with Pavement Rehab Company contingent on all bonds and proper contract documents being fully executed to the satisfaction of the Town Manager and Town Attorney.

5. Authorize the Town Manager to expend contingency funds if necessary, for project completion.

7. Adopt the Resolution NO, 20-21; Town Project No. 8963-2020; Outer Highway Sidewalks Improvement Project - Contract Award

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA AMENDING THE 2019/2020 FISCAL YEAR BUDGET FOR THE OUTER HIGHWAY SIDEWALK PROJECT

MOTION:

Approve the following actions for Town Project No. 8963-2020; Outer Highway Sidewalks Improvement Project:

1. Adopt Resolution No. 20-21, amending the FY2019/20 Budget to appropriate \$154,000 from the 524 Measure I Revenue Fund balance to allocate to the project.
2. Find the bid submitted by Universal Concrete Construction as non-responsive and rejecting the bid.
3. Award the construction contract to STL Landscape Inc, in the amount not to exceed \$265,500
4. Establish a project budget of \$339,000 including construction contract, a contingency budget fund (10% of the bid amount), administration/inspection fund and indirect recovery costs.
5. Authorize the Mayor, Town Manager, and Town Attorney to execute the agreement with STL Landscape Inc contingent on all bonds and proper contract documents being fully executed to the satisfaction of the Town Manager and Town Attorney.
6. Authorize the Town Manager to expend contingency funds if necessary, for project completion.

8. **Adopt the Town Project No. 8340-2020 - Town-Wide Slurry Seal Project, Approval of Plans and Specifications Authorization to Advertise for Construction**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE TOWN WIDE SLURRY SEAL IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.

MOTION:

Adopt Resolution No. 20-22, approve the plans and specifications for Project No. 8340-2020, and authorize the Town Clerk to advertise and receive bids.

9. **Adopt the Resolution 20-23; Town Project No. 8562-2020; Pima Trail Street Improvements and Town Project No. 8559-2020 Palm/Grand Alley Street Improvements; Approval of Plans and Specifications; Authorization to Advertise for Construction.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE SPECIFICATIONS FOR THE CONSTRUCTION OF PIMA TRAIL AND ALLEY - PALM TO GRAND STREET IMPROVEMENTS PROJECT IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.

MOTION:

Adopt Resolution 20-23, approve the plans and specifications for Project No. 8562-2020 Pima Trail Street Improvements, approve the plans and specifications for Project No. 8559-2020 Palm/Grand Alley Street Improvements; and authorize the Town Clerk to advertise and receive bids.

10. **Approve the Community Development Block Grant (CDBG) - CV Review and Ratification**

MOTION:

Review and ratify the submitted FY 2020-22 Community Development Block Grant - Coronavirus allocation as follows:

1. Allocate the entire final Town's FY2020-22 CDBG-CV allocation of \$100,000 (or as revised) to the following approved Town Project:

Senior Center / Community Center Kitchen Improvements: \$100,000 (or as revised)

2. Ratify staff submission of the application to San Bernardino County Community Development and Housing due by May 4, 2020.

11. Approve the Renewal of Agreement with the San Bernardino County Sheriff Department's Work Release Program

MOTION:

Authorize the continued participation in the Work Release Program with the San Bernardino County Sheriff's Department.

12. Approve the Performance Pay Award Policy

MOTION:

Approve the proposed Performance Award Pay Policy clarifying the existing language in the Town's Employee Handbook.

13. Approve the Treasurer's Report for the Quarter Ending March 31, 2020

MOTION:

Receive and file the Treasurer's Report for the third quarter of FY2019-20.

14. Approve the Authorization to participate in and submit an amicus curiae brief to the United States Supreme Court in *Higginson v. Xavier Becerra, In His Official Capacity As The Attorney General Of California; City Of Poway, Sup. Ct. No. 19-1199* and an amendment to the legal services agreement with Nielsen, Merksamer, Parinnello, Gross & Leoni, LLP

MOTION:

1. Grant authorization to participate in and submit an *amicus curiae* brief to the United States Supreme Court in *Higginson v. Xavier Becerra, In His Official Capacity As The Attorney General Of California; City Of Poway, Sup. Ct. No. 19-1199*; and

2. Approve an amendment to the legal services agreement with Nielsen, Merksamer, Parinnello, Gross & Leoni, LLP in an amount not to exceed \$5,000.

Mayor Drozd opened public comments for the consent agenda items. With no members of the public wishing to speak, public comments were closed.

DEPARTMENT REPORTS

15. Covid-19 Impact on the 2020 Census

Town Manager Yakimow presented the staff report. Andres Castillo, U.S. Census Lead Partnership Specialist for San Bernardino County gave an update to the Town Council on the affects the COVID-19 health crisis is having on the current Census process.

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

Council Member Lombardo inquired if Census volunteers are successful in contacting a greater number of people at home.

Council Member Schooler thanked Mr. Castillo for the presentation and inquired on the three-month proposed Census delay.

Council Member Denison reported that the online Census format was easy to navigate.

Mayor Pro Tem Abel also expressed the ease of navigating the online Census option and inquired on the anticipated benchmark for responses.

Mayor Drozd thanked the Census staff and volunteers for their work.

MOTION:

Receive and file the 2020 Census update and related impacts from Covid-19.

RESULT: RECEIVED AND FILED [UNANIMOUS]

MOVER: Jim Schooler, Council Member

SECONDER: Robert Lombardo, Council Member

AYES: Drozd, Abel, Denison, Lombardo, Schooler

16. Repeal and replace Chapter 6.02 of the Yucca Valley Municipal Code for Solid Waste Management

Management Analyst Rice read the title of the ordinance into the record and presented the staff report, introducing an ordinance to repeal and replace the current Municipal Code for the Town's Solid Waste Management. Chapter 6.02 of the Town's current code was established in 1996 by Ordinance No. 73. The proposed ordinance contains the necessary provisions and enforcement mechanisms to ensure that residents and property owners, as well as the Town's Solid Waste franchisee complies with the state law requirements concerning solid waste and recycling.

Mayor Drozd opened public comments.

Town Clerk Copeland read a letter into the record, submitted via email by Emily Wutz, Yucca Valley at the beginning of the meeting.

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

Council Member Lombardo expressed the Town should be proactive in enforcement of the ordinance.

Council Member Denison stated he would like to receive a copy of letter submitted for public comment and inquired on the use of commercial bins in residential areas.

Mayor Pro Tem Abel asked if the Town provides guidelines on how to use the commercial bins.

Mayor Drozd noted this is a step in the right direction.

MOTION:

That the Town Council introduce and approve the first reading of an ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION PURSUANT TO CEQA GUIDELINE SECTION 15061(b)(3), REPEALING CHAPTER 6.02 - "SOLID WASTE HANDLING AND RECYCLING SERVICES" OF THE YUCCA VALLEY MUNICIPAL CODE, AND ADDING CHAPTER 6.02 - "SOLID WASTE MANAGEMENT" TO THE YUCCA VALLEY MUNICIPAL CODE.

RESULT: INTRODUCED [UNANIMOUS]

MOVER: Jeff Drozd, Mayor

SECONDER: Merl Abel, Mayor Pro Tem

AYES: Drozd, Abel, Denison, Lombardo, Schooler

17. Approval of the Amended and Restated Franchise Agreement for Solid Waste and Recycling Services

Management Analyst Rice presented the staff report for the amended and restated franchise agreement with Burrtec Waste and Recycling Services, LLC.

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

Council Member Denison thanked Burrtec for their service to the community and inquired how the clean up of illegal dumping would occur.

Mayor Pro Tem Abel noted that the City of Victorville doesn't have separate containers for their trash pick up and inquired on how this would work. Abel expressed the need to address illegal dumping and the new agreement will go a long way to do this. Abel inquired on tire recycling and if there will be fee allowances for residential use of commercial dumpsters.

Council Member Schooler likes the comprehensive agreement, thanked staff, legal counsel, and Burrtec for their work in developing the new agreement. Schooler expressed he likes the new added features and suggested public outreach to educate the community.

Council Member Lombardo agreed with previous comments and commended the working relationship between the Town and Burrtec. Lombardo thanked everyone for adding the additional services without adding cost.

Council Member Denison inquired on the Town's average tonnage and commented on the 25% of the households not currently paying for trash service.

MOTION:

Approve the Amended and Restated Franchise Agreement for Solid Waste and Recycling Services between the Town of Yucca Valley and Burrtec Waste & Recycling Services, LLC.

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lombardo, Council Member
SECONDER: Merl Abel, Mayor Pro Tem
AYES: Drozd, Abel, Denison, Lombardo, Schooler

18. Planning & Building and Safety Update

Deputy Town Manager Stueckle presented an update to the Town Council on current planning projects and Building and Safety activity.

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

Council Member Lombardo commented favorably on the proposed project for ACME 5 in the Old Town area of Town and many other potential projects bringing activity to the community.

Council Member Schooler thanked staff for the update and expressed he is excited hear about the projects and looks forward to seeing the ACME 5 project in Old Town.

Council Member Denison thanked Stueckle for the report and noted it is great seeing the interest in the community.

Mayor Pro Tem Abel also commented favorably on the presented projects and noted ACME 5 looks like it will have a great vibe for the community. Abel inquired on the difference between motels and hotels and expressed he would like to see the Mayor recognize these businesses that are upgrading and investing in our community with their projects. Abel inquired on the carrier for proposed cell tower, the project activity for Desert Vista Village and requested a future agenda item to discuss murals.

Mayor Drozd agreed with fellow council member comments and thanked staff for the update.

MOTION:

Receive and file the report.

RESULT: RECEIVED AND FILED [UNANIMOUS]
MOVER: Jeff Drozd, Mayor
SECONDER: Jim Schooler, Council Member
AYES: Drozd, Abel, Denison, Lombardo, Schooler

19. Spring/Summer 2020 Community Services Programs – COVID-19 Update

Community Services Manager Earnest updated the council on modifications of the previously planned Spring and Summer programs due to the COVID-19 public health crisis.

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

Council Member Denison noted he understands the difficult decisions needing to be made. Is not interested in offering any events that could potentially create a large gathering. Denison was glad to hear small enrichment classes might be able to be brought back on a limited basis once the health order has been relaxed a little.

Mayor Pro Tem Abel inquired on the feasibility of enforcement to limit gatherings if a fireworks display or concert was presented and explained he understands that the health and safety of our community is the most important thing. Abel inquired on the availability of certified lifeguards and would like to see a way for the fireworks to occur if possible.

Council Member Schooler understands that the Community Services Department is wired to do stuff and appreciates their creativity with virtual options. Schooler thanked staff for being ready to launch quality of life activities when able to do so.

Council Member Lombardo noted it is a difficult time with many uncertainties ahead and agreed with fellow council member comments. Lombardo agreed that the level of planning required may keep some of the events unfeasible even the health order is lifted.

Mayor Drozd asked if there was a drop-dead date when determining if a 4th of July event could occur and expressed, he would like to see a couple of the concerts toward the end of summer if possible.

MOTION:

Cancel the first three previously scheduled summer concerts due to the COVID-19 public health crisis and bring related recreation budget back before the Town Council for review.

- RESULT:** **APPROVED [UNANIMOUS]**
- MOVER:** Merl Abel, Mayor Pro Tem
- SECONDER:** Rick Denison, Council Member
- AYES:** Drozd, Abel, Denison, Lombardo, Schooler

MOTION:

Receive and file the report and provide direction as desired.

RESULT: RECEIVED AND FILED [UNANIMOUS]
MOVER: Merl Abel, Mayor Pro Tem
SECONDER: Robert Lombardo, Council Member
AYES: Drozd, Abel, Denison, Lombardo, Schooler

20. Public Health and Welfare Update - COVID 19

Town Manager Yakimow presented an update on recent COVID-19 discussions with San Bernardino County and the State of California. A recent news segment from KESQ Channel 3 was shared regarding the Town's #YuccaTogether Economic Assistance Program.

Council Member Lombardo noted it was nice to hear Yucca Valley mentioned on the local news. The uncertainty is really affecting our small businesses.

Council Member Schooler glad to see the program was well received.

Mayor Pro Tem Abel thanked the Chamber of Commerce for helping to get the word out about the program and thanked staff for getting the funding to the businesses in a timely manner.

Mayor Drozd expressed he is proud with what the Town is doing for the community.

MOTION:

- 1) Receive an update regarding State, County and Town actions related to the COVID 19 event and provide input or policy direction as desired.
- 2) Review the proposed letter to the Governor regarding fiscal impacts associated with COVID-19 and direct the Mayor's transmission of the letter.

RESULT: RECEIVED AND FILED [UNANIMOUS]
MOVER: Merl Abel, Mayor Pro Tem
SECONDER: Jim Schooler, Council Member
AYES: Drozd, Abel, Denison, Lombardo, Schooler

FUTURE AGENDA ITEMS

Council Member Lombardo requested a future discussion on potential assistance for local short-term vacation rental businesses. Staff committed to return to Council with a recap of the various elements of the economic assistance program including the impact of short-term vacation rentals. This item will be scheduled after the conclusion of the program, June 30, 2020.

PUBLIC COMMENTS

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

Wanda Stadum, Yucca Valley Chamber of Commerce President and CEO updated the Town Council on recent activity at the Chamber during the COVID-19 health crisis. Stadum shared the recently launched HomeTown Hero program.

STAFF REPORTS AND COMMENTS

San Bernardino County Fire Battalion Chief McClintock presented an update on recent activity and announcements and reminded the public to keep a defensible space around their homes.

San Bernardino County Sheriff's Department Captain Niles updated the Town Council on public safety activity.

Council Member Denison asked Captain Niles about recent burglaries seen in Yucca Valley

Mayor Pro Tem Abel thanked San Bernardino County Public Safety for their service.

Town Attorney Jex commented on the State and County health orders.

Town Manager Yakimow thanked Rice and Jex for her work their work with the Solid Waste Ordinance. Yakimow reported on recent testing results from the recent COVID-19 testing and shared a recent announcement from SoCalGas for their partner with Hope Through Housing, purchasing food from local restaurant John's Place to provide meals to seniors at the Dumosa Senior Village.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

Council Member Denison thanked Mayor Drozd for the new shirt and supporting the local BMX track. Denison explained he has great comments within the community on the #YuccaTogether program and noted he would like to see a rededication of Remembrance Park.

Council Member Lombardo expressed his appreciation for the community, coming together at this time and thanked Bob Stadum for his online humor to lighten the day.

Council Member Schooler also expressed his appreciation of the community and diligently following the public health order and being respectful during this challenging time. Schooler thanked Ms. Stadum for the update.

Mayor Pro Tem Abel thanked Battalion Chief McClintock for joining the meeting and encouraged the community to keep a defensible space around their homes. Abel

thanked Ms. Stadum for spear heading the Hometown Heros program and thanked staff for the new website. Abel stated he would like staff to research the possibility to use Yucca Valley High School for the 4th of July celebration.

Mayor Drozd thanked staff for the website and encouraged the public to research current legislation, AB 1953 by Richard Bloom, D-Santa Monica; and SB 1115 by Scott Wilk, R-Santa Clarita regarding the elimination of "closed colony" animal blood banks.

ANNOUNCEMENTS

Upcoming Meeting Schedule

The next regular meeting of the Yucca Valley Town Council will be held on Tuesday, May 19, 2020 at 6:00 PM in the Yucca Valley Community Center Yucca Room.

Mayor Drozd adjourned the meeting at 4:50 PM.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk