

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
NOVEMBER 8, 2007**

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

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

Staff Present: Town Manager Takata, Town Attorney Silvergleid, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Community Development Director Best, Community Services Director Schooler, Sgt. Wynn, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Council Member Leone.

AGENCY REPORTS

Hi Desert Water District

1. Monthly Wastewater Treatment System Update.

No Report

Fire Department

2. Monthly Fire Department Report for October, 2007.

Battalion Chief Snow gave the monthly statistical Fire Department Report for October 2007 and safety message regarding holiday safety.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS.

3. Presentation to Chief Summers.

Mayor Neeb presented a plaque to Paul Summers upon his retirement. Town Manager Takata presented a Town of Yucca Valley shirt. Chief Summers thanked the Council and citizens for all their support and introduced New District Chief Al Stocker.

4. Presentation to Planning Commissioner Cooper.

Mayor Neeb presented a plaque to Planning Commissioner David Cooper for his 11 years of service on the Commission. Mr. Cooper thanked the Council for the opportunity to

serve.

5. Longevity Awards

Presented to Linda Wright for 10 years and Jim Schooler for 15 years.

6. Green Building Sustainable Development, presentation by Tasya Herskovits.

Tasya Herskovits and Mike Reynolds, BIA, gave a presentation on “Green Building” to minimize the use of resources, reduce harmful effects on the environment, and provide healthier environments for people.

Mayor Neeb advised that with Council approval this issue will be brought back at strategic planning.

APPROVAL OF AGENDA

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

CONSENT AGENDA

7. **Approve**, Regular Town Council Meeting Minutes of September 27, 2007 and October 11, 2007 as presented.
8. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
9. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of September 07.
10. **Receive and File**, the Treasurer’s Report for 1st Quarter FY 2007/08 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC).
11. **Receive and file**, the FY 2007/08 First Quarter Budget Report.
12. **Authorize**, the Town Manager to sign a Memorandum of Understanding (MOU) with the County of San Bernardino Fire Department to be designated as a Host Agency to provide storage and 24-hour access for the Community Emergency Response Team (CERT) Trailer for Emergency Management Zone 5 (Morongo Basin and South Desert).
13. **Approve**, Budget Amendment from unappropriated General Fund Reserves in the amount of \$40,000, and authorize the Town Manager to enter into the standard professional services agreement with MuniFinancial Inc., with such non-substantive

changes as approved by the Town Attorney.

14. **Award**, construction contract to Wonder Electric Company, for the lowest submitted base bid in the amount of \$96,200; **establish**, a \$9,600 contingency and \$4,000 for administrative costs; **authorize**, the Town Manager, Town Attorney, and the Mayor to sign all necessary agreements; **authorize**, the Town Manager to expend the contingency if necessary to complete the project; **and adopt**, Resolution No. 07-29 transferring \$34,000 from the Community Center Door project to the Little League Field Lighting project, Tri-Valley Little League Ballfield Lighting, CDH Project No. 123-30202, Case No. 2641, Town Project No. 8947

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2007-08 CAPITAL PROJECTS BUDGET BY TRANSFERRING \$34,000 FROM FUND 560-ACCOUNT NO. 560-00-00-8310-8955-000 COMMUNITY CENTER DOORS FUND TO FUND 560-ACCOUNT NO. 560-00-00-8310-8957-000 FOR THE CONSTRUCTION OF TRI-VALLEY LITTLE LEAGUE BALLFIELD LIGHTING

15. **Appropriate**, \$75,000 from the General Fund, unappropriated General Fund reserve, and authorize the Town Manager to enter into an agreement with Sally Swanson Architects, Inc., for preparation of the Town's ADA self evaluation study and transition plan, with such non-substantive changes as approved by the Town Attorney.
16. **Reject**, one claim filed against the Town of Yucca Valley submitted by Sears Dealer Stores.
17. **Adopt**, Resolution No. 07-30, amending the Fiscal Year 2007/2008 Capital Projects Budget and the Measure I 3 Year Plan, by adding Malin Way, Skyline Ranch Road to Paseo Los Ninos, into the Measure I Local Roads Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE MEASURE I 3 YEAR PLAN AND THE CAPITAL PROJECTS BUDGET

18. **Pull from the agenda**, Formation of Street and Drainage Maintenance District for Parcel Map 17455 (Home Depot) Yucca Valley Estates, Resolution to Initiate Proceedings to form Assessment District, Resolution to Accept and Approve Assessment Engineer's Report, Resolution Declaring intent to Establish Districts and Setting a date and time of Public Hearing
19. **Ratify**, Warrant Registers in the amount of \$1,097,458.72 for expenses dated October 5, 2007 through October 26, 2007.

Bill Souder, Yucca Valley, commented regarding the type of lights that should be used

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for the Tri-Valley Little League Ball Field, and spoke in opposition to the paving of Malin Way as it may not be an acceptable use of tax payer money, and the funds can be put to better use elsewhere in the community.

Phil Malin, Yucca Valley, spoke in favor of the paving of Malin Way.

Carlene Mailn, Yucca Valley, spoke in favor of paving Malin Way.

Ramon Mendoza, Yucca Valley, spoke in opposition to paving Malin Way.

Council Member Luckino moved to adopt Consent Agenda Items 7-17 & 19. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

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

PUBLIC HEARINGS

- 20. Specific Plan S-01-07, General Plan Amendment, GPA-07-07, Rezone, RZ 01-07, Environmental Assessment, EA-20-07 (Consisting of Draft Environmental Impact Report SCH #2006061143, and Statements of Overriding Considerations)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING AND APPROVING THE FACTS, FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATION FOR THE OLD TOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT, SCH# 2006061143.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE GENERAL PLAN LAND USE DESIGNATIONS AND THE TOWN’S ZONING MAP FOR THE OLD TOWN SPECIFIC PLAN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE ZONING MAP FOR THE OLD TOWN SPECIFIC PLAN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE OLD TOWN SPECIFIC PLAN

Al Zelinka and Glen LaJoie, RBF, presented the staff report regarding the Specific Plan and the EIR. It was noted that the specific alignment of SR 62 will be confirmed within the next year. The highway environs overlay will require site plan review to evaluate

proposals with respect to SR 62 and conditions of approval may be imposed. The overlay expires when the realigned SR 62 right-of-way is approved. There are significant deviations between what is allowed now and what will be allowed under the new zoning; the dynamics are going to change. Uses that comply with the Municipal Code will continue as legal non conforming uses as long as they continue to operate. The specific plan is meant to be a tool to bring out the best of small town downtowns.

Mayor Neeb opened the Public Hearing

Eric Mueller, Yucca Valley, recommended that the approval process be continued for another 30 to 60 days in order to have the questions answered.

Susanne Scott, So. Lake Tahoe, representing the Kay family Partnership, advised that the family owns Yucca Valley Storage, which has been a viable business for 29 years, noting they are at risk of losing their business with the realignment of the highway and rezoning. Requested that the Council take a look at the zoning again.

Gary Kay, Yucca Valley, referred to the letter their attorney wrote regarding their concerns, advised of the problems realigning the highway could cause to their parking, and expressed concern regarding the change of zoning of their property from service commercial to general commercial.

Wanda Stadum, Yucca Valley, requested a little more time for the property owners in the area to review the plan and fix a few things such as the sign regulations.

Ramon Mendoza, Yucca Valley, commented that a business that has been in the community for a long time should not be harmed. He spoke in favor of the plan noting it should be approved with a contingency that the stated problems are worked out.

There being no one else wishing to speak, Mayor Neeb closed the Public Hearing

Council Member Mayes moved to table the item to the next meeting. Council Member Leone seconded.

Council Member Herbel requested that staff go back and look at the Kay Family issue and the sign issue brought up by Wanda Stadum.

Council Member Mayes questioned how many copies of the plan document are available. Deputy Town Manager Stueckle advised that staff will put the document back on the Town's website.

Motion carried 5-0 on a voice vote.

21. Appeal of Planning Commission Decision of Approval, Conditional Use Permit,

CUP-03-07, Billings Transfer, Inc., Sand & Gravel Business Establishment.

Council Member Herbel recused herself and left the room.

Town Planner Kirschmann gave the staff report recommending that the Council uphold the Planning Commission decision of approval.

Mayor Neeb opened the Public Hearing

Jay Corbin, representing Mr. Billings, agreed with the staff's recommendation and requested that the Council uphold the Planning Commission's approval of the item.

There being no one else wishing to speak, Mayor Neeb closed the Public Hearing

Deputy Town Manager Stueckle advised that, as there is no representative for the appellant present and no other public comment, staff recommends that the Council affirm the Planning Commission's approval.

Council Member Mayes moved to affirm the Planning Commission approval of Conditional Use Permit, CUP-03-07. Council Member Luckino seconded. Motion carried 4-0-1 on a voice vote with Council Member Herbel absent.

Council Member Herbel returned to the Council Chambers and advised that she recused herself because she has pending a business dealing with Mr. Ray Gonzales, the appellant.

22. Adoption of 2007 California Building Codes published by the International Code Council; 2006 International Property Maintenance Code.

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTERS 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2007 EDITION VOLUMES 1, AND 2, WITH APPENDIX CHAPTERS 1, AND APPENDICES F, G, H, I, AND J AND REFERENCED STANDARDS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2007 EDITION; THE CALIFORNIA PLUMBING CODE, 2007 EDITION; THE CALIFORNIA MECHANICAL CODE, 2007 EDITION; AND THE CALIFORNIA ENERGY CODE 2007 EDITION

Community Development Director Best gave the staff report.

Mayor Neeb opened the Public Hearing

Fritz Koenig, Yucca Valley, requested that an amendment be made regarding

measurement of the floor area for an accessory structure on the inside dimensions rather than outside to allow for straw bale building.

There being no one else wishing to speak, Mayor Neeb closed the Public Hearing

Council Member Herbel comment regarding erosion control that will be taken care of in the grading ordinance.

Deputy Town Manager Stueckle advised that the California Codes refers to the outside dimensions of the buildings.

Council Member Mayes moved to adopt Ordinance No. 183, adopting the California Building Code 2007 Edition, Volumes 1 and 2 with Appendix Chapter 1 and Appendices F, G, H, I, J and Referenced Standards, the 2006 Property Maintenance Code, the California Electrical Code, 2007 Edition, the California Plumbing Code, 2007 Edition, the California Mechanical Code, 2007 Edition, and the California Energy Code 2007 Edition, as amended. Council Member Herbel seconded. Motion carried 5-0 on a roll call vote.

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

DEPARTMENT REPORTS

23. Traffic Speed Surveys

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED "CHANGES IN STATE LAW SPEED LIMITS" OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE

Deputy Town Manager Stueckle advised if the Council wants the ability to use radar traffic enforcement, state law describes the methodology by which speed zones will be posted. Staff broke down the surveys into smaller segments attempting to reduce speeds where possible. He advised the first page of the Ordinance is amended to read Balsa, SR 62 to Hanford, rather than Yucca Trail. The Council has placed a high priority on traffic safety in the community in terms of speed zones, warrant studies, 4-way stops, and allocation of a Traffic Officer. Modern police departments will say that radar enforcement is the key to an effective traffic safety program.

Council Member Luckino questioned if the speed limits have been decreased from the

first survey. Deputy Town Manager Stueckle advised that by breaking the surveys into some of the smaller segments we were able to hold more of the current speed zones.

Council Member Herbel expressed concern that the section of Balsa and Pioneertown Road was increased 10 miles per hour, and moved to introduce the ordinance with the exception of those two streets. Motion died for lack of a second.

Town Clerk Anderson read the title of the ordinance.

Council Member Luckino moved to introduce the Ordinance, amending Title 12, Chapter 12.20 of the Town of Yucca Valley Municipal Code, Section 12.20.020, entitled “Changes in State Law Speed Limits” by establishing the recommended speed limits, and rescinding that portion of the Ordinance that establishes the existing speed zones. Council Member Mayes seconded.

Council Member Leone reminded the public that the posted speed is the speed under ideal conditions.

Mayor Neeb commented that Council has wrestled with speed surveys since he has been on Council, noting that the Town has to take them so that officers can track someone with radar out there. Lt. Willis explained the 85% speed, and noted that the Sheriff’s Department has been put on notice by the Judge that he would no longer honor radar cites without this survey. He added that he believes radar enforcement does reduce fatalities.

Motion carried 5-0 on a roll call vote.

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

POLICY DISCUSSION

24. Town Council Requested Item, Policy Direction to Staff, Animal Foster Program.

Deputy Town Manager Stueckle advised that PARSAC has expressed concern regarding the Town’s exposure with an Animal Foster Program, and has highly encouraged the Town to seek an alternative means to this program. He noted the time staff has available to add any new programs are non existent. If this is something that needs to stay on the consideration list, and Council would like to see action in the near future, staff can return and lay out a program and find the financial resources to implement it. For the overall animal control program, the most important component in terms of overpopulation of unwanted animals is to put the licensing canvassing program back out into the community.

Ramon Mendoza, Yucca Valley, spoke in favor of canvassing pet owners.

Council Member Herbel questioned if PARSAC would be more agreeable if there was some type of liability release to decrease the Town's liability. Town Attorney advised PARSAC will cover incidents; however, increased incidents will eventually increase premiums. The concern is that if animals left the foster property and caused injuries the Town has an increased liability risk. Council Member Herbel suggested taking a close look at the type of animals that are put into the foster program such as orphan kittens and puppies.

Council Member Luckino advised he supports the concept, but stated that currently with the lack of resources there are other priorities.

Council Member Leone stated he supports a program of some type of adoption program and suggested an open house once a month.

Council Member Mayes questioned how the program would work. Animal Care and Control Manager Crider advised that it is a temporary care program.

Council Member Luckino questioned if a program to have volunteers come to the shelter to walk the animals would accomplish some of the same goals as far as socialization of the animal, and would solve some of the problems. Deputy Town Manager Stueckle advised that would be a different program on Town property under the direction of Town staff in accordance with a volunteer manual.

Council Member Herbel stated a program like this builds the community and she would like to see the Council look further into it.

Mayor Neeb suggested this is probably something that needs to be brought back at strategic planning time.

Council Member Luckino moved to table the issue until the strategic planning session. Council Member Leone seconded. Motion carried 5-0.

Council Member Herbel questioned if the Town is billing the State under SB 90. Animal Care & Control Manager stated the Town is currently not billing the State.

25. Town Council Requested Item, Policy Direction to Staff, Spay/Neuter Voucher Program

Council Member Herbel advised she would like to table this item since she is still doing research and is waiting for some answers from people she has called.

Staff Report by Deputy Town Manager Stueckle

One tool to address the overpopulation of animals is the use of spay/neuter voucher programs to subsidize the cost of the procedure. If Council wishes, staff will return with a program in the future.

Council Member Herbel moved to table. Council Member Leone seconded. Motion carried 5-0

26. Town Council Requested Item, Resolution, Licensing Fees of Unaltered Dogs, Amending Resolution No. 04-38.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 04-38 FOR LICENSING FEES FOR UNALTERED DOGS

Staff Report by Deputy Town Manager Stueckle

A higher fee for unaltered animals is a common approach used by agencies to encourage owners to spay or neuter their animals.

Animal Care and Control Manager Crider advised that the County has increased their fees for unaltered animals to \$96.00 per year, and staff has experienced that people do not pick their animals up. While staff wants to encourage people to alter their animals, we do not want to discourage them from keeping them.

Gloria Brissette, Yucca Valley, spoke in opposition to the item.

Council Member Herbel noted that any dog adopted out of the shelter must be spayed or neutered, and advised she does think it is appropriate to pass the burden on to people who refuse to get their animals altered.

Council Member Herbel moved to adopt Resolution No. 07-31, amending Resolution No. 04-38, increasing unaltered dog license fees, (excluding the Senior/Disabled license fee rates included in Resolution No. 04-38), as indicated in the attached resolution. Council Member Luckino seconded.

Council Member Mayes stated he is going to oppose the motion due to his concern that people will not license their pets at all if the fee is raised. He questioned if there is an exception for breeders. Animal Care and Control Manager Crider answered that there is not.

Motion carried 4-1-0 on a voice vote with Council Member Mayes voting no.

27. Request from Morongo Basin Transit Authority, Yucca Valley Transit Center, Consideration of Fee Reductions or Waivers.

Deputy Town Manager Stueckle advised that, because the inspection and permitting services for public improvements and grading are performed by Town forces and not contract staff, the Town can absorb those costs.

Joe Meer, MBTA Manager, thanked the Council and staff for considering their request, noting the transit center is an important amenity that will serve the Town for many years.

Council Member Leone moved to approve the waiver of \$3,015.00 in public works construction, grading & grading observation, and permitting fees for the Yucca Valley Transit Center Project. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENT

Brad Berger, Pioneertown, commented regarding the green building presentation and global warming.

Ramon Mendoza, Yucca Valley, commented regarding the green building presentation.

Darril Becker, Joshua Tree, spoke regarding placement of street lights on SR 62 across from the ARCO service station.

Fritz Koenig, Yucca Valley, commented regarding illegal grading.

Bill Souder, Yucca Valley, commented regarding the green building presentation, the type of lighting sold at the new Home Depot, and the Farmer's Market.

Charles McHenry, Yucca Valley, thanked the Town for the recent volunteer recognition event, commented regarding Veterans Day and the need to take time to remember our veterans and those currently fighting for our country.

Gloria Brissette, Yucca Valley, requested a location for people to take their yard trimmings.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow advised staff will be looking at the solid waste contract and will take the request for a place to take yard trimmings into consideration. Mayor Neeb questioned if the Christmas tree recycling program will be offered this year. Administrative Services Director Yakimow advised that it will. Town Manager Takata advised that staff is also working on corporate recycling.

Community Development Director Best congratulated and thanked Linda Wright and Jim Schooler for their years of service.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

28. Council Member Luckino

Recognized Jay Schweitzer and Tim Cannavo, members of the Yucca Valley High School coaching staff, for their heroic act in assisting to save the life of a member of the football team

Thanked David Cooper for his service on the Planning Commission.

Thanked Fire Chief Paul Summers for his support of the Town.

Congratulated Linda Wright and Jim Schooler for their years of service.

Reminded everyone of Veterans Day and requested that they thank each and every member of our military service for what they have done.

Wished everyone a happy Thanksgiving coming up this month.

Council Member Luckino questioned the status of a committee with Copper Mountain College. Town Manager Takata advised that staff has begun the process.

29. Council Member Mayes

Thanked Linda Wright and Jim Schooler for sticking around for so long.

Reported regarding attendance at the Fallen Heroes Mass at the Marine Corps Base and the presentation of the 119 fallen Marines from the base. These are people who are willing to go to a foreign country and lay down their lives for us.

30. Council Member Herbel

Congratulate Linda Wright and Jim Schooler and thanked them for their service.

Reported there will be a meeting of concerned citizens regarding the homeless on November 20th at the Sportsman's Club in Joshua Tree.

Commented that Yucca Valley and Twentynine Palms have agreed to work together to come up with a lighting ordinance that both municipalities can work with, noting she has also talked with Supervisor Hansberger who is also willing to look at an ordinance at his

level.

Commented that Veterans Day is somber for our nation and all need to look at the cost to our military and families and support them in any way we can.

Thanked Animal Care and Control Manager Crider for taking time out from her vacation to attend this meeting.

31. Mayor Pro Tem Leone

Echoed statements from the Council regarding Planning Commissioner Cooper.

Thanked Linda Wright and Jim Schooler for their time with the Town.

Commented that the retirement of Chief Summers is going to be a loss to the community.

Advised the Veterans Day celebration this year is going to be on Monday, in Twentynine Palms where they will be having a static exhibit starting at 10:00 a.m. to about 3:00 p.m.

Wished everyone a safe Thanksgiving.

Council Member Leone requested that he and Council Member Mayes meet with Caltrans to discuss some upcoming issues. .

32. Mayor Neeb

Echoed Veterans Day comments.

Commented regarding placement of matters on the agenda. Stated that if an individual member requests a matter to be on the agenda, that member should request it at the end of the meeting. If a majority of the Council agrees, it should be placed on the agenda in accordance with staff timing, unless the Council deems the matter to be an emergency. Council agreed.

Advised that the Hospital board would like to have a meeting with 2 members of their board and the Mayor and another member of the Council early in December. Council Member Luckino advised he would attend.

CLOSED SESSION

**33. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION
Significant exposure to litigation (b) of Section 54956.9(b) 1 potential case.**

Mayor Neeb advised there is no need for a closed session this evening.

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ANNOUNCEMENTS

Next Town Council Meeting, Thursday, December 13, 2007, 6:00 p.m.

ADJOURNMENT

There being no further business, Mayor Neeb adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Jamie Anderson,
Town Clerk