

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
FEBRUARY 26, 2009**

Mayor Luckino called the regular meeting of the Town of Yucca Valley Council to order at 5:00 p.m.

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

CLOSED SESSION

- 1. Closed Session per Government Code Section 54957, Public Employee Performance Evaluation. (Town Manager)**

- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Subsection (a) of Section 54956.9(a), Ronald Green and Sharon Green vs. County of San Bernardino, City of Yucca Valley, Case No. CIVMS 800111, Center for Biological Diversity vs. Town of Yucca Valley, Town Council of Yucca Valley, Case No. CIVBS 800607; Coalition for Environmental Integrity in Yucca Valley vs. Town of Yucca Valley, Town Council of the Town of Yucca Valley, Case No. CIVSS 810232, Superior Court of California, County of San Bernardino.

Mayor Luckino adjourned to Closed Session at 5:00 p.m. and reconvened at 5:20 p.m. with no reportable action taken. The meeting was recessed until 6:00 p.m.

Mayor Luckino reconvened the meeting at 6:00 p.m. with all members present.

Staff Present: Town Manager Takata, Deputy Town Manager Stueckle, Town Attorney Silvergleid, Community Services Director Schooler, Public Works Director da Rosa, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Mayor Luckino

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

- 3. Introduce Miss Yucca Valley and Court**
2009 Miss Yucca Valley London Rohatsch, 1st Princess Mariya Swella, 2nd Princess Emily Wilson, 3rd Princess Brea Polos.

- 4. Caltrans Presentation**
Dr. Raymond Wolf, Caltrans District 8 Director, commented regarding maintenance of SR 62 and gave an update on the status of various transportation funding mechanisms.

- 5. Presentations to Town Attorney Silvergleid**

Town Manager Takata presented Town Attorney Silvergleid with a gift from Staff and the Town Council noting we are losing a valuable member of our Staff/Family with her retirement.

Mayor Luckino presented Town Attorney Silvergleid with a plaque, thanking her for her service.

Town Attorney Silvergleid thanked everyone and gave best wishes to the Town.

Mayor Luckino introduced the new Town Attorney, Doug Haubert.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 6. **Approve**, Regular Town Council Meeting Minutes of February, 2009 as presented.
- 7. **Waive**, further reading of all ordinances and read by title only.
- 8. **Reject**, one claim filed against the Town of Yucca Valley submitted by Susanna Barnett.
- 9. **Adopt**, Resolution No. 09-08, amending the fiscal year 2008-09 adopted budget impacting the various accounts and funds as identified. FY 2008-09 Minor Budget Amendments – General Fund, Internal Service, Traffic Safety, Gas Tax, Air Pollution Trust, LTF.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2008-09 BUDGET

- 10. **Adopt**, Ordinance No. 200, Sidewalk Maintenance and Repair Ordinance, Establishing Chapter 11.100 of Title 11, Peace, Morals and Safety

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AMENDING TITLE 11 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING A NEW CHAPTER 11.100 ENTITLED SIDEWALK MAINTENANCE AND REPAIRS

- 11. **Direct**, staff to communicate the Agency’s intent to remit payment of the 2008-09 ERAF payment with RDA funds to the County Auditor by March 1, 2009, in accordance with the legislation, AB 1389 ERAF Payment Notification

12. **Amend**, the 2008/2009 Budget, appropriating \$108,540 in HUD EDI Park Grant funds, \$35,000 in LTF Funds, \$88,278 in Park Development Impact Fees, and \$70,897 in Quimby Fees for the design of the South Side Community/Neighborhood Park Project and authorizing the transfer of the appropriations with the exception of the LTF appropriation to the South Side Community Park Design Project 551 55 58 8310 8581; and **2) Award**, contract for professional design services to RHA Landscape Architects Planners, Inc. related to design of the South Side Community Park with the preparation of bid ready construction documents in the amount of \$302,715 (which includes \$12,000 for reimbursable expenses), and authorize the Town Manager, Deputy Town Manager, Town Attorney, and Mayor to sign all necessary documents to complete the project.

13. **Receive and file**, Treasurer’s Report for 2nd Quarter FY 2008/09 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC).

14. **1) Accept**, donation of the softball field Score Board from the Yucca Valley Noon Rotary Club; **2) Accept**, donation of the Andrew Rogers Geoglyph; **3) Amend**, 2008/2009 FY budget by appropriating the remaining funds of approximately \$21,000 from the Yucca Valley Swimming Pool Filter project for the construction of the softball field score board, public art as approved by the Public Arts Advisory Committee, and the Andrew Rogers Geoglyph installation/signage; and **4) authorize**, staff to design and advertise for construction the donated softball field Score Board.

15. **Adopt Resolution No. 09-09, adopting the Measure I 2 year plan.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE TWO-YEAR CAPITAL IMPROVEMENT PROGRAM FOR 2008/2009 THROUGH 2009/2010

16. **Approve**, Final Map of PM 18009 and direct staff to forward the map to the San Bernardino County Recorder for recordation, South West Corner of Yucca Trail and Valley Vista, Two Lots-One Vacant Commercial; One Existing Residential.

17. **Ratify**, Warrant Registers in the amount of \$785,417.95 for checks dated December 26, 2008 and February 13, 2009.

Gloria Brissette, Yucca Valley, commented regarding the sidewalk ordinance questioning the responsibility of maintaining the easement.

Charla Shamhart, Yucca Valley, questioned the definition of “improved” in the sidewalk ordinance.

Deputy Town Manager Stueckle commented regarding the ordinance advising maintenance requirements for sidewalks is established in state law, and answered the speakers’ questions regarding property owners’ responsibility for maintenance of their property.

Council Member Neeb moved to adopt Consent Agenda Items 6-17. Council Member Huntington seconded. Motion carried 5-0 by a roll call vote with Council Member Mayes voting no on Item 10 only.

AYES: Council Member Herbel, Huntington, Mayes, Neeb and Mayor Luckino
NOES: Council Member Mayes on Item 10 only.
ABSTAIN: None.
ABSENT: None

PUBLIC HEARINGS

18. ADA Transition Plan – Access Compliance Survey Report with Tentative Budget for Barrier Mitigation, Sally Swanson Architects, Inc.

Public Works Director da Rosa gave the staff report and introduced Arfaraz Khambatta, Project Manager for Sally Swanson Architects, Inc. who gave a power point presentation regarding the plan.

Mayor Luckino opened the Public Hearing

Margo Sturges, Yucca Valley, commented regarding the need for handicapped parking spaces and their locations at some facilities.

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

Council Member Neeb moved to adopt the ADA Transition Plan prepared by Sally Swanson Architects; Approve the tentative budget for barrier mitigation recommended by Town Staff; Designate Dani Lassetter, Human Resources and Risk Manager, and the responsible staff member for plan compliance and implementation and designate Town Engineer/Director of Public Works and the divisions of Engineering and Building and Safety to provide support to the responsible staff member as necessary to implement the ADA Transition Plan and barrier mitigation. Council Member Herbel seconded. Motion carried 5-0 on a roll call vote.

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

DEPARTMENT REPORTS

19. Master Plan of Drainage, Construction Standards for New Development, Continued from February 12, 2009 Town Council Meeting, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING A POLICY OF IMPLEMENTING THE MASTER PLAN OF DRAINAGE FOR LAND DEVELOPMENT PROJECTS

Deputy Town Manager Stueckle reported that at the meeting of February 12th the Council discussed two separate policy questions for implementation of the Master Plan of Drainage when the Town is conditioning new land development projects. The Town Council directed staff to return to the February 26th meeting to assist the Council with finalization of a Town Council policy. He gave a Power Point presentation showing various development scenarios. With regard to facility development fees, he noted that any modification to the fees would require the Council to come back to a public hearing for consideration.

Margo Sturges, Yucca Valley, commented regarding the need to pay the cost to improve the facilities.

Council Member Neeb moved to implement the flood control fees. Council Member Herbel seconded.

Mayor Luckino commented that earlier the RDA met and spoke about trying to stimulate the economy, and commented that he has also spoken to Assemblyman Cook regarding Sacramento easing up some of the restrictions and barriers to try to stimulate the economy also. He noted he will support the motion, but when the Council talks about the impact fee dollars, it should not try to create barriers that act as a deterrent for people in the community who are trying to create sales tax dollars.

Council Member Neeb commented this is a complex item and he was hoping to keep it simple. Where is the Town going to come up with its share of matching funds? He noted the facilities are not going to be built all at once, it is going to be an incremental process.

Town Attorney Silvergleid recommended that the word “currently” be removed in Item 1 of the proposed resolution.

Council Member Mayes expressed concern with the No. 1 requiring development projects to pay impact fees, and then No. 5 requiring that development projects shall be conditioned to participate in future assessment districts for construction of MPD facilities, noting they will have to pay that also.

Council Member Neeb commented that is his concern also, which is why he is only talking about development impact fees.

Council Member Herbel commented the Council is talking about infrastructure for our community and will have to start somewhere. Even though it is painful to charge impact fees, if the Town does not charge them there will be no infrastructure, or the burden will be put on everyone. She noted she is also uncomfortable with both Item 1 and 5.

Council Member Huntington commented impact fees are not going to pay for this infrastructure. The hired consultant's recommendation is an assessment district. In the next few years we are not going to see an influx of impact fees. If the infrastructure is not important enough for the people to approve an assessment district to build the facilities, then put the money into surface water.

Deputy Town Manager Stueckle agreed that if the Council imposes the full level of impact fee, it can not impose an additional assessment district, noting that the language was structured based on the Council's historical approach of starting out with minimal fees. If an assessment district is imposed it could make up the difference between the cost and the amount taken in from impact fees. He recommended amending No. 5 by adding, "if the maximum legally defensible Public Facility Development Impact fees are not imposed at the time of permitting" to the end.

Mayor Luckino questioned going after partial fees and an assessment district in addition. Deputy Town Manager Stueckle advised that the resolution gives the current or future Councils the opportunity to work with the community. Mayor Luckino commented he has a concern about leaving it open ended noting if a future Council wants to change it, let them change it.

Council Member Neeb reiterated that he is just talking about impact fees and the level to impose, at this time. If future Councils want to look into assessment districts they can.

Council Member Mayes requested an explanation of No. 3 & 4. Deputy Town Manager Stueckle advised there are going to be situations, based on topography, where the flows have a huge impact on the community and downstream property owners, and the site has a proposed detention basin. When staff evaluates projects like that, what position does the Town take in terms of mitigating the effects of that channel? We have to look at the overall picture, and there will be times when the Engineer comes forward with a recommendation for facilities to be constructed. In that case this policy doesn't mean that they have to pay the impact fees and assessments. All three of those things will not occur. The language is structured with the intent of establishing more consistency in the Town's requirements for projects that creates a higher level of equity, fairness and proportionality. The language creates flexibility for the governing agency working in flood control.

Mayor Luckino commented that with private land development the volume of water leaving the property has to be same as it was prior to development, and questioned why additional language is needed.

Council Member Neeb advised that his motion was for the developer to pay public facility impact fees, and to bring back the amount at a public hearing for reconsideration of public facility development impact fees.

Motion to implement development impact fees carried 3-2 on a roll call vote.

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

Upon discussion, Council agreed to Item 2 of the resolution requiring development projects to dedicate the necessary easements for MPD improvements.

Mayor Luckino requested that the issue come back to Council after the Strategic Planning Session.

Council Member Mayes advised his issue with Item 3 & 4 is the language and would like it cleaned up and “and/or” added.

Upon further discussion, staff was directed to work on the policy language and return to the Council.

20. Appointment to Parks, Recreation and Cultural Commission.

Town Clerk Anderson reported that there is a vacancy on the Parks, Recreation and Cultural Commission due to the appointment of Margo Sturges to the Planning Commission.

Council Member Herbel advised that Jennifer Collins is very active in community and moved to nominate her to the Parks, Recreation and Cultural Commission. Council Member Huntington seconded.

Council Member Mayes and Mayor Luckino advised they will abstain from voting due to professional relationships with the candidate.

Motion carried 3-2 on a roll call vote.

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

FUTURE AGENDA ITEMS

Mayor Luckino advised that he must resign from the 2+2 committee with the Hi Desert Water District, and requested that an item be placed on the next agenda for appointment of a new member.

PUBLIC COMMENT

Mike Roddy, Yucca Valley, stated he believes that Yucca Valley should become the regional center for solar energy development services, and handed the Town Manager a written proposal with suggestions.

Gloria Brisette, Yucca Valley, commented regarding washes that are not in the master plan of drainage system and expressed concern that in some cases the natural flow is changed by property owners abutting the wash, and questioned who monitors that.

STAFF REPORTS AND COMMENTS

None

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

21. Council Member Huntington

Wished Town Attorney Silvergleid all the best, noting she will be missed.

Congratulated Miss Yucca Valley and her court.

Welcomed Douglas Haubert to the team.

22. Council Member Neeb

Welcomed Miss Yucca Valley and court.

Thanked Town Attorney Silvergleid for all she has done for the Town.

Welcomed Douglas Haubert.

23. Council Member Herbel

Advised that Town Attorney Silvergleid is going to be missed.

Welcomed Doug Haubert.

Congratulated Miss Yucca Valley and the Court.

24. Mayor Pro Tem Mayes

YUCCA VALLEY TOWN COUNCIL MINUTES

February 26, 2009

Expressed appreciation for the visit from Dr. Wolf, Caltrans District 8 Director.

Commented regarding how much Town Attorney Silvergleid is going to be missed.

Welcomed Douglas Haubert noting he has big shoes to fill.

25. Mayor Luckino

Congratulated Town Attorney Silvergleid on her retirement.

Congratulated Miss Yucca Valley and Court.

ANNOUNCEMENTS

Next Town Council Meeting, Thursday, March 12, 2009, 6:00 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk