

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MARCH 2, 2010**

Mayor Mayes called the regular meeting of the Town of Yucca Valley Council to order at 6:01 p.m.

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

Staff Present: Interim Town Manager Tooker, Deputy Town Manager Stueckle, Town Attorney Haubert, Administrative Services Director Yakimow, Community Services Director Schooler, Police Capt. Miller, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Council Member Luckino

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

A. Introduce Miss Yucca Valley and Court

2010 Miss Yucca Valley and Court introduced themselves. Janis Parke, Miss Yucca Valley; Abigail Lombardo, 1st Princess; Tiffany Caricchio, 2nd princess; and Megan Stover, 3rd princess.

1. Introduction of New Employees

Human Resources/Risk Manager Lassetter introduced Michele Linzner, Payroll and Finance Specialist

AGENCY REPORTS

Water District

2. Monthly Report for February 2010.

Joseph Glowitz gave the monthly Wastewater update.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 3. **Approve**, Regular Town Council Meeting Minutes of February 16, 2010 as presented.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Amend**, the FY 2009-10 Adopted Budget, and adopt Resolution No. 10-05 appropriating \$200,000 from the Catastrophic Events Fund Designation for storm cleanup expenditures.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2009-10 BUDGET

- 6. **Ratify**, Warrant Registers in the amount of \$282,935.26 for checks dated February 11, 2010.

Council Member Neeb moved to adopt Consent Agenda Items 3-6. Council Member Herbel seconded. Motion carried 5-0 on a roll call vote.

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

PUBLIC HEARINGS

- 7. **Development Code Amendment, DCA 01-09. Ordinance Repealing and Restating Chapter 3 of Division 3, Title 8 Relating to Land Use Design Procedures.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING TITLE 8, DIVISION 3, CHAPTER 3 OF THE TOWN OF YUCCA VALLEY DEVELOPMENT CODE RELATING TO LAND USE DESIGN PROCEDURES

Associate Planner Kirschmann reported the Town Council requested specific, clear and concise standards for small expansions of commercial and industrial projects. The draft Ordinance proposes to repeal and restate Chapter 3 of the Development Code by making revisions to the Land Use Compliance Review, Conditional Use Permit and Site Plan Review Sections. The remaining articles may be modified as part of the Development Code update. The proposed changes delete articles regarding Planning Use Permit, Certificate of Land Use Compliance Review, Sign Location Plan, Flood Hazard Development Review, and Preconstruction Inspection. With the Land Use Compliance Review, any building up to 5,000 sq ft. can add a maximum of 1250 additional sq ft., 5,001 to 10,000 can add up to 2,000 and buildings of 10,001 or more can add up to 2500

sq ft. Currently there is a percentage of addition on the chart, but it is recommended that be removed to avoid confusion. Projects which fall within the thresholds of the LUCR shall comply with the Commercial Design Guidelines, outdoor lighting regulations, parking and screening requirements, sign regulations, dedications for easements for drainage facilities and all other Development Code Regulations except as exempt by section 83.030305(e). Expansions which fall within the thresholds of the LUCR will not be required to provide half width street improvements on all streets fronting the project, onsite water retention of incremental increase, make improvements to drainage facilities, except as defined by the parameters of the Town Council policies regarding drainage facilities, form assessment districts, underground utilities or provide additional landscaping. If a project exceeds the expansions in the table, a Conditional Use Permit (CUP) or Site Plan Review (SPR) is required. Amendments to the CUP and SPR in clued adding the threshold table and adding a section on required improvements.

Mayor Mayes opened the Public Hearing, and as no one appeared to speak, he closed the hearing.

Council Member Luckino commented regarding the parking and screening requirements that remain, noting in Old Town there are issues relating to the amount of parking that is required. Associate Planner Kirschmann advised that is correct, however the Old Town Specific Plan allows some deviations from parking requirements and explained what some of those deviations are. Council Member Luckino questioned if the wording regarding assessment districts would prohibit the Town from forming a district in the future if necessary. Deputy Town Manager Stueckle advised that the property owner would be approached and requested to participate, as with the formation of any other assessment district for previously developed properties.

Council Member Huntington commented this is a stopgap clarification as the Town is going into the present Development Code, and will be taken into consideration and modified as necessary during that process. He requested a minor addition to attempt to get right of way dedication for future highway expansion as part of the approval process.

Mayor Mayes stated he takes ownership in this ordinance, noting he has been frustrated that the Town requires owners to do so many things that they can't afford to do the project, and expressed concern the item is considered a stopgap measure. This is a big deal and needs to be added to the development code. Deputy Town Manager Stueckle commented the Council has been talking about these kinds of issues for some time, noting much of the language in the existing code, adopted from the County was written at a very broad level, and the Town is trying to adopt ordinances to be more specific to Yucca Valley. The issues have been identified and staff and the selected consultants will stay on top of the matter. Mayor Mayes added that allowing the old small houses along the highway to expand up to 1250 sq. ft. will assist in cleaning up the highway because they will not have to go through all the previous requirements. He questioned what they will be required to do. Associate Planner Kirschmann advised the will have to comply

with the Commercial Design Guidelines, outdoor lighting regulations, parking and screening requirements, sign regulations, dedications of easement for drainage facilities, and all other development code regulations except as exempt by section 83.030305(e). He noted if the project is very small there are exemptions from the parking requirements.

Council Member Luckino moved to introduce the Ordinance and Approve DCA 01-09, establishing Land Use Design Procedures, as recommended by the Planning Commission including removing percentages

Council Member Huntington commented that at some point and time dedicated right of way needs to be obtained, and if improvements are made to property the owner will have to take that into account.

Mayor Mayes agreed that at some point in time the highway is going to be widened and the easement going to need to be granted, but if you have an old existing house existing house on highway and if they don't add on to it, the Town will still have to acquire the right of way anyway. He does not want property owners to use that requirement as a hindrance to improving their property.

Council Member Herbel questioned if the in lieu fees come into consideration. Deputy Town Manager Stueckle commented if the improvements to drainage facilities are not required, in lieu fees are also exempt.

Council Member Huntington stated he can go either way, he just thought it could be a good process to get the dedication up front.

Town Clerk Anderson read the title of the Ordinance.

Motion carried 5-0 on a roll call vote.

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

8. Development Code Amendment, DCA 01-10, Ordinances Repealing and Restating Chapter 15 of Division 1, Title 4 Relating to Special Events; Repealing and Restating Section 84.0410 of Chapter 4 of Division 4, Title 8 relating to additional uses; and Repealing and Restating Chapters 1 through 27 of Division 12, Title 8 relating to definitions

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1,

TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SWAP MEETS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING TITLE 8, DIVISION 12, CHAPTERS 1 THROUGH 27 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO DEFINITIONS

Associate Planner Kirschmann stated that, based upon Planning Commission recommendations, amendments have been made to the Temporary Special Events Ordinance No. 100, expanding the Permitted Special Event table to include additional uses such as art shows, car shows, farmers markets and other similar events. The table was modified to allow a longer time period for farmers markets allowing them to have two events per week. The permit is valid for one year and subject to annual review and approval by the Planning Division. The table was also revised to allow fairs, concerts, parades, exhibits, festivals, art shows, street fairs or similar events to twelve (12) events per year. A section was also added to allow multiple events to be combined into one permit. The Additional Uses Ordinance was modified to eliminate the reference to farmers markets. Since the entire Ordinance will be repealed and reenacted, the recommended action includes a modification to Section 84.0401 eliminating # 26 referencing County Code. The Definitions Ordinance is amended by adding a definition of Certified Farmers Markets from the State Department of Agriculture. The ultimate goal of the revisions is to provide clear, easy to understand language to the community while providing flexibility in the ordinance.

Mayor Mayes opened the Public Hearing, and as no one appeared to speak, he closed the hearing.

Council Member Herbel commented she is happy to see the Ordinances come forward, noting having the listed activities is important for our community

Council Member Herbel moved to introduce the ordinances. Council Member Neeb seconded.

Mayor Mayes questioned the reason for having a different definition for certified farmers market, and whether or not it is important from a land use perspective.

Council Member Neeb expressed the same concern, and questioned the need to restrict the use to just certified farmers markets. Associate Planner Kirschmann commented the

Planning Commission ultimately made the decision to include the definition of Certified Farmers Market. Council Member Neeb commented if people are happy with making purchases at the other kind of farmers, he does not see why the Town should restrict it that much.

Council Member Herbel advised that a certified farmer's market is not necessarily organic, it is certified by the Agricultural department as a specific place where farmers come and sell the produce they have grown on their own farms.

Council Member Neeb commented the market could state their case if they are certified.

Deputy Town Manager Stueckle advised that, as the special events ordinance is written, the use is limited to certified farmers market only. Mayor Mayes commented he does not understand why there is a limitation. Council Member Neeb agreed wondering why the Town should care if someone wants to buy produce and take it to the swap meet to sell.

Deputy Town Manager Stueckle commented as written the ordinance limits the land use activity for farmers markets to be only those that are certified farmers markets. If it is Council's desire to not create that separation, you can have that discussion and amend or modify the ordinance before its introduction.

Council Member Herbel commented she does not know of any communities having any outside open air farmers markets that are not certified farmers markets, noting that they are swap meets or flee market etc in that case.

Council Member Neeb stated that the Agriculture Department has weighed in on certified farmers markets, and questioned if they have weighed in on someone purchasing produce and bringing it to the swap meet to sell. Council Member Herbel advised the department doesn't regulate that, noting that buyers and sellers are not allowed at certified farmers markets.

Council Member Neeb questioned if anyone is restricted from going over to the swap meet at sky drive-in to sell their produce. Council Member Herbel commented that has never been a problem

Council Member Huntington questioned if selling produce on the street corners is covered under a separate section. Deputy Town Manager Stueckle advised that it is. Council Member Huntington agreed that from a land use perspective it is correct that there should be no distinction between a certified farmers market and farmers market, noting that is a function of advertising.

Council Member Herbel noted she has looked into both and there are a lot more stringent regulations for farmers not involved in certification from the county.

Mayor Mayes commented the question is one of land use, and questioned why there would be a distinction from a land use perspective.

Council Member Neeb commented it becomes a matter of advertising, and if one is concern about the type of food they are buying, they are going to be looking for that type of market.

Council Member Herbel suggested the item be brought back after staff is able to contact the Agricultural Department to find out the what the rules and regulations are for an uncertified farmers market.

Mayor Mayes commented he still can't understand from land use perspective why they are separated.

Council Member Herbel stated she would like to bring the item back and withdrew her motion. Council Member Neeb also withdrew his second. .

There being no objection, Mayor Mayes continued the item to the next meeting.

DEPARTMENT REPORTS

9. **Amended Commercial Design Guidelines, Resolution, Planning Commission Recommendation.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE AMENDED COMMERCIAL GUIDELINES

Associate Planner Kirschmann reported the Commercial Design Guidelines are not rigid regulations, they provide built in flexibility. If a color is in question, that color can be discussed with staff and if necessary the item can be forwarded to the Planning Commission for review and interpretation.

Council Member Luckino stated he has an issue with item #3 under colors that states "Choose colors with consideration to surrounding buildings. The building should be a "good neighbor" and not clash visually with adjacent buildings." and questioned the definition of a "good neighbor". That is very vague. He also has an issue with the "guidelines" noting it comes down to the decision of Council, staff or future Councils. The cost of the regulations in the State of California and local governments that is passed down to developments is rising exponentially, and having to go through these bodies costs time and money. Government needs to look at the critical jobs of government, not design guidelines. His suggestion would be to throw out the whole thing. There aren't any residential guidelines and this needs to be placed in the hands of the Business professionals and taken out of the hands of Council.

Council Member Herbel commented the colors on display include practically every color of the rainbow and would add a lot to our Town if people would use them. She added she wants to make sure that if the Council adopts them it is also going to coincide and reflect the color charts for Old Town. Associate Planner Kirschmann advised there are no specific color charts for Old Town and read the section of the specific plan regarding building materials color.

Council Member Neeb commented that painting can be a relatively inexpensive way of adding value to one's property. He agreed with the suggestion by Council Member Luckino to delete Item #3 from the colors specifications. Recommended adding something in "good taste".

Council Member Huntington commented this item was brought forward to clarify some problems in the color area, but the design guidelines have a lot more in them than just color. It is all part of development code and the Town will be working on that code over the next year.

Mayor Mayes commented the role of Government is health, safety and welfare, and he has always had an issue with dictating paint colors.

Council Member Luckino commented regarding the Burger King issue and the reason they didn't remodel was that the Town couldn't agree on the proposed colors. The restrictions prohibit business. He does not want the Town to be an obstacle to business.

Council Member Neeb clarified the Burger King situation and commented that the proposed guidelines are quite liberal with minimal cost added, adding that hopefully, good taste would prevail.

Council Member Herbel commented she does not feel any of the colors on the palette will clash and agreed to removing item #3 under Colors from the guidelines.

Council Member Neeb moved to adopt Resolution No.10-06 and approve the amended Commercial Design Guidelines with the removal of Item #3 under Colors. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

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

NOES: None

ABSTAIN: None

ABSENT: None

10. Appointment to Planning Commission

Town Clerk Anderson reported that Commissioner McKoy has resigned from the Commission. Applications were on file from Mike Alberg and Jason Gueltzow.

Council Member Neeb thanked Dennis McKoy for his work and dedication on the Commission, and nominated Mike Alberg to the position.

Council Member Neeb moved to nominate Michael Alberg to the Planning Commission. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

Council Member Luckino requested to bring back the Commercial Design Guidelines. Council did not agree

PUBLIC COMMENT

Margo Sturges, Yucca Valley, commented regarding the appointment of Commission Alberg noting she worked with him on the Parks Recreation and Cultural Commission and he was a patient and thorough leader. She also stated that Dennis McKoy was a wonderful commissioner noting she is glad he is going to be back to be honored.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow thanked Human Resources/Risk Manager Lassetter for stepping in when the Payroll Specialist left, and added the staff is thrilled to have Michele Linzner with us.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

11. Council Member Luckino

Thanked the former Miss Yucca Valley Court and congratulated the 2010 Court

Welcomed Michele Linzner and thanked Human Resources/Risk Manager Lassetter and all the staff for their dedication to the organization.

Welcomed Mike Alberg to the Planning Commission and advised he has been serving on the Parks, Recreation and Cultural Commission and will do an equally good job on the Planning Commission.

12. Council Member Huntington

Congratulated Janis Parks on her selection as Miss Yucca Valley

Wished Mike Alberg good luck on the Planning Commission

Welcomed Michele Linzner.

13. Council Member Neeb

Welcomed Mike Alberg to the Planning Commission and Michele Linzner to the Town Staff.

Advised that the Town’s request for funding signal synchronization was successful in the amount of \$226,000. Ratification by the entire Sanbag Board is the last hurdle before receiving the funds.

14. Mayor Pro Tem Herbel

Congratulated the 2010 Miss Yucca Valley Court and the previous court, and noted that the new Miss Yucca Valley interviewed her as her prominent lady.

Welcomed Michele Linzner to the Town “family”.

Congratulated Mike Alberg.

15. Mayor Mayes

Echoed previous Council Members’ comments.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, March 16, 2010.

CLOSED SESSION

A. 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.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)
1 potential case

Mayor Mayes adjourned the meeting to closed session at 7:23 p.m., returned to open session at 7:30 p.m. and announced there was no reportable action taken.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk