

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JANUARY 8, 2009**

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

Council Members Present: Herbel, Mayes, Neeb and Mayor Luckino.
Council Member Huntington was absent which absence was excused.

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 Deputy Town Clerk Kim.

PLEDGE OF ALLEGIANCE

Led by Mayor Luckino.

INVOCATION

Led by Mike Kelliher

AGENCY REPORTS

Hi Desert Water District

1. Monthly Wastewater Treatment System Update

No report given.

Fire Department

2. Monthly Fire Department Report

No report given.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

3. Museum Association Presentation

Community Services Director Schooler and Museum Association President Bill Souder presented the Town with mock checks totaling \$81,000 raised from various grants.

4. Presentation to Terry Hartl

Mayor Luckino presented a plaque in recognition of Mr. Hartl's years of service on the Parks, Recreation, and Cultural Commission.

APPROVAL OF AGENDA

Town Manager Takata requested that Item 17 be moved before Item 14 renumbered as Item 13A and Item 20 be pulled and continued to a later date.

Council Member Neeb moved to approve the agenda as amended. Council Member Mayes seconded. Motion carried 4-0-0-1 on a voice vote with Council Member Huntington absent.

CONSENT AGENDA

5. **Approve**, Minutes of Regular Town Council Meetings of December 11, 2008 as presented.

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

7. **Adopt**, the following resolutions: 1. A PFF resolution updating the Town's authorized signatories concerning all Town accounts at PFF Bank and Trust. 2. Resolution No. 09-01 updating the Town's authorized signatories at the Local Agency Investment Fund (LAIF).

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING DEPOSIT AND WITHDRAWAL IN THE STATE LOCAL AGENCY INVESTMENT FUND

8. **Appoint**, Richard D. Owings to the Community Center Authority.

9. **Approve**, Adopt-A-Street program be suspended until such time that adequate economic and personnel resources are available to provide the necessary oversight and administration of the program.

10. **Approve**, Resolution No. 09-02 amending the Adopted FY 2008-09 and 2009-10 Budget by transferring \$65,000 from Fund 800-Undesignated Capital Projects Reserve to Jacobs Park Lighted Tennis Courts, Town Project No. 8956, Account No. 560-00-00-8310-8956; and award a contract for construction services to Landmark Site Contractors, Inc. in the amount of \$312,300; establish a \$31,230 contingency and \$7,000 administrative costs and authorize the Town Manager, Deputy Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency if necessary to complete the project.

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2008-09 CAPITAL PROJECTS BUDGET BY TRANSFERRING \$65,000 FROM FUND 800 UNDESIGNATED CAPITAL PROJECT RESERVES TO JACOBS PARK LIGHTED TENNIS COURTS, PROJECT NO. 8956,

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ACCOUNT NO. 560-00-00-8310-8956

- 11. **Approve**, the Final Map for TM 16786, and direct staff to forward the map to the San Bernardino County Recorder for recordation.
- 13. **Ratify**, Warrant Registers in the amount of \$914,064.85 for checks dated December 5, 2008 to December 30, 2008.

Council Member Herbel requested to pull Item 12.

Council Member Mayes moved to adopt Consent Agenda Items 5-11 and 13. Council Member Neeb seconded. Motion carried 4-0-0-1 on a roll call vote.

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

12. Budget Appropriations: \$30,000 from the Catastrophic Events Reserve Snow Storms and Snow Removal

Public Works Director da Rosa gave the staff report and stated that Hi Desert Water District will not be sending any billing invoice.

Town Manager Takata stated that snow storms do not happen often and that our street crews did a great job plowing snow from our arterial routes quickly with very little available equipment.

Council Member Herbel stated that the Town staff did a wonderful job clearing the roads.

Town Manager Takata elaborated on Council Member Neeb’s request on the cost differences for flood removal expenses versus snow removal explaining that removal of slow melting snow is less costly than fast flooding debris removal when sub-contractors are often hired

Council Member Mayes commended staff for staying out late in freezing weather and having done a great job.

Council Member Mayes moved to approve a budget amendment appropriating \$30,000 from the Catastrophic Events Reserve to the Public Works Professional Services account. Council Member Herbel seconded. Motion carried 4-0-0-1 on a voice vote. Council Member Huntington was absent.

DEPARTMENT REPORTS

13A. Fiscal Year 2007-08 Comprehensive Annual Financial Report

Administrative Director Yakimow gave the staff report including a Power Point presentation of the Town’s 2007-08 Year End Summary.

Mr. Scott Manno of Rogers, Anderson, Malody and Scott, LLP briefed the council on the responsibilities of auditors when auditing the Town and the Redevelopment Agency’s financial statements in accordance with US General Accepted Accounting Standards.

Council Member Neeb and staff discussed reserves and stated that the Town needed to be financially solvent.

Council Member Herbel and Town Manager Takata congratulated Administrative Director Yakimow and Town Accountant Ainsworth on a clean audit.

Mr. Manno confirmed staff’s great job and commented on the improved audit since his firm’s previous audits during the period 1995-2000.

Council Member Neeb moved to receive and file the FY 2007-08 Comprehensive Annual Financial Report. Council Member Mayes seconded. Motion carried 4-0-0-1 on a roll call vote.

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

PUBLIC HEARINGS

14. Interim Urgency Ordinance, Prohibiting the Establishment of Medical Marijuana Dispensaries And Declaring the Urgency Thereof Extending Ordinance No. 916 by 10 months and 15 days

AN INTERIM URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858, EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES AND ON THE COMMENCEMENT OF THE DISTRIBUTION OF MEDICAL MARIJUANA AT EXISTING BUSINESSES IN THE TOWN OF YUCCA VALLEY ENACTED BY ORDINANCE NO. 196 AND DECLARING THE URGENCY THEREOF

Deputy Town Manager Stueckle gave the staff report.

Mayor Luckino opened the Public Hearing.

Patricia Bristow, Yucca Valley, Owner and Director of the Desert Ballet Center also on

behalf of the Yucca Valley Karate spoke regarding her concerns of the location of the Alternative Medical Solutions business being next to businesses frequented by children.

William Green, Yucca Valley, spoke in favor of the moratorium

Patricia Williams, Yucca Valley, spoke in opposition to the moratorium stating it is hindering the DEA’s process of closing the dispensaries.

Lori Green, Yucca Valley, spoke in favor of the moratorium.

Fritz Koenig, Yucca Valley, spoke in opposition to the moratorium stating that medical marijuana is needed by sick people.

Eric Mueller, Pioneertown, spoke in opposition to the moratorium stating it is a land use issue and that it should be looked at as such with State law guidance on the legality of medical marijuana.

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

Council and staff discussed the comments from Public Hearing.. Staff hopes to have a draft of a complete Ordinance before the Planning Commission by late February or early March and to the Council by June.

Deputy Town Clerk Kim read the Ordinance Title.

Council Member Mayes moved to adopt the Interim Ordinance. Council Member Neeb seconded. Motion carried 4-0-0-1 on a roll call vote.

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

DEPARTMENT REPORTS

15. Council Public Agency Board/Commission Liaison and 2+2 Assignments

Item continued at the consensus of the Council.

16. Appointment to Planning Commission

Town Manager Takata gave the staff report.

Council Member Mayes interviewed eight applicants for the very important Planning Commission position. He found Dawn Rowe to be an intellect with critical thinking

abilities, holding both bachelor and master degrees, and a wonderful candidate which was confirmed by a follow up second interview.

Council Member Mayes moved to appoint Dawn Rowe to the Planning Commission. Council Member Neeb seconded. Motion carried 4-0-0-1 on a voice vote. Council Member Huntington was absent.

Council Member Herbel thanked Planning Commissioner Steve Willman for his service on the Planning Commission over the years.

Council Member Herbel wanted to appoint someone who would uphold the integrity of the General Plan. She noted the presence of Margo Sturges, current Parks, Recreation & Cultural Commissioner, at many Planning Commission and Town Council meetings.

Council Member Herbel moved to appoint Margo Sturges to the Planning Commission. Council Member Mayes seconded.

Mayor Luckino expressed a concern regarding appointing two inexperienced members to the Planning Commission, and made a substitute motion to postpone appointment for 30 days when all Council Members are present to vote. Substitute motion died due to lack of a second.

Original motion carried 4-0-0-1 on a roll call vote.

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

18. Annual Reserve Policy Review

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE NECESSARY INTERFUND TRANSFERS IN ACCORDANCE WITH THE TOWN’S RESERVE POLICY

Administrative Services Director Yakimow gave the staff report.

Council Member Herbel moved to review the fiscal year 2007-08 reserve analysis, and adopt Resolution No. 09-03 modifying the Town’s Reserve Policy by amending the fiscal year 2008-09 budget as follows: Amend the designated reserve balances as indicated on Exhibit A to the resolution, including a one-year suspension of the capital projects reserve fund transfer and a corresponding one-year increase in the general fund reserve cap to 39%. Council Member Mayes seconded. Motion carried 4-0-1 on a voice vote. Council Member Huntington was absent.

19. 2007/2008 Annual Redevelopment Report, 2007/2008 Annual Redevelopment Agency Financial Report

Deputy Town Manager Stueckle gave the staff report.

Council Member Mayes moved to approve the 2007/2008 Annual Redevelopment Report and the 2007/2008 Annual Redevelopment Agency Financial Report. Council Member Neeb seconded. Motion carried 4-0-1 on a voice vote. Council Member Huntington was absent.

20. Town Policy for Master Plan of Drainage Facilities for New Land Development Projects, Direction to Staff

Item pulled from agenda.

FUTURE AGENDA ITEMS

Council Member Herbel requested that the Council review the Adult Entertainment Ordinance with the consensus of the Council.

Mayor Luckino requested that staff bring back to Council the Undergrounding Utilities item.

PUBLIC COMMENT

Olivia de Haulleville, Yucca Valley, commented on the open space of Yucca Mesa and stated she did not want to be part of Yucca Valley.

Jim Sammons, Yucca Valley, representing the Yucca Mesa Improvement Association commented on Yucca Mesa Annexation.

Fritz Koenig, Yucca Valley, commented on Town Attorney applicant Best Best and Krieger.

Robert Sturges, Yucca Valley, commented on the swap meet and the golf course property.

William Green, Yucca Valley, commented on banning existing marijuana business.

Eric Mueller, Pioneertown, requested that the RDA Members relook at our sign ordinances.

STAFF REPORTS AND COMMENTS

Town Manager Takata wished everyone a Happy New Year.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

21. Council Member Huntington

Absent

22. Council Member Neeb

Thanked Administrative Services Director Yakimow and Town Accountant Ainsworth for a great job on the audit.

Commented on yesterday's SANBAG meeting regarding the bailout monies.

Thanked outgoing Planning Commissioner Willman for his hard work and dedication. Welcomed incoming Planning Commissioners Rowe and Sturges.

24. Council Member Mayes

Wished everyone a Happy New Year and commented on being optimistic as a community.

23. Council Member Herbel

Congratulated her mother on her 77th birthday and presented her with flowers.

Thanked and congratulated incoming Planning Commissioner Sturges for accepting her appointment.

25. Mayor Luckino

Thanked Terry Hartl and Steve Willman for their service to our community.

Thanked incoming Planning Commissioners Rowe and Sturges for their future service to the Town.

CLOSED SESSION

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

27. 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.

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

State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.

Property: APN 586-031-36, 594-031-09 & 23, 595-041-34 & 35; 55100 Martinez Trail
Blue Sky Golf LLC/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-361-13, 14 & 15; 7028 Theater Road
Bobby D & Elizabeth R Carr/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-042-16, South side of SR 62, approximately 500' east of Camino
Del Cielo
Antonio Olvera/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-191-18; located on the north side of 29 Palms Hwy, on the outer hwy
north, 202 feet west of Airway Ave.
Pioneer Partners Inc./Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 587-252-11; west side of Valley Vista South of Navajo Trail – 10.8 acres
of vacant land
Stephen M. Nacsaro/Turner Family Trust/ Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-323-05; North side of Antelope Trail west of Barberry, 7,200 sf
vacant residential land
Kenneth & Jo Anne Fredrick/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 587-091-49, 50 & 51; West side of Sage Ave. north of the High School
Raymond D. White Trust/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator

Real Property Negotiations

Property: APN 587-361-01; South side of SR 62 west of Palm Drive
Valente Concrete, LLC/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 587-361-10; South side of SR 62, east of the wash
Betty H. Hansen/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 601-551-16 & 17; North side of Business Center Drive, East of Indio Ave.
Don M & Margaret Landers/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-131-24; Vacant residential land North side of Little League Drive, west and east of Grand Ave.
Lewis 8-99/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-132-15; Vacant residential land north side of Little League Drive, west and east of Grand Avenue
Tom Bolha/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-032-09; vacant residential land north side of Little League Drive, west and east of Grand Avenue
Rodolfo Rojas/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-132-12; Vacant residential land north side of Little League Drive, west and east of Grand Ave.
Ester & Rene Garcia/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 585-061-02; Northwest corner of Warren Vista Tr.
@ Carlyle Drive
Lawrence Morley/Town of Yucca Valley

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Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 594-061-08; Pioneertown Road, approximately 200' north of Yucca Trail
Morongo Basin Humane Society/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-321-11, 12, 13 & 14, South side of Yucca Trail, between Elk and
Fox Trail and west side of Elk Trail, approximately 200 feet north of SR 62
David F. Grimmett/Town of Yucca Valley,
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-321-15; 7346 Elk Trail
Laura A Pyle/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-322-04 & 05, South side of Yucca Trail. Between Elk &
Pioneertown Road
Lester J. Rooks/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-381-04, South side of Yucca Trail, approximately 300 feet west of
Hopi Trail
Stanley J. & Susan Zarakov Revocable Trust/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-191-18; located on the north side of 29 Palms Hwy, on the outer hwy
north, 202 feet west of Airway Ave.
Pioneer Partners Inc./Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-351-10; South side of SR 62 between Elk Tr. and Deer Tr.
Rene B. Garcia/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-311-03; North side of SR 62, 4th parcel east of Cherokee Tr.
Darryl D. Ovesen/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator

Real Property Negotiations

Property: APN 586-332-07; Northeast corner of SR 62 and Fox Tr.
Daniel H. Zwicker/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-121-03 & 04; Northeast corner of SR 62 and Hopi Tr.
John H. Horak/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-102-03; South side of SR 62, 4th parcel east of Kickapoo Tr.
Willette Family Trust/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 586-102-31, 32 & 02; Southeast corner of SR 62 and Kickapoo Tr.
Robbins – Tibbetts, Inc./Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-04; South side of SR 62, 5th parcel east of Palm Ave.
Fred P. Spector/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-13; Northeast corner of SR 62 and Grand Ave.
Woodring Trust/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-14; North side of SR 62, 3rd parcel west of Grand Ave.
Hosea Brown Trust/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-16; North side of SR 62, 5th parcel west of Grand Ave.
David F. Gonzalez/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-331-09; Northwest corner of SR 62 and Mohawk Tr.
Sabrina K. Peukert/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator

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Real Property Negotiations

Mayor Luckino adjourned the meeting to closed session at 7:35 p.m. and returned to open session at 8:27 p.m. with no reportable action taken. There were no members of the public present.

ANNOUNCEMENTS

Special Meeting, Thursday, January 15, 2008, 1:00 p.m.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Christine E. Kim,
Deputy Town Clerk