

**TOWN OF YUCCA VALLEY**  
**TOWN COUNCIL MEETING MINUTES**  
**August 4, 2009**

Mayor Pro Tem Mayes called the regular meeting of the Town of Yucca Valley Council to order at 5:27 p.m.

Council Members Present: Herbel, Huntington, Neeb and Mayor Pro Tem Mayes. Mayor Luckino was excused.

**CLOSED SESSION**

Mayor Pro Tem Mayes called the meeting to order at 5:27 p.m. with Council Members Herbel, Huntington, Neeb and Mayor Pro Tem Mayes present. Mayor Luckino was excused

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

Mayor Pro Tem Mayes adjourned to Closed session at 5:27 p.m. and returned to open session at 5:35 p.m. and announced there was no reportable action taken.

The meeting was recessed until 6:00 p.m.

Mayor Pro Tem Mayes reconvened the meeting at 6:00 p.m.

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

**PLEDGE OF ALLEGIANCE**

Led by Council Member Huntington

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**1. 2010 Census Partner Proclamation**

Council Member Mayes read the proclamation

**2. Introduce New Employees**

Community Services Director Schooler introduced part time Facility Maintenance Workers Bryan Clement, Ron Hickman and Bill Lasley.

**AGENCY REPORTS**

**Hi Desert Water District**

**3. Monthly Report**

Joe Glowitz gave the monthly report for August 2009 noting at this time they are still on track for 2010 operational date but that could change if there are any snags.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

**4. Approve,** Regular Town Council Meeting Minutes of June 23, 2009 as presented.

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

**6. Adopt,** Resolution No. 09-26 incorporating the improvements to Malin Way Street into the Town Maintained Road System for the purposes of future maintenance and improvement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA INCORPORATING THE IMPROVEMENTS TO MALIN WAY FROM SKYLINE RANCH ROAD TO PASEO LOS NINAS INTO THE TOWN MAINTAINED ROAD SYSTEM INVENTORY FOR PURPOSES OF FUTURE MAINTENANCE

**7. Authorize,** the Town Manager to submit the Congestion Mitigation Air Quality Program Project Pre-Proposal and the grant application for the Traffic Signal Control Synchronization project and authorize the Town Manager and/or Deputy Town Manager to sign all necessary documents.

**8. Receive and file,** the AB 1234 Reporting Requirement Schedule for the month of June 2009

**9. Authorize,** obtaining commercial vehicle and heavy equipment maintenance and inspection service from San Bernardino County Fleet Management for fiscal year 2009/2010

**10. Approve,** the purchase of asphalt concrete from Matich Corporation at the rate of \$65.00 per ton, for the 2009/2010 fiscal year, authorizing the Town Manager to expend funds as

appropriated in the 2009/2010 annual budget.

11. **Approve**, Amendment No. 2 of the Agreement with RBF Consultants, Inc., to prepare final Plans, Specifications and Estimates (PSE Phase) for improvements including raised medians, sidewalks, minor drainage, and street lighting improvements from Apache Trail to Palm Avenue for PLHD SR 62 Median Improvement Project on SR 62 from Apache Trail to Palm Avenue. The Consultant shall be paid the amount of \$442,251.00 for the PSE Phase of the PLHD projecting, increasing the Consultant’s total compensation under the contract to \$617,731.
12. **Approve**, the improvement drawings and specifications for the Camino Del Cielo/SR 62 Signal and Median Improvements Project and authorize staff to proceed with advertisement for construction bids.
13. **Authorize**, the purchase of fleet vehicle fuel from Morongo Unified School District for fiscal year 2009/2010
14. **Approve**, the proposed fee structures for rental of the “Scorpions!” traveling exhibition and the sale of Yucca Valley postcards.
15. **Accept**, the Jacobs Park Lighted Tennis Courts Improvements, CDH Project No. 123-32102. Case No. 2639, Town Project No. 8956 and the Jacobs Park Ball Wall Improvements, CDH Project No. 123-30102, Case No. 2639, Town Project NO. 8948 constructed by Landmark Site Contractors as substantially complete; Authorize Town staff to file the Notice of Completion with the County Recorder; Authorize Town staff to release the Performance Bond in the amount of \$312,300; and Authorize staff to release the retention monies in the amount of \$33,332.86 due the contractor thirty-five (35) calendar days after recordation of the Notice of Completion.
16. **Authorize**, the purchase of swimming pool chemicals and supplies from Knorr Systems, Inc. for Fiscal Year 2009/2010
17. **Receive and File**, the Treasurer’s Report for 4<sup>th</sup> Quarter FY 2008/2009 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC)
18. **Adopt**, Ordinance No. 202, amending Section 4.04.040 a(1) of the Town of Yucca Valley Municipal Code.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 4.04.040A(1) OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO PLANNING COMMISSION MEETINGS

- 19. **Ratify**, Warrant Registers in the amount of \$811,627.21 for checks dated June 19, 2009 to July 02, 2009. Ratify Payroll Registers in the amount of \$380,883.46

**Gloria Brissette**, Yucca Valley, spoke in opposition to Item No 12, authorization to bid for Traffic Light at Camino Del Cielo, and suggested that, rather than create another hazard, the turn lane be turned back into a general turn lane, not a designated left turn lane.

Council Member Neeb moved to approve Consent Agenda Items 4-19. Council Member Herbel seconded. Motion carried 4-0-1 on a roll call vote.

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

**PUBLIC HEARINGS**

- 14. **Public Facilities Development Impact Fees, Consideration of Fee Level Modifications, Direction to Staff.**

Deputy Town Manager Stueckle stated that due to the absence of the Mayor, it is recommended that the public hearing be opened and continued to the meeting of August 18<sup>th</sup>.

Mayor Pro Tem Mayes opened the public hearing and asked that it be continued to August 18<sup>th</sup>.

**DEPARTMENT REPORTS**

- 21. **Ordinance Amending the Yucca Valley Municipal Code to Bring Curfew Regulations in Line with the San Bernardino County and City of Twentynine Palms Code.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 11.40 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATED TO CURFEW FOR MINORS

Lt. Mondary reported the recommendation is to amend the code to bring the Town’s curfew in line with the rest of the basin, noting that the only change is the time the curfew begins.

Town Clerk Anderson read the title of the Ordinance.

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Council Member Huntington moved to introduce the Ordinance amending provisions of Yucca Valley Municipal Code Sections 11.40.030 and 11.40.050 to bring curfew regulations in line with the San Bernardino County and City of Twentynine Palms Code. Council Member Neeb seconded. Motion carried 4-0-1 on a roll call vote

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

**22. 2+2 Committee with Copper Mountain College.**

Town Clerk Anderson commented a 2+2 committee with Copper Mountain College has been discussed, but no one has been formally appointed.

Mayor Pro Tem Mayes and Council Member Herbel expressed interest in sitting on the committee.

Council Member Neeb moved to nominate Mayor Pro Tem Mayes and Council Member Herbel as members of the 2+2 Committee with Copper Mountain College. Council Member Huntington seconded. Motion carried 4-0-1 on a voice vote with Mayor Luckino absent.

**PUBLIC COMMENT**

**Elizabeth Karman**, Homestead Valley, read a statement requesting the Town withdraw its Sphere of Influence application..

**Dr. Robert Karman**, Homestead Valley, read a statement requesting the Town withdraw its Sphere of Influence application.

**Lary Callender**, Yucca Mesa, commented he enjoys living on the mesa and the services he receives there, and doesn't want underground utilities.

**Rick Sayers**, Yucca Mesa, commented the people on the mesa want to be left alone.

**Anne Johnson**, Yucca Mesa, requested a document placing a ban on expanding the Town's sphere of influence to the mesa.

**Roy Vanderleelie**, Joshua Tree, read a statement in opposition to the sphere of influence on the mesa.

**Peter Poillon**, Landers, read a statement in opposition of the sphere of influence on the mesa.

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**David Cooper**, Yucca Mesa, spoke in opposition to expansion of the Town's sphere onto the Mesa.

**Denise Morgan**, Yucca Valley, commented she inherited 10 acres on the mesa and doesn't want it to change.

**Marilyn Poillon**, Landers, commented she does not want to live in the city limits, and likes her clean air, dark skies, open space between neighbors, and low crime rate.

**Russell Drake**, Yucca Valley, spoke in opposition to adding the mesa to the Town.

**Dale McConnell**, Yucca Mesa, commented they don't need annexation and it would be no benefit to them.

**Irene Simpson**, Yucca Mesa, read a statement in opposition to the proposed sphere of influence.

**Sandy Ball**, Yucca Mesa, asked Mayor Pro Tem Mayes to consider placing an item on an agenda to withdraw the sphere of influence for the mesa.

**Gloria Brissette**, Yucca Valley, encouraged the Council to listen to the residents of the mesa.

**Maryann Barkley**, Flamingo Heights, commented the residents don't want the town on the mesa.

**James Hammons**, Joshua Tree, commented that no one on the Council represents them.

**Paul Lopez**, Yucca Mesa, expressed concern that the mesa would become like the Town and they are trying to preserve the small town lifestyle on the mesa.

**Olivia de Haulleville**, Yucca Mesa, agreed with the other speakers.

**Charles McHenry**, Yucca Valley, spoke in opposition to the sphere change.

**Sam Patterson**, Yucca Mesa, requested the item be placed on the agenda.

**Hawk Marcarelli**, Yucca Mesa, spoke in opposition to the sphere of influence.

**Dorothy Callander**, Yucca Mesa, commented she moved to the mesa because she didn't want to live in a city any more.

**Jamie Schilling**, Yucca Mesa, commented everyone on the mesa has animals and acreage and could not have that in Town.

**Judy Van Ruggles**, Landers, spoke in opposition to the sphere of influence.

**Sharolyn Wadhams**, Yucca Mesa, spoke in opposition to the sphere of influence.

**David Fick**, Joshua Tree, advised his organization has a letter of recommendation to deny the sphere effort to LAFCO.

**Margo Sturges**, Yucca Valley, reminded Council of the High Desert Water District meeting to discuss cost sharing of sewers and the wastewater plant, and whether or not they should share costs of the 5,000 who will be hooked up to the system or the 10,000 rate payers, including mesa, advised the District is considering not taping their meetings, requested Council recognize the volunteer team who cleaned up the Phelps property with a gift basket.

### **FUTURE AGENDA ITEMS**

Mayor Pro Tem Mayes thanked the residents of Yucca Mesa for their respectful tone during public comments tonight. He requested that an item be placed on a future agenda to discuss withdrawing the Sphere of Influence application. Council Members Herbel and Huntington agreed. Town Manager Takata advised that the next meeting will have some very heavy agenda items so it will probably be the meeting after that.

### **STAFF REPORTS AND COMMENTS**

None

### **MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

#### **23. Council Member Huntington**

Recognized and welcomed part time Facility Maintenance Workers Bryan Clement, Ron Hickman and Bill Lasley.

Commented regarding attendance at the California Resource Recovery Association conference.

#### **24. Council Member Neeb**

Reminded everyone that the Summer Music Festival ongoing on Saturday evenings at the Community Center

#### **25. Council Member Herbel**

Commented regarding attendance at the first JPA meeting for the birth of the new animal shelter.

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Thanked everyone for coming out tonight.

Congratulated Mayor Pro Tem Mayes on his anniversary.

**26. Mayor Pro Tem Mayes**

None.

**27. Mayor Luckino**

Absent

**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, August 18, 2009.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Jamie Anderson, MMC  
Town Clerk