

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
September 1, 2009**

Mayor Luckino called the regular meeting of the Town of Yucca Valley Council to order at 5:04 p.m.

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

CLOSED SESSION

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

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 595-162-08 & 09 South West corner of Joshua Lane and Twentynine
Palms Outer Highway
FDIC/Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

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

Mayor Luckino adjourned to closed session and reconvened to open session at 5:20 p.m. and advised there was no reportable action taken.

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

Mayor Luckino reconvened the meeting at 6:00 p.m.

Staff Present: Deputy Town Manager Stueckle, Town Attorney Haubert, 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

1. Proclamation Supporting San Bernardino Homeless Coalition

Mayor Luckino read and presented the proclamation to Isaac Jackson, San Bernardino County Homeless Services Coordinator, who thanked the Council and advised of development of an Interagency Council on Homelessness to make sure the 10 year plan that has been developed doesn't sit on the shelf.

AGENCY REPORTS

Hi Desert Water District

2. Monthly Report

Joe Glowitz, Hi Desert Water District, gave the monthly Waste Water Report for August 2009.

Mayor Luckino announced that Council Member Neeb recently married and introduced Mr. & Mrs. Bill Neeb.

APPROVAL OF AGENDA

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

CONSENT AGENDA

3. Approve, Special Town Council Meeting Minutes of July 25, 2009, Regular Town Council Meeting Minutes of August 18, 2009 and Special Town Council Meeting Minutes of August 20, 2009 as presented.

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

5. Adopt, Ordinance No. 204, Amendment to Chapter 12.40, Section 12.40.010

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 12.40 OF TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATED TO PARKING RESTRICTIONS

6. Adopt, Ordinance No. 205, ordinance Amendment: Selection of Mayor and Mayor Pro Tempore

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 2.05.210 OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO THE SELECTION OF MAYOR AND MAYOR PRO TEMPORE

- 7. **Adopt**, Resolution No. 09-30 determining the necessity for administration expenditures from the Redevelopment Agency Low and Moderate Housing Fund.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AUTHORIZING THE TOWN OF YUCCA VALLEY TO BE REIMBURSED FOR EXPENSES INCURRED FROM THE LOW AND MODERATE HOUSING FUND ON BEHALF OF THE YUCCA VALLEY REDEVELOPMENT AGENCY

- 8. **Adopt, Adopt Resolution No. 09-31 authorizing staff to prepare and submit an application to the California Energy Commission requesting grant funding under the Energy Efficiency and Conservation Block Grant.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING TOWN PARTICIPATION IN, AND THE APPLICATION FOR FUNDING, UNDER THE CALIFORNIA ENERGY COMMISSION’S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

- 9. **Ratify**, Warrant Registers in the amount of \$514,515.55 for checks dated August 20, 2009. Ratify Payroll Registers in the amount of \$742,152.28 for checks dated July 10, 2009 through August 21, 2009

Council Member Neeb moved to adopt Consent Agenda Items 3-9. Council Member Mayes seconded, and advised he is voting no on Item 5. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Huntington, Mayes Neeb and Mayor Luckino.
- NOES:** Council Member Mayes on Item 5 only
- ABSTAIN:** None
- ABSENT:** None

DEPARTMENT REPORTS

- 10. **Sphere of Influence Application**

Mayor Luckino commented, although there is not a legal conflict of interest in this item, to avoid a perceived conflict, he is going to recused himself from the discussion. He turned the meeting over to Mayor Pro Tem Mayes and left the dais.

Senior Planner Kirschmann gave a summary of actions taken thus far.

Kathleen Rollins McDonald, LAFCO Executive Officer, explained that a sphere of influence is a planning tool, and does not change jurisdiction or service responsibility.

LAFCO has the sole responsibility to define a sphere of influence. In 1987 the Commission established the Yucca Valley community which included the Fire District, the Water District, CSA 42, and the Park and Recreation District. All of those preceded the incorporation of the Town, but were defined as having the same sphere of influence in defining the community of Yucca Valley, and the boundary of that sphere of influence is representative of the Hi Desert Water District. When performing a service review, Government Code Section 56430 requires that the Commission look at growth and population projections, present and planned capacity of public facilities and adequacy of public services including infrastructure needs and deficiencies, financial ability of agencies to provide services, status of and opportunities for shared facilities, accountability for community service needs including government structure and operational efficiencies, and any other matters related to effective or efficient service delivery as required by the Commission. Whether or not the Town continues with its application, LAFCO will still continue with the service review and will still be required to determine what the community of Yucca Valley is. Since that 1987 review, only the Hi Desert Water District is still in existence.

Mayor Pro Tem Mayes advised that public comment will be limited to 7:30 p.m.

Elizabeth Karmen, Yucca Mesa, spoke in opposition to the sphere of influence noting that annexation follows, and that the people in the mesa did not hear from Council regarding what is involved in the sphere. They do not want to be part of the Town.

Jerry Thomas, Landers, agreed with Mrs. Karman

Sean Cracraft, Yucca Mesa, commented that the sphere application is a step toward outright annexation and urged the Town to withdraw the application.

Cliff Carlson, Yucca Mesa, voiced objection and opposition to the sphere of influence, and demanded the Town withdraw the application.

Carl Schmidt, Yucca Mesa, commented regarding the desire of the residents to have large lots, open space and barnyard animals. They do not want the crowding and crime that comes with pro growth cities and towns.

Irene Simpson, Yucca Mesa, spoke in opposition to the sphere.

Bobbie Flint, Yucca Mesa, spoke in opposition to the sphere.

David Cooper, Yucca Mesa, stated the people on the mesa believe the Town has overbuilt and do not want to be a part of the town.

Gloria Brissette, Yucca Valley, spoke in opposition to the sphere expansion.

Dr. Bob Karman, Yucca Mesa, spoke in opposition to the sphere.

Barbara Renton, Yucca Mesa, requested the Town omit its plan to take over the mesa.

Charles Mc Henry, Yucca Mesa, spoke in opposition to the sphere.

Pete Poillon, Yucca Mesa, commented that most people on the mesa want to remain rural and things to remain the same. They don't want housing codes.

Fritz Koenig, Yucca Valley, commented regarding Hoot Owl Trail and that the mesa will have the same problems up there that he has in Town.

Larry Callander, Yucca Mesa, spoke in opposition to the sphere.

Nicholas Ballew, Yucca Mesa, requested the Town withdraw the sphere of influence application.

Mr. Jim Madaffer, Yucca Mesa, advised his family has owned property on the mesa since 1954 and ask that the Council drop its request from LAFCO.

Jim Sammons, Yucca Mesa, representing the Yucca Mesa Improvement Association, noting the association is opposed to the sphere.

Marilyn Poillon, Yucca Mesa, advised the residents on the mesa are satisfied with the services from the county and do not believe any special districts are needed.

Maryan Barkley, President Flamingo Heights Association, advised the association is made up of Flamingo Heights, Landers, Johnson Valley, and Yucca Mesa, stating people up there want to remain rural and don't want to break up the association communities.

Jim Harvey, Johnson Valley, speaking on behalf of the Homestead Valley Community Council, advised they are opposed and that the Town should not put the mesa into Yucca Valley's sphere.

Paul Lopez, Yucca Mesa, spoke in opposition to the sphere.

Steve Ball, Yucca Mesa, spoke in opposition to the sphere.

Mayor Pro Tem Mayes advised those not wishing to speak, but in opposition to the spear included, Suzanne Brown, Joshua Tree; Bill Dunn, Yucca Mesa; Lilbert Alderson, Yucca Mesa; Wanda Kelly, Yucca Mesa; Melissa Bacall, Yucca Mesa; Sandra Hartness, Yucca Mesa; Craig Merriam, Joshua Tree; Terrie Merriam, Joshua Tree; Ken Blair; Yucca Mesa; Marie Marguardt, Yucca Mesa; Bridgit Wilcox, Yucca Mesa; Jessica Ontiveros, Joshua Tree; Nancy and Marvin Ako.

Council Member Neeb stated that Council heard comments that the Town could force annexation on the Mesa. He asked Ms. McDonald to comment on that point. Ms. McDonald advised that the Town could not force annexation. If an application for annexation was submitted the Commission review it and can modify, approve, or deny the application. If it is approved there will be a protest process and the registered voters will ultimately decide whether or not it is annexed. Anything more than 50% protest would require termination of the application. Council Member Neeb questioned if the County could rezone that area if they chose to do so. Ms. McDonald advised that the County is the land use authority and can amend the community plan. Council Member Neeb stated that if Yucca Valley stops the sphere application, that doesn't mean that LAFCO would stop their review. Ms. McDonald stated that LAFCO is still obligated by its policies and procedures to determine the community of Yucca Valley and will look at all the service providers in that area.

Council Member Huntington questioned how long the sphere would be good if LAFCO determines the actual community of Yucca Valley includes the mesa. Ms. McDonald commented that LAFCO can determine that the community of Yucca Valley corresponds with the Hi Desert Water District, but the incorporated Town's sphere of influence can be smaller than that. Council Member Huntington questioned if the Town Council has to initiate an annexation request from LAFCO. Ms. McDonald advised the Town can submit a resolution for annexation, or the registered voters or landowners can submit a request for annexation. Council Member Huntington commented that the Town has allotted \$70,000 for SOI study, and questioned how much of that is time sensitive, or how much the Town would lose if the application is pulled. Ms. McDonald stated if the application was pulled, the application fee for the sphere expansion part would be closed out and refunded to the Town according to LAFCO's procedures, however the sphere update and service review, would continue as the Commission is required to do, and by policy the Commission will simply charge the Town direct costs.

Council Member Herbel commented she heard everyone out there this evening say that they do not want to be included in the Town's sphere of influence, and advised she would support withdrawing the application.

Council Member Mayes commented that trust in government is at an all time low and acknowledged that the Town didn't do a very good job of sitting down with the residents on the mesa to talk about what the Town is doing. He stated at this time he feels it is appropriate for the Town to withdraw the application from LAFCO.

Council Member Neeb moved to withdraw the Town's Sphere of Influence application on file with the Local Agency Formation Commission (LAFCO). Council Member Herbel seconded. Motion carried 4-0-1 on a roll call vote with Mayor Luckino absent.

AYES: Council Member Herbel, Huntington, Neeb and Mayor Pro Tem Mayes

NOES: None
ABSTAIN: None
ABSENT: Mayor Luckino

Mayor Luckino returned to the dais

11. Adjustments to Public Facility Impact Fees, Final Action

Mayor Luckino advised this item will be continued to the Town Council meeting of September 15th, but advised he has requests to speak to the item at tonight’s meeting.

Gloria Brisette, Yucca Valley, requested that the Council charge an honest fee and stop putting pressure on residents.

Margo Sturges, Yucca Valley, commented regarding the fee in Desert Hot Springs and recommended the Town phase in increased Development Impact Fees and attribute them to parks and trails in addition to streets.

There being no one else wishing to speak, Mayor Luckino continued the item to September 15th.

PUBLIC COMMENT

Fritz Koenig, Yucca Valley, commented regarding an ongoing civil matter in his neighborhood that is now at the 4th District Court of Appeal.

STAFF REPORTS AND COMMENTS

None

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Council Member Huntington

Commented that the process the Council went through tonight with regard to sphere of influence was a learning experience, noting the next effort at anything should be approached with a softer hand.

Congratulated the Needs on their wedding.

13. Council Member Neeb

Thanked Council

14. Council Member Herbel

Congratulated Council Member Neeb.

15. Mayor Pro Tem Mayes

Congratulated Council Member Neeb noting he is a wonderful individual.

16. Mayor Luckino

Congratulated the Needs

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, September 15, 2009.

ADJOURNMENT

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

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk