

**TOWN OF YUCCA VALLEY**  
**TOWN COUNCIL MEETING MINUTES**  
**September 15, 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**

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Subsection (a) of Section 54956.9(a), 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. 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

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

Mayor Luckino reconvened to open session at 5:13 p.m. and announced 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: Town Manager Takata, 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

**INVOCATION**

Led by Mike Kelliher, Joshua Springs Calvary Chapel

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**1. Introduce new employees**

Town Manager Takata introduced Mary Dyk, Animal shelter Technician.

**AGENCY REPORTS**

**Fire Department**

**2. Monthly Statistical Fire Department Report**

Report on file at Town Hall.

**Chamber of Commerce**

**3. Monthly Statistical Chamber Report**

Mike Kelliher, Chamber President, gave the recap for the month of August.

**APPROVAL OF AGENDA**

Town Manager Takata advised there is a need to add an item to the agenda.

Council Member Mayes moved to add to the Agenda as item #20A: Measure I Six-Year Plan 2010/2011 – 2014-2015, as there is a need to take immediate action on this matter and the need arose after the Agenda was posted. Council Member Herbel seconded. Motion carried 5-0 on a voice vote.

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

**CONSENT AGENDA**

**4. Approve, Regular Town Council Meeting Minutes of September 1, 2009 as presented.**

- 5. **Waive**, further reading of all ordinances and read by title only.
- 6. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of August 2009.
- 7. **Approve**, Amendment to the Subdivision Improvement Agreement extending the period of time for completion of improvements to sixty months from the date of the original agreement, June 28, 2011, Tract Map 16471-Desert Vista Village Subdivision.
- 9. **Receive and File**, Desert Regional Tourism Agency Quarterly Report for the quarter ending June 2009
- 10. **Approve and adopt**, Resolution No. 09-32, authorizing applications to Caltrans for the HSIP grant program for the SR 62/SR 247 Median Islands Project and for the TCRP SR 62 Improvement Project, and authorize the Town Manager to sign all the necessary documents for this grant.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION

- 11. **Ratify**, Warrant Registers in the amount of \$101,616.65 for checks dated August 20, 2009. Ratify Payroll Registers in the amount of \$202,802.54 for checks dated September 4, 2009.

Council Member requested to pull Item 8,

Council Member Neeb moved to adopt Consent Agenda Items 4-7 and 9-11. Council Member Mayes 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

**8. 2009-10 Youth Commission Appointments**

Community Services Director Schooler advised the recommendation is to appoint 36 individuals to the Youth Commission. The Commission will start meeting in October and conclude in June, and is open to all students in grades 7-12.

Council Member Herbel stated she pulled the item to recognize the youth of our community.

Council Member Herbel moved to appoint Taylor Allan, Garrett Alpin, Taylor Bachman,

Daniel Bevan, Nina Bevan, Krista Blevins, Rebecca Cain, Christine Caldejon, Cassandra Cannon, Kaitlyn Chavez, Hailey Citrine, Jenna Conrad, Austin Corrick, Kaitlyn Denison, Velda Denison, Mariana Falossi, Cerena Foy, Riley Geeson, Krystal Geeson, Ana Goddard, Victoria Gonzalez, Zachariah Handran, Cassidy Hyso, Joey Jackson, Kayla Long, Priscilla Long, Hanna Marquez, Nandhini Pandian, Victoria Reiser, Ashlie Richardson, Nicole Richardson, Ashleigh Simpson, Michael Samu, Moniece Venegas, Katey Webb, and Kaitlyn Woolling, recommended by the Parks, Recreation and Cultural Commission, to the 2009-10 Youth Commission, and authorize the Parks, Recreation and Cultural Commission to review future applications and make provisional appointments on behalf of the Council. Council Member Mayes seconded.

Council Member Mayes questioned if this is the largest group the Town has had. Community Services Director Schooler advised that it is and noted staff will be looking at forming sub groups to work on projects.

Motion carried 5-0 on a voice vote.

## PUBLIC HEARING

### 12. **General Plan Amendment 01-09, Environmental Assessment 01-09, General Plan Amendment to update the Housing Element of the General Plan pursuant to State law for the 2006-2014 planning period, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE HOUSING ELEMENT UPDATE TO THE TOWN OF YUCCA VALLEY GENERAL PLAN

Contract Planner Criste reported the Town is required to update its Housing Element on a schedule established by the State. The update being considered at this time is for the current, 2006-2014 planning period. The element addresses how the Town will provide for all types of housing to be developed for all income groups during the planning period. Particular focus is given to the provision of affordable housing for households with incomes below the County median income. The project was reviewed under California Environmental Quality Act (CEQA) and the Town's guidelines to implement the same. The Town determined that the proposed project could not have significant impacts on the environment, and a Negative Declaration is proposed. The recommendation is to adopt the update and direct staff to submit the plan for recertification by the state.

Mayor Luckino opened the Public Hearing

**Richard Harland**, Yucca Valley, stated he is curious about the sewer system that is proposed and questioned what the Town is doing to make sure developers pay for future sewer hookups on their new projects.

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

Council Member Herbel questioned the 11 acres owned by the Housing Authority as stated in Program 3.E noting she was not aware of the acreage. Planner Criste stated the property is in the core of the Town noting the Authority has owned the land for 3 cycles and not yet built on it. Council Member Herbel questioned how soon the funds listed in the Mortgage Assistance Program in Program 4.B will be coming back to the Town. Staff advised that the Town received a limited amount of funds and did not join the program. Administrative Services Director Yakimow advised the County did receive neighborhood stabilization funds and will have a program in town limits. It is up and running and can be found on the County's Community Development website. Council Member Herbel commented she was not aware that residential projects are required to provide bicycle and pedestrian paths and open space areas. Planner Criste advised that new projects are conditioned to include those items.

Council Member Huntington moved to approve Environmental Assessment 01-09, and direct the Planning Division to file a Notice of Determination for a Negative Declaration with the County Clerk; approve General Plan Amendment 01-09, and adopt Resolution 09-33 approving the Housing Element of the General Plan for the 2006-2014 planning period. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

**13. Planned Development 01-07, Tentative Tract Map 17862, Environmental Assessment 05-06, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 01-07, TO ALLOW THE DEVELOPMENT OF 107 SINGLE FAMILY LOTS AND ASSOCIATED FACILITIES ON A 63.4 ACRE LOT LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEE AND SAGE AVENUE (ASSESSOR'S PARCEL NUMBERS 585-071-16, 17, 25 & 26)

Council Member Huntington advised he must recuse himself from both Agenda Items 13 and 14 because he heard both projects as a Planning Commissioner. He left the dais.

Contract Planner Criste advised the Town Council reviewed these applications, along with a General Plan Amendment and Zone Change to Residential Single Family, 3.5 units per acre, at their meeting of May 8, 2008. At that meeting the Council approved the General Plan Amendment and Zone Change, but tabled the Planned Development and Tentative Tract Map, pending revisions to the project consistent with the Council's concerns. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The Map is required to subdivide the 63.4 acre site into 107 single family lots as well as streets, a wastewater treatment plant, private parks, open space areas and a detention basin. The minimum lot size has gone from 9,000 sf. To 10,244 sf. and the lot sizes along Sage have increased

from 10,000 sf. to 18,000 sf. to be consistent with lots across street to the west. The map has been phased to 2 phases, and the applicant has completed an updated biological resource survey and native plant inventory. Due to concerns expressed regarding storm water flows on the site, the applicants engineer stated in public hearings that storm water would drain from the lots to the streets, and be conveyed through the streets to Golden Bee. The conditions of approval require that storm water be channeled under Golden Bee, where it will be piped under the roadway and continue on to an existing regional retention basin to the north. Staff has added conditions of approval relating to drainage which require that conveyances that are constructed at the back of lots to convey storm water to the streets be located in an easement dedicated to the homeowner's association, and that the association be responsible for their long term maintenance, to assure that the internal storm water system remains functional.

Mayor Luckino opened the Public Hearing

**Bill Warner**, Nolte Associates, applicant's representative, advised the number of lots have been reduced resulting in lower density than surrounding neighborhoods, and the lots on Sage have increased in size. With reference to a concern stated at the last hearing regarding slopes, he presented photographs showing slopes in other existing neighborhoods that exceed the proposed slopes in this project. If all the lots were required to be 18,000, it would only allow for 83 homes with no amenities. The Planned Development in front of Council has 40% open space and incorporates a number of green building strategies for efficient use of water and energy. He noted that the Conditions of Approval required of this developer are much more than exist in the tract shown in the exhibits.

**Bill Shack**, applicant, advised of his business history in the Town, noting everything he has done has been very successful, but has been an uphill fight. He has never asked the Town for anything and has done everything with his own money. All but 8 of the homes in his existing project have been sold, and less than 10 homes in the development are in foreclosure. Most of the homes were sold way below their value. He is a family owned business, and uses all local contractors.

**Timothy Woods**, Chino, spoke in favor of the project noting he has bought several homes from Copper Hill Development for his daughter and son, and is looking forward to seeing additional development.

**Charles McHenry**, Yucca Valley, spoke in opposition to the project noting that drainage and traffic will be a problem. He also noted that some of the lots are going to be significantly smaller than 18,000 sf. and he does not think it will be a good project

**Bill Boyce**, Yucca Valley, spoke in opposition to the project and questioned where the sewage treatment facility going to be wind wise from those homes on the west side.

**Bret Anderson**, Sladden Engineering, advised his firm was contacted last year regarding the stability of the slopes and issued an opinion regarding those proposed slopes. He encouraged the Town Council to understand that typical 2/1 slopes are common in California, and he has a number of examples of slopes that are still stable have been for 20 years.

**David Fick**, Joshua Tree, spoke in opposition to the project commenting regarding the slopes and the fact that a reduction from 109 lots to 107 is less than a 2% reduction in density. He also expressed concern regarding water and assumes the developer has a will serve letter from the Water District, but doesn't think the Town has the water for the project. The project should go back to the Planning Commission and should be reduced by 15 to 20%.

**Vincent Shack**, Desert Hot Springs, spoke in favor of the project, noting he was a property owner in the first two phases of homes.

**Scott Cannady**, Nevada, spoke in favor of the project, noting he would like to see it go through so that he can become resident of Yucca Valley. He noted that the previous project used all local contractors.

**Frank Delzompo**, Murrieta, spoke in favor of the project, noting he is currently making his living as real estate broker from the sea to desert, and served in the Marine Corps prior to becoming a broker. He commented there is a shortage of quality housing for the military and urged the Council to approve the project.

**David North**, Yucca Valley, spoke in favor of the project noting he has been coming to meetings over 2 years regarding this project and that it is the second project the developer has had to run through the Town Council to get approval.

**Bob Schoenleber**, Yucca Valley, spoke in opposition to the project noting he feels the development should be zoned to coincide with developments in the past. He added that the lots will not be of sufficient size to slope down the elevation, and will require retaining walls that will be a problem in the future. He is opposed to a sewage treatment plant in the middle of a residential area. This area is more or less a retirement area and people need space to store their toys. Mr. Shack's lots will not provide sufficient space to accommodate these toys.

**Paul Wesley**, speaking for his mother Laura Wilson, Yucca Valley, commented the Town should have a moratorium on any more building until the sewer system is completed, noting that now is the time to float the bonds for a new sewage plant. In addition, there are too many vacant homes now so why build more and put a further strain on the water, public services, schools etc. The potential for flash flooding is great.

**Mike Kelliher**, Yucca Valley, President of Yucca Valley Chamber of Commerce, read a

letter from the Chamber of Commerce recommending approval of the Tentative Tract Map and Planned Development.

**Isaac Hagerman**, Yucca Valley, spoke in favor of the project noting his facility employs 216 people with about 60 of them living in Copper Hills Homes.

**Sarann Graham**, Yucca Valley, spoke in favor of the project, noting the Planned Development doesn't mean you lose your rural designation, and there is a need to have quality housing here.

Those not wishing to speak, but in opposition to the project are Nancy McHenry, Marian Tabor, and Walt and Joyce Metcalf.

Those not wishing to speak, but in favor of the project are Alec Destry, Gwen Shack and Bill Shack III.

**Mark Vikdal**, Yucca Valley, spoke in favor of the project, noting the developers past projects have turned out to be very nice housing with curb, gutter and sidewalks, and they don't have many empty houses in the existing project.

**Ron Coricchio**, Yucca Valley, spoke in favor of the project noting that responsible projects need to be a part of the community.

Mayor Luckino read a statement from Pastor Jerel Hagerman and Joshua Springs Calvary Chapel in favor of the project.

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

Council Member Herbel commented the project originally came to the Council as an appeal when the Planning Commission denied it. It has now been amended and does have variations from the Development Code. She advised she would like to see it go back to the Commission to view the amendments.

Council Member Mayes commented regarding one of the pictures distributed earlier showing Bob Hope Drive in Rancho Mirage and questioned if there is going to be a similar block wall around this project. Mr. Warner advised there is going to be a wall, noting that the location of power poles necessitates a 20' parkway, and is in the conditions of approval. Council Member Mayes questioned if the houses will front on sage. Mr. Warner advised they will not.

Council Member Neeb questioned how Quimby Fees and parks are going to be addressed. Planner Criste advised the project will receive a 25% credit for the parks within the project and Condition of Approval No. 22 spells out the requirement for the payment of Park in-lieu fees. Council Member Neeb questioned if the package plant will

be able to be converted and connected to the sewer when it is constructed. Planner Criste advised that it will, through the main line in the project.

Mayor Luckino asked about Mr. Anderson's experience. Brad Anderson advised he is a civil and geotechnical engineer. Mayor Luckino commented regarding the slopes and drainage, and questioned if anything can be built before the hydrology is completed, accepted and stamped. Deputy Town Manager Stueckle explained the process and Noel Owsley added that the grading plan will provide the hydrology study. As far as the master drainage for the area, overall the water will flow into the wash. He noted the basin at Joshua Drive was over size when built.

Mr. Warner commented that most roof tops do create additional runoff down stream because the older projects had no mitigation. The runoff from this project gets to the basin by conveyance already built and supplemented at the expense of the developer, not by way of the wash. Regarding the previous comment regarding the small reduction in the number of lots, he noted the reduction may be small in numbers but it is large in cost of about \$1,000,000 to the developer. The infrastructure costs will not go down at all but there will be two less lots. He noted that there are 24 lots that are larger than 18,000 sf. the median size is 13,400 sf. and the average is 15,200 sf.

Council Member Herbel moved to send the item back to the Planning Commission. Motion died for lack of a second.

Council Member Mayes questioned what the Planning Commission would be asked to look at if the project goes back to them, and whether or not the project meets all of the Town's rules. Planner Criste advised that the project does meet the Town's rules based on development requirements for planned developments. Deputy Town Manager Stueckle added if it is sent back to the Commission the project would be re-advertised and will go through the same review the Council was giving that night.

Mayor Luckino commented that currently the Town is behind the curve as far as parks, and questioned if the proposed private parks add to the Town's inventory. Deputy Town Manager Stueckle advised that they are not public parks that are owned and operated by the Town, they are private, but they are open for use by the general public. Planner Criste added that the Quimby Act is not particular regarding the allocation of parks as public or private in terms of the amount of space allocated, therefore they will help meet the Quimby need for parks. Mayor Luckino questioned if the suggestion that the development should go down the planned development course came from staff. Planner Criste advised that staff advised the applicant he could process either a specific plan or planned development.

Council Member Mayes questioned how many lots would be allowed on the property with the RS 2 zoning designation. Planner Criste advised that the project would be allowed 126 units, but it is not physically possible to place that many lots on this land.

Mayor Luckino commented regarding the proposed amenities and the green building techniques and questioned if this is the first development to propose some of these techniques. Planner Criste stated that it is.

Council Member Herbel questioned if only 35 acres of the land are useable. Planner Criste stated that it has been calculated at somewhere between 38 and 40 acres. Council Member Herbel commented that RS 2 is acreage and 40 acres would allow 80 houses. She noted that people come to Town because they want acreage and open space. When you start putting up block walls and making small lots, you lose a lot of that. She commented there have been previous conversations about drainage and questioned how the water is going to be retained on the lots. Mr. Warner advised that, in general, a certain percentage of drainage has to stay on the lot so there is no additional water down stream, but it doesn't matter if that water is retained on the lot or in a basin, as long as the end result is that there is no additional run off down stream. Council Member Herbel commented that someone brought up a concern about the package treatment plan having odor. Mr. Warner commented there are treatment options where the system is predominately below grade and not open to the atmosphere, and added that any package sewage treatment plant that has been used, if properly functioning and maintained, has minimal odor. Council Member Herbel expressed concern about the block wall, noting there are none to the west of the development, and her concern is graffiti and that the wildlife can't come through. She questioned who is going to be responsible if there is graffiti on the walls. Mr. Warner advised that the Conditions of Approval require a maintenance assessment district, and noted that the wall may be articulated, with varying linear aspects such as sections of wrought iron to break it up.

Council Member Mayes stated the issue is approval, denial or send it back to the Planning Commission, and questioned if staff sees any reason that the Council should send the item back. Planner Criste advised that returning to the Planning Commission is always at the Council's discretion, but the project hasn't changed significantly from what they saw originally. She noted that the issues the Commission expressed were also expressed by Council.

Council Member Neeb moved to approve Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk; approve, by adopting Resolution No. 09-34, Planned Development Permit 01-07, based on the findings in the staff report; and approve Tentative Tract Map 17862, based on the findings in the staff report. Council Member Mayes seconded. Motion carried 3-1-1 on a roll call vote.

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

**14. Appeal 04-08 of Site Plan Review 04-08, Car Quest**

Senior Planner Kirschmann reported the applicant is requesting that the Council remove Conditions of Approval 28 and 29. Condition 28 states “Pay an in-lieu fee of \$30,320 for future widening of SR 62 along the project’s frontage”, and 29 states “Pay an in-lieu fee of \$27,190 for future construction of a median island along the project frontage.” Staff is requesting that the fees be changed to \$19,638 for condition 28 and \$18,955 for condition 29. These new amounts reflect the reduced cost of materials and corrections to the quantities contained in the original estimate. In accordance with the General Plan, staff recommended the payment of fees instead of actual construction due to the small amount of frontage on SR 62 and existing surrounding improvements. The Planning Commission concurred with staff and approved the conditions. The Town’s Economic Development Element of the General Plan identifies goals, policies and programs. Program 5.B states “residential, commercial and industrial development proponents shall be responsible for their fair share of on and off-site improvements required to support the development proposal. Improvements required may include, but are not limited to, street construction and signalization, utility extensions, drainage facilities, parks and other facilities. The Council has discussed not requiring developers to construct or pay the estimated construction costs for the median islands. One option could be to adopt an interim policy not requiring costs or construction by the applicant and requiring that the Town’s RDA constructs the project. Exceptions would be projects with CEQA mitigation measures requiring construction, and projects in which Caltrans is requiring the construction. There is an option for the Town and the Applicant to enter into an agreement requiring future payment, however, if the applicant or future property owner fails to comply with the conditions of the agreement the Town may be required to take additional action to enforce the agreement and collect the funds. The recommendation is to affirm the Planning Commission’s approval of the project and deny the applicant’s appeal.

Mayor Luckino opened the Public Hearing

**Robert Doremes**, Applicant, advised he has been before the Council twice and he doesn’t think the conditions are fair. He would like to go back to a previous suggestion to off set the cost of the improvement with the land.

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

Council Member Neeb commented he is still hoping for some local stimulus funds to help support a project like this. The widening should be required, but this is a good project and the Town should be able to give it some help.

Council Member Herbel stated she had suggested getting an appraisal for the property that will be required to be dedicated to the Town. Town Attorney Haubert recommended if Council wants to look a ways to make a project more financially feasible, this is not the

way to do it, and recommended that the Council steer away from that concept.

Mayor Luckino expressed concern regarding collecting in-lieu fees to sit in a bank account. Regarding a comment that the Town will lose out on other potential funding sources if we are not aggressive, he questioned what is meant by the term aggressive. Deputy Town Manager Stueckle advised when you look at the survey of high and low desert communities, you will see that that Yucca Valley is the only community not requiring the fee or construction. Staff understands the impact of these issues and the financial ramifications, however the Town has millions of dollars in planning and engineering efforts on SR 62. Not addressing circulation infrastructure is different than any other infrastructure issue you have. The Town is not required to build parks, but is required by law to address circulation, so staff will always recommend dedication of easements and construction of improvements.

Town Manager Takata commented that if the Council would like to help property owners with some kind of stimulus funding, a system can be developed for people to apply for funding from RDA.

Council Member Mayes commented that at the last meeting he made a motion to remove those two conditions, which was rejected by Council. If the Council Members haven't changed their mind, the only option is to approve the Planning Commission's recommendation.

Council Member Neeb thanked staff for sharpening the pencil on the cost, and noted that he does not have a problem with putting money aside for the time the Town is able to complete the infrastructure.

Mayor Luckino moved to use one of the alternatives to finance the in-lieu fees.

Council Member Neeb questioned if the Town would be obligated to do this in the future. Town Attorney Haubert commented that at this time the Council is only dealing with this project. He advised he would want to clarify terms, suggesting that if a time frame is given for repayment it be very short due to the potential of an ownership change. It would have to be a recorded instrument and explored to see if a bond is doable.

Upon further discussion regarding the ability to finance the in-lieu fees and the complications involved. Mayor Luckino moved to deny the appeal and requested that the agreement option be used to finance the in-lieu fee. Motion died for lack of a second.

Council Member Mayes moved to affirm the Planning commission's approval of the Site Plan Review SPR 04-08 and deny the applicant's appeal. Council Member Neeb seconded. Motion carried 3-1-1 on a roll call vote.

**AYES:** Council Member Herbel, Mayes, and Neeb

- NOES:** Mayor Luckino
- ABSTAIN:** None
- ABSENT:** Council Member Huntington

Council Member Neeb stated he would like to direct staff to look at some form of stimulus.

**DEPARTMENT REPORTS**

**15. 2008-09 Purchase Order Encumbrances, Project Carryovers and 2009-10 Special Revenue Fund Budget Amendments.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 ADOPTED BUDGET

Administrative Services Director Yakimow reported the encumbrances and projects identified in the attached schedule represent expenditures that were authorized and approved, but not completed or invoiced as of June 30<sup>th</sup>. In addition, the Special Revenue Funds are presented for Council’s review. Regarding Gas Tax Funds, the State did include that funding in its budget, but will be deferring payment to cities until the 2<sup>nd</sup> half of the year. The Capital Projects Fund will be funding the Animal Control facility.

Council Member Mayes moved to adopt Resolution No. 09-35, approving the 2008-09 Purchase Order Encumbrances, Project Carryovers and FY 2009-10 Special Revenue Fund Budget Amendments identified in this report. 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

**16. Alternative Workweek Schedule and Policy Statement**

Administrative Services Director Yakimow advised the consideration of an alternative work schedule (AWS) has been an item of periodic discussion at the Town dating back to the mid-1990’s, and has taken on a new light with the budget cycle the Council recently completed. Issues considered included how to increase efficiency, how to be more responsible to the citizens, and what can be done to improve employee morale during these times. The proposal is to implement a 9/80 for most operations from 7:00 a.m. to 5:00 p.m. Monday through Thursday, with town facilities completely closed every other Friday, and staff working on the alternate Friday, but open for appointments only.

Council Member Herbel questioned if the employee vote will be everyone or just those

affected. Administrative Services Director Yakimow advised it will only be hourly employees, who would be affected, and has to be a three quarters majority vote to approve it. When the plan is implemented, there will be an aggressive public outreach campaign, and it is anticipated to begin in January 2010.

Council Member Mayes advised he would prefer 8:00 a.m. to 6:00 p.m. noting he is in favor of the 9/80 schedule but thinks 7:00 is a convenience for employees but not the public. Town Manager Takata noted when things pick up and we become busy again, contractors come in early. Council Member Mayes commented that he does not know if 9/80 is going to work in our community, and questioned if there is a recommendation regarding a putting on a trial date. Town Manager Takata commented staff has not discussed that alternative, but it can be done.

Council Member Neeb stated starting at 7:00 a.m. for the Planning Department would be great but expressed concern that soccer moms would need more time in the evening to sign up for activities.

Administrative Services Director Yakimow commented when the item returns staff can bring back a final schedule and can poll constituents regarding their preference.

Council Member Huntington commented he is not a tremendous fan of the schedule but understands the economy and manner in which the issue is being approached. He noted he would not like to see it put in cement and not looked at again down the way.

Council Member Herbel moved to approve the development of a standard 9/80 work schedule, subject to employee vote, by extending the public service hours of many Town offices, counters and operations Monday through Thursday; closing on Fridays, and remaining open by appointment only on the alternating Fridays, effective January 2010; and approve the Town's Alternative Work Schedule Policy Statement. Mayor Luckino seconded. Motion carried 5-0 on a voice vote.

**17. Public Facilities Development Impact Fees, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AMENDING RESOLUTION NO. 05-59 BY AMENDING SECTION 4 OF THE RESOLUTION RELATING TO THE TOWN OF YUCCA VALLEY DEVELOPMENT IMPACT FEE SCHEDULE

Deputy Town Manager Stueckle reported that at the meeting of August 18<sup>th</sup> Council held the annual public hearing and gave staff direction to return with an amended fee structure, attributing the fees to streets.

**Richard Harland**, Yucca Valley, commented regarding the ability for businesses along

SR 62 to expand their business.

Council Member Herbel does not agree with applying the fees to streets only and feels other facilities are extremely important to the community.

Council Member Huntington questioned if the DIF funds must be spent in a certain time frame. Administrative Services Director Yakimow advised that they do, but there is some flexibility. Deputy Town Manager Stueckle added if funds not expended in 5 years, specific findings for must be made in order to keep the funds. Council Member Huntington commented regarding the permissible use of DIF's and noted that there will eventually have to be some assessment districts to help pay for the infrastructure deficits.

Council Member Mayes moved to adopt Resolution No. 09-36, amending Public Facilities Development Impact Fees collected by the Town of Yucca Valley. Council Member Neeb seconded. Motion carried 4-1 on a roll call vote.

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

**18. Fortuna, San Andreas Road to Santa Barbara Drive, Approval of Improvement Drawings and Specifications, Authorization to advertise for Public Bid for Fortuna Avenue Improvements.**

Public Works Director da Rosa reported the project consists of reconstructing Fortuna Avenue with 3 inches of asphalt concrete including 6 inch asphalt concrete kikes, pulverization of existing pavement, grading, and related work necessary for the rehabilitation of Fortuna Avenue. The budget allocates \$344,631 from Measure I – Local Roads Funds.

Council Member Neeb moved to approve the improvement drawings and specifications for the reconstruction of Fortuna Avenue from San Andreas Road to Santa Barbara Drive and authorize staff to proceed with advertisement for construction bids. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

**19. San Bernardino Associated Governments Local Stimulus Program, Allocation of \$301,079.13, Camino Del Cielo Traffic Signal & Raised Median Islands.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO SANBAG FOR THE CAMINO DEL CIELO TRAFFIC SIGNAL AND RAISED MEDIAN ISLAND PROJECT FOR SANBAG APPROVAL OF LOCAL STIMULUS PROGRAM FUNDING

Deputy Town Manager Stueckle advised when Federal stimulus funds were made available for agencies within San Bernardino County, the only project that could satisfy the necessary criteria and timeframes was the I-215 widening project being administered by SANBAG. The SANBAG board established a program that established a proportionate distribution allocation to cities and the County, and identified other SANBAG funding sources that would be made available to other entities. The Town is expected to receive \$301,079.13. Staff's recommendation is to allocate those funds to the Camino Del Cielo traffic signal project. He noted that bids were opened today and came in significantly below the engineer's estimate, so there is a possibility that the funds will not be necessary for the Project and staff may return to reallocate them.

Council Member Neeb moved to adopt Resolution No. 09-37, requesting San Bernardino Associated Government (SANBAG) allocate the Town of Yucca Valley's share of Local Stimulus Program funds to the Camino Del Cielo Traffic Signal & Raised Median Island project and authorize the Town Manager to sign the SANBAG Local Stimulus Program nomination/application documents, reimbursement requests, and all necessary documents to obtain the Local Stimulus Funds. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

**20. Major Local Highways Program Submittal, San Bernardino Associated Governments 2010-2040 Measure I Town Council Project Nominations, SR 62 Apache to Palm Project, Public Lands Highway Discretionary Funds, SR 62, Airway to Western Town Boundary, Shelf Ready Plans.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF TWO PROJECT REQUESTS TO THE SAN BERNARDINO ASSOCIATED GOVERNMENTS FOR FUNDING FROM THE MAJOR LOCAL HIGHWAYS PROGRAM

Public Works Director da Rosa advised the Measure I Major Local Highway account is being managed by SANBAG and projects under this account must be submitted by the individual jurisdictions. Staff proposes that ST 62, Apache to Palm, and SR 62, Airway to the western Town boundary be nominated for the funds.

Council Member Mayes moved to adopt Resolution No. 09-38, nominating Town of Yucca Valley Projects, SR 62, Apache to Palm, requesting an allocation of \$1.0 Million in Major Local Highway Funds and to nominate SR 62, Airway to the western Town boundary, requesting an allocation of \$1.7 million in Major Local Highway Funds, from San Bernardino Associated Governments, Morongo Basin Sub Area, and authorize the Town Manager to sign all necessary documents for receipt and expenditure of the funds. Council Member Herbel seconded. Motion carried 5-0 on a voice vote.

**20A. Measure I Six-Year Plan 2009/10 – 2014/15, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE SIX-YEAR MEASURE I CAPITAL IMPROVEMENT PROGRAM FOR 2009/10 THROUGH 2014/15

Public Works Director da Rosa stated the Town is required to adopt the Measure I, six year Plan to identify projects, the estimated construction costs, and a brief project description to be undertaken in each of the successive six years. Based on existing road conditions, staff is proposing a list of projects to be included in the Measure I six year plan.

Administrative Services Director Yakimow advised there will need to be some budget cleanup as result of the resolution, and staff will be back before Council with those items.

Council Member Neeb moved to adopt Resolution No. 09-39, approving the Measure I Six-Year Plan. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

## **POLICY DISCUSSION**

### **21. Interim Policy, Street Reconstruction for New Development or Expansion of Existing Development.**

Senior Planner Kirschmann reported at the Town Council Meeting of August 18, 2009, the Council directed staff to develop a policy on road reconstruction on Town maintained roads for new development and expansions. The interim policy proposed sets forth standards for physical expansion of an existing development project or the development of a new project on vacant undeveloped land located on a Town maintained road. The Interim Policy standards are as follows: The commercial or industrial project abuts an existing public paved and maintained road(s) that are constructed with curb, gutter and asphalt concrete street paving at the required roadway width; The condition of the existing roadway is such that reconstruction or repaving in its entirety is necessary to bring the maintained road to an acceptable condition; The reconstruction or repaving of the road is not identified in the Town's 5-Year Measure I plan or 5-Year Capital Improvement Program; The applicant for the development project shall not be responsible for the estimated cost of road construction or for the physical reconstruction of the existing road; The applicant shall be responsible for replacement of any curb and gutter as determined necessary by the Town Engineer, for making ADA improvements required by law, and for installation of sidewalks abutting the project.

Council Member Huntington moved to approve an interim policy setting forth the following standards when an applicant is seeking physical expansion of an existing development project on a Town maintained street, or the construction of a new development project, already constructed at the ultimate width with curb and gutter as

identified in this staff report. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

**PUBLIC COMMENT**

None

**STAFF REPORTS AND COMMENTS**

Town Manager Takata apologized for the number of agenda items, noting that some of them were time sensitive.

Deputy Town Manager Stueckle commented that tonight Council saw variety and depth of what staff has been working on, noting that staff is being aggressive in identifying available grant funds available and thanked them for their work.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**22. Council Member Huntington**

No reports

**23. Council Member Neeb**

No reports

**24. Council Member Herbel**

Advised that today is her son's 27<sup>th</sup> birthday.

**25. Mayor Pro Tem Mayes**

No reports

**26. Mayor Luckino**

No Reports

**FUTURE AGENDA ITEMS**

Council Member Neeb expressed hope that stimulus funding or some kind of loan would come back to Council fairly soon. Town Manager Takata advised that the RDA would have to have the policy discussion and should be able to bring something back by the second meeting in October.

**YUCCA VALLEY TOWN COUNCIL MINUTES**

**September 15, 2009**

**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, October 6, 2009.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Jamie Anderson, MMC  
Town Clerk