

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
OCTOBER 20, 2009**

Mayor Pro Tem Mayes called the regular meeting of the Town of Yucca Valley Council to order at 5:00 p.m.

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

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subsection (a) of Section 54956.9(a), Ronald Green and Sharon Green vs. County of San Bernardino, City of Yucca Valley, Case No. CIVMS 800111, Center for Biological Diversity vs. Town of Yucca Valley, Town Council of Yucca Valley, Case No. CIVBS 800607; Coalition for Environmental Integrity in Yucca Valley vs. Town of Yucca Valley, Town Council of the Town of Yucca Valley, Case No. CIVSS 810232, Superior Court of California, County of San Bernardino.

B. 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

Mayor Pro Tem Mayes adjourned to closed session at 5:00 and reconvened at 5:15 p.m. with no reportable action taken.

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

Mayor Luckino reconvened the meeting at 6:00 p.m. with all members present.

Staff Present: Town Manager Takata, Deputy Town Manager Stueckle, Town Attorney Haubert, Administrative Services Director Yakimow, Community Services Director Schooler, Police Lt. Mondary, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Mayor Luckino

INVOCATION

Led by Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Assemblyman Paul Cook

Assemblyman Cook commended the Town for working with Copper Mountain College on a regional project, and thanked Council Members for attending the signing of his Viet Nam Veterans Bill. He advised of his other bills signed by the Governor regarding the Military, sexual offenders, cancer treatment, and transportation for community college students. Commented the Town needs to remain vigilant and proactive.

2. Employee of the Quarter

Presented to Ron Rice

AGENCY REPORTS

Fire Department

3. Monthly Report

Battalion Chief Oplinger gave the monthly statistical Fire Department Report and safety message regarding preparation for winter storms.

Chamber of Commerce

4. Monthly Report

Chamber President Mike Kelliher gave the monthly statistical Chamber of Commerce Report.

APPROVAL OF AGENDA

Mayor Luckino advised that Item 12 will be pulled from the Agenda.

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

CONSENT AGENDA

- 5. **Approve**, Regular Town Council Meeting Minutes of October 6, 2009 as presented.
- 6. **Waive**, further reading of all ordinances and read by title only.
- 7. **Approve**, Second Amendment to Amended and Restated Agreement dated May 12, 2005, between the Town of Yucca Valley and Andrew J. Takata.
- 8. **Receive and File**, the AB 1234 Reporting Requirement Schedule for the month of September, 2009
- 9. **Adopt**, Proposition 1A Sale Resolution No. 09-40 and Purchase and Sale Agreement, and direct staff to take any and all actions necessary to complete the transaction

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

- 10. **1) Consider**, bid protest submitted by DBX, Inc. the second low bidder dated September 18, 2009 and the alternatives offered in the staff report; **2) Reject**, the bid submitted by UST Development based on the finding the bid is non-responsive by failing to acknowledge Addenda No. 1 and No. 2 and in failing to list three completed projects as required in the Bid Document; **3) Authorize**, award of a contract for construction services to DBX, Inc. in the amount of \$592,383.00 for the installation of Camino Del Cielo Signal & Raised Median Island Project, Town Project No. 8304; establish a \$59,238 contingency and \$7,000 administrative costs and authorize the 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.
- 11. **Ratify**, the Warrant Register in the amount of \$353,559.92 for checks dated October 9, 2009. Ratify the Payroll Register in the amount of \$165,740.88 dated October 2, 2009.

Council Member Mayes moved to adopt Consent Agenda Items 5-11. Council Member Huntington 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

Town Attorney Haubert Town commented regarding Item No. 10, the award of bid for the traffic

signal at Camino Del Cielo, advising that the Town did contact low bidder UST regarding the bid protest advising them it would be considered tonight and no one from UST has contacted the Town regarding the issue or submitted anything, or appeared to speak on the item tonight.

DEPARTMENT REPORTS

12. Request for Funding from Copper Mountain College, Funding Request for Financial Participation in Traffic Signal Construction, State Route 62 and Rotary Way

Town Manager Takata advised that this item was pulled due to other available funding options.

13. Request from Russell Drake, Off Road Vehicles Prohibited Signage for Section 11

Deputy Town Manager Stueckle reported Section 11 was gifted to the Town in the mid 1990's. A request has been received from Russell Drake to install "No Off Road Vehicles" signs on the property, due to concerns regarding damage that is being done to the area. It was noted that with or without the signs, it is still illegal for people to ride off road vehicles on that piece of privately owned property.

Russell Drake, Yucca Valley, advised that at the Council meeting on August 14th he described Section 11's condition as poor and declining due to OHV use, illegal dumping, and a previous fire. He is asking that Section 11 be protected, noting he has learned that a wash going through the middle of the section is a highway for wild life. The land is disturbed by the OHV's which makes way for invasive plants.

Ray Pessa, Yucca Valley, expressed concern regarding a letter he received grouping OHV riders with illegal dumpers. He drove the area and there are 3 named roads and three trails in the area. The answer to the problem is education regarding management of the land. He is opposed to putting up signs and does not think they are going to do any good.

Pat Flannigan, Yucca Valley, commented that Section 11 is a critical juncture of movement corridors for wildlife. There is a burn area surrounded by very good habitat that is still intact.

Kathy Hawkins, agreed with Mr. Pessa

Mike Hawkins, Yucca Valley, spoke in opposition to the requested noting the area is not damaged by OHV's, there area already roads on the property. The Town has closed everything down to off roaders, and the property is an excellent place to put something for kids to do.

Fritz Koenig, Yucca Valley, commented that Section 11 was issued as a federal patent and probably subject to access, and there are also prescriptive and implied easements. He demanded equal enforcement in the Town.

Council Member Herbel agreed with placing signs to let people know it is illegal to ride off road vehicles and dump in the area. She also commented regarding liability issues. Town Attorney Haubert advised the issue of liability would depend on a number of factors.

Mayor Luckino commented he thinks it is appropriate to put up signs, but sees a need to discuss the appropriate use for the property at a future meeting.

Council Member Mayes stated he does not have a problem with putting up one sign but doesn't want to have signs all over the place. He commented the Town doesn't own the property for the purpose of open space, it is a prime commercial property that at some point will be sold off, and noted he is a fan of establishing a place that will allow legal riding.

Council Member Huntington commented the sign issue is a reasonable request, and that he agrees with Council Member Mayes that the Town has to find a way to accommodate both off road vehicles and environmental issues.

Council Member Neeb stated in the past the Town has supported the Johnson Valley off road vehicle area and hopes that it continues in operation, but as the Town becomes more and more built up, there are concerns about off road vehicles. There needs to be a place where they can ride, but not on private property. He is fine with placing signs.

Mayor Luckino commented that off road vehicles and illegal dumpers are two completely separate issues, and stated the Town does need to enforce anti dumping laws.

Council Member Neeb advised of the Ordinance that was enacted giving the Town the ability to impound vehicles when people are caught dumping.

Deputy Town Manager Stueckle requested clarification as to whether the number of signs will be limited or placed as requested.

Council Member Herbel commented a number of signs have been requested to accommodate a number of places where vehicles come onto the property. Town Manager Takata stated there may be some legal roads.

Council Member Mayes commented the off road vehicle issue isn't limited to Section 11 and questioned if adopting this policy would cause other people to come to the Council requesting signs.

Council Member Neeb questioned how many pieces of property the Town has with this characteristic. Town Manager Takata stated just this property and the property for the Southside Park. He recommended that staff survey the site.

Council Member Herbel moved to approve placement of signs, giving staff discretion as to how many signs should go up and location of sign placement. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENT

Fritz Koenig, Yucca Valley, requested removal of Michael Callan from the Public Arts Advisory Committee.

Jennifer Collins, Yucca Valley, spoke in opposition to requiring the owners of the building on 29 Palms Highway to repaint.

Michel Kelliher, President Yucca Valley Chamber of Commerce, spoke on favor of the owners of the business at 56778 29 Palms highway, who repainted their building, noting the Chamber is requesting the Town approve the colors of the business.

STAFF REPORTS AND COMMENTS

Town Manager Takata announced there will not be a Council Meeting on November 3rd, reminded everyone of the Fall Clean Up on Saturday from 9:00 a.m. to 12:00 p.m. at the corporation yard.

Lt. Mondary advised of Red Ribbon Week.

Deputy Town Manager Stueckle reported regarding the 2009 slurry seal project, noting that roads will be closed down while they are drying. Advised construction of the new traffic signal at the intersection of SR 62 and SR 247 will begin around the first week of November.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

14. Council Member Huntington

Congratulated Ron Rice for being selected as Employee of the Quarter.

Encouraged anyone with materials they need to dispose of to take advantage of the Community Clean Up day.

15. Council Member Neeb

Congratulated Ron Rice noting the Council appreciates all he does.

Reported regarding the Art Show at the Museum in conjunction with the Art Tour.

16. Council Member Herbel

Congratulated Ron Rice for 9 years of good work

Thanked Assemblyman Cook for coming out and giving an update.

Thanked everyone for coming out this evening noting it is important for the Council to hear from constituents.

Reported regarding attendance at the Hi Desert Opportunities Conference in Victorville focusing on the high desert, and expressed hope that the Town would be represented there next year.

17. Mayor Pro Tem Mayes

Congratulated Ron Rice.

Thanked Assemblyman Cook for being here, noting he represents us well.

18. Mayor Luckino

Echoed comments regarding Ron Rice and complemented him, Town Manager Takata, Deputy Town Manager Stueckle and all the staff.

Thanked Assemblyman Cook for being here, noting he played an integral part in accomplishing the goal of having a traffic signal placed at Copper Mountain College.

Reminded everyone to be safe on Halloween.

FUTURE AGENDA ITEMS

Council Member Neeb, Mayes and Herbel expressed interest in looking at the Commercial Design Guidelines and expanding the color pallet. Town Manager Takata advised that the Town received a complaint regarding the building colors at 56778 29 Palms Highway, we did not go out to on our own.

Mayor Luckino commented he has an issue with the sign ordinance and would like to look into it. Council agreed if the review as specific and very narrow. Mayor Luckino advised his issue is the section regarding banners and flags.

COMMITTEE REPORTS

- A. Town of Yucca Valley (Huntington, Herbel)/Hi Desert Water District.**
- B. Town of Yucca Valley (Luckino, Mayes)/Morongo Unified School District**
- C. Town of Yucca Valley (Mayes, Neeb)/Chamber of Commerce**
- D. Town of Yucca Valley (Mayes, Neeb)/Caltrans**
- E. Town of Yucca Valley (Herbel, Huntington)/Airport District**
- F. Town of Yucca Valley (Mayes, Herbel)/Copper Mountain College**

Council Member Huntington reported regarding the 2+2 meeting with the Hi Desert Water District, and discussion regarding the State Water Project water, the price of water, grey water related systems, an emergency change to the state plumbing code, and the need for the Town and District to hold a joint meeting once a year.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, November 17, 2009.

ADJOURNMENT

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

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk