

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
NOVEMBER 17, 2009**

Mayor Pro Tem Mayes 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

Town Attorney Haubert advised that there is a need to add a parcel to Closed Session Item B.

Council Member Mayes moved to add to Item B: A portion of Assessor Parcel Number 586-431-01; Town of Yucca Valley/Idnani Brothers, Inc.; Andrew Takata, Real Property Negotiator; Real Property Negotiations; as there is a need to take immediate action and the need for action came to the attention of the Town subsequent to the agenda being posted. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

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
Andrew Takata, Real Property Negotiator
Real Property Negotiations

APN 595-071-03; 56525 Little League Drive Southeast Corner of Palm Avenue and
Little League Drive.

Boys & Girls Club of the Hi Desert/Town of Yucca Valley
Andrew Takata, Real Property Negotiator
Real Property Negotiations

APN 595-071-01 & 02; East side of Palm Avenue, North of Cassia Drive
Boys & Girls Club of the Hi Desert/Town of Yucca Valley
Andrew Takata, Real Property Negotiator
Real Property Negotiations

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APN 601-551-16 & 17/ 3.34 Acres, north side of Business Center Drive, east of Indio Avenue

Don Lander/Town of Yucca Valley
Andrew Takata, Real Property Negotiator
Real Property Negotiations

Property: APN 595-162-08 & 09 South West corner of Joshua Lane and Twentynine Palms Outer Highway

Town of Yucca Valley/Yucca Valley Redevelopment Agency
Andrew Takata, Real Property Negotiator
Real Property Negotiations

Property: A portion of Assessor Parcel Number 586-431-01

Town of Yucca Valley/Idnani Brothers, Inc.
Andrew Takata, Real Property Negotiator
Real Property Negotiations

Mayor Luckino adjourned to closed session at 5:05 p.m. and returned at 5:35 with no reportable action taken.

Mayor Luckino recessed the meeting to 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, Human Resources/Risk Manager Lassetter, Community Services Director Schooler, Police Capt. Miller, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Mayor Luckino

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Proclamation proclaiming November 22-28, 2009 as Family Week.

Mayor Luckino presented the Proclamation to Tami Clinger who read the Proclamation and commented regarding the importance of family and community.

1A. Proclamation supporting the League of California Cities Healthy Eating Active Living (“HEAL”) Cities Campaign.

Mayor Luckino presented the proclamation to Francesca Wright, Cities, Counties,

Schools Partnership, who presented facts regarding the Healthy Eating Active Living Cities Campaign.

AGENCY REPORTS

Fire Department

2. Monthly Report

Battalion Chief Munsey gave the monthly statistical Fire Department Report for October, 2009.

Chamber of Commerce

3. Monthly Report

No one was available to give the report.

APPROVAL OF AGENDA

Town Manager Takata advised there is a need to move Consent Agenda Item 10 to Department Reports as Item 16A.

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

CONSENT AGENDA

4. **Approve**, Regular Town Council Meeting Minutes of October 20, 2009 as presented.
5. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
6. **Reject**, one claim filed against the Town of Yucca Valley submitted by Jaimie Morris.
7. **Reject**, one claim filed against the Town of Yucca Valley submitted by Thomas M. Anderson.
8. **Reject**, one claim filed against the Town of Yucca Valley submitted by Tim Todd.
9. **Receive and File**, the AB 1234 Reporting Requirement Schedule for the month of October, 2009
11. **Award**, a contract for professional construction engineering support services to RBF, Inc., the design engineer for the Camino Del Cielo Signal and Raised Median Island

Project No. 8304 in an amount not to exceed \$28,400 which includes reimbursable expenses not to exceed \$4,000, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents.

- 12. **Approve**, Amendment No. 2 of the Agreement with Willdan Engineering, Inc., to prepare final Plans, Specifications and Estimates (PSE Phase) for improvements including raised medians, sidewalks, minor drainage, and street lighting improvements for the TCRP project on SR 62 increasing the compensation for the PSE Phase by \$417,058 thereby increasing the total compensation under the contract to \$461,896.
- 13. **Authorize**, staff to proceed with bid preparation and advertisement (design services) for the Town of Yucca Valley Community Center doors, CDH Project No. 123-32111, Case No. 2916, Town Project No. 8955
- 14. **Ratify**, Warrant Register in the amount of \$493,115.88 for checks dated October 15, 2009 through November 6, 2009. Ratify the Payroll Registers in the amount of \$323,508.56 dated October 16, 2009 through October 30, 2009.

Council Member Neeb moved to adopt Consent Agenda Items 4-9 and 11-14. 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

PUBLIC HEARING

15. AB 3229 Supplemental Law Enforcement Services Fund

Capt. Miller reported the grant funds are given by the State each year for front line Law Enforcement services. Staff is recommending that the Town Council approve the allocation of funds to: 1) Establish and enhance crime prevention involving cooperation between community residents and law enforcement personnel to control, detect and investigate crime and prosecution of criminals; Continue to enhance, support and participate in the Crime Free Multi-Housing, MET POP Enforcement Team, Business Watch, Neighborhood Watch, Operation Clean SWEEP, Off-Highway Vehicle Education and Enforcement, Citizens on Patrol, Traffic Enforcement Programs, and Target Specific Community Oriented Policing Projects, as needed, (COPPS); and 2) Continue with establishing multi-jurisdictional parole/probation compliance operations, sex registrant compliance checks, juvenile crime reduction programs and drug task forces.

Mayor Luckino opened the Public Hearing, and as no one appeared to speak, he closed the hearing.

Council Member Neeb moved to approve the spending recommendations as suggested. 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

DEPARTMENT REPORTS

16. Alternative Workweek Schedule Vote Results

Human Resources/Risk Manager Lassetter reported that the results of the employee election for the 9/80 work schedule was 22-1 in favor of the schedule. Beginning Monday, January 4, 2010, Town Hall will be open from 7:30 to 5:30 Monday through Thursday, closed on alternate Fridays and staff will be working the other Friday, but the facilities will only be open for appointments.

Community Services Director Schooler advised of the public information campaign strategies planned to notify residents of the change in service hours.

Mayor Luckino questioned if the phones will still be answered on the Fridays when Town Hall is closed but staff working. Human Resources/Risk Manager Lassetter advised there will be a receptionist on duty.

Council Member Mayes commented that the goal is to make sure the Town is maximizing service to the community, and wants to make sure that staff can return to normal 8:00 to 5:00 Monday through Friday if necessary.

Council Member Mayes moved to receive and file the Alternative Work Schedule update. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

Town Manager Takata stated staffing is down about 15% since the Town is not filling vacant positions and some employees took early retirement.

16A. Yucca Inn & Suites, Easement Request, Granting of an Easement for Existing Free Standing Sign. (This item may or may not be on the agenda subject to Legal Counsel's final discussions, the report will be distributed at that time)

Town Attorney Haubert gave the staff report concerning the Town's granting of an easement to accommodate the sign for the Yucca Inn and Suites located on town property. The Council is being presented with two easement options. Both options would allow Idnani Brothers, Inc., to use the Town's parcel to maintain the existing Yucca Inn

sign and to install a new sign if such new sign conforms to the sign code. Both versions also require the person receiving easement to indemnify the Town, payment of a fee to compensate Town, etc, limited to sign, but they differ in one material sense. Under the Town recommended version the Town retains the ability at some time in future to move the sign onto the Yucca Inn premises. Option 2 which is requested by the property owner, would allow relocation of the sign, for example, when the Town needs to widen SR 62 but it does not allow for relocation off the Town's parcel onto Yucca Inn property.

Raj Idnani, President Idnani Brothers, Inc., commented when they first came to Town and explored buying the property they were shocked that the sign was not on the property. They were told the Town would be cooperative and help them get the issue resolved, and it was only at the assurance of the Town that they could keep the existing sign up there perpetually that they went forward with the property. They have plans to make the Inn the best resort in Town. There are many challenges with the property, and as of today, they do not have the permit for renovation of the lobby. He noted if they are forced to move the sign to their property if and when the road is widened, current codes would put the top of the sign level with the highway, and Option 2 will be beneficial to both them and the Town.

Mayor Luckino commented the Town should not be an obstacle to business and he does not see any reason why the language can't be worked out to accomplish the needs of the property owner and the Town.

Council Member Neeb commented that he has heard that Caltrans may have to move to the north side of the road and asked staff if there is any no indication how many feet that would extend toward the Inn. Town Attorney Haubert advised it is too early to know. Council Member Neeb questioned if the Town would be setting any precedent if it did agree to go along with the owner on this issue. Town Attorney Haubert stated he is not aware of any other similarly situated projects. Council Member Neeb commented that the sign has been out in that space for a great number of years and questioned if that is part of the property the Town bought when there was talk of placing a Park and Ride in that area. Deputy Town Manager Stueckle advised that it was.

Council Member Mayes advised that he agrees with the Staff recommendation, noting the Town has been as helpful as possible without breaking existing rules.

Council Member Huntington agreed with Council Member Mayes noting he is concerned with setting precedent by allowing offsite signs on Town property. He stated the easement issue skirts the sign ordinance issue, and the attorneys have put together a mechanism that allows the owners you to keep that sign in place forever. He agrees with Option 1.

Mayor Luckino disagreed, and questioned what the obstacle is with stating that when the widening occurs the sign has to be moved the same number of feet, perhaps 50 feet, from

the edge of the pavement that it is today. Town Attorney Haubert stated that would be Option 2 with a slight amendment, and noted that Option 1 gives the Town the option to move the sign off of the Town parcel but does not require that it is removed from Town property.

Council Member Mayes questioned if it is clear that the Inn would have to comply with the Town's rules with Option 2. Town Attorney Haubert advised that a new sign would have to comply with the sign ordinance under either version.

Mr. Idnani thanked the Council for discussing the matter noting it is not acceptable to have the sign 200 feet from the highway. He proposed an alternative stating that after the highway is widened, the sign will be placed the same distance from the pavement as it is today.

Town Attorney Haubert recommended against that because we do not know what utilities might be in the way, depending on where the highway widens. Deputy Town Manager Stueckle added that it is not plausible to determine right now when the highway will be widened, where the new location will be, and what utilities will be impacted when the highway is widened.

Council Member Neeb questioned why the Town can't sell the property. Town Manager Takata advised we don't want to sell the property and then have to buy it back for the widening project,

Council Member Herbel agree with Mayor Luckino noting this issue is about being business friendly and the Town wants this gentleman to come to our community and build this resort. Council member Mayes asked for clarification from the Mayor on what he was proposing as the easement terms.

Town Attorney Haubert asked if the Mayor's intent was to approve Option 2, but modify it to allow that, if it is not feasible to relocate the sign on the Town's parcel because of utilities, or other problems, then and only then would it have to be relocated onto the owner's parcel. It would have to be shown that is not feasible to keep it on the Town's property.

Mayor Luckino moved to approve the granting of an easement to Idnani Brothers, Inc., owners of Assessor Parcel Numbers 0586-443-01 through 09, containing the business operation of Yucca Inn & Suites, over and across a portion of Assessor parcel Number 0586-431-01, as stated by the Attorney, for the purpose of maintenance of the sign advertising the Yucca Inn & Suites property. Council Member Herbel seconded.

Council Member Mayes offered a substitute motion approving the staff recommendation of Option 1. Council Member Huntington seconded the substitute motion. The substitute motion failed 2-3 on a roll call vote, as follows:

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

Council Member Mayes advised he would have preferred the staff 's option but will now support the original motion.

Original 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

POLICY DISCUSSION

17. Town Council Request and Policy Discussion, Sign Ordinance Enforcement, Banners & Flags for Commercial Enterprises.

Senior Planner Kirschmann reported that Ordinance No. 156 establishes sign regulations for all signs erected in the Town both temporary and permanent. Section 87.07130(c) regulates the time limits, types of signs allowed.

Sarann Graham, Yucca Valley, spoke in favor of allowing the use of the new banners without time limits.

Mayor Luckino commented regarding the sign ordinance specifically to the banners noting he wants businesses to prosper because if they don't the Town doesn't. The cars are flying through the Old Town area, and some businesses feel the banners may attract people to stop. He suggested backing off on enforcement on that portion of the ordinance to help people get through these tough times.

Council Member Huntington requested clarification that the Mayor was talking about just the new type banners that people are using at this time, and noted that more signage is not necessarily better and can become blight itself. The purpose of ordinances is to prevent blight. He did agree that probably those banners, since they are a new form of banners that haven't been seen or addressed specifically, should be looked at, but the Sign Ordinance should still be enforced.

Council Member Neeb agreed with Council Member Huntington noting the Council really put a lot of hard work into the Sign Ordinance and there were some tough meetings with the Commission and council.

Mayor Luckino clarified that he is not asking Council to repeal the Ordinance, just to suspend enforcement for a time frame of a year.

Council Member Mayes wanted to make sure Council was only talking about the banners portion of the sign ordinance, and questioned if no permit would have to be pulled and businesses can put up any signs they want for a year. He expressed concern as to whether or not the Council would want to allow businesses anything they want for the next year as far as signs are concerned.

Council Member Herbel questioned if the permitting process is because of possible safety issues. Senior Planner Kirschmann advised the reason for the permits is to make sure the business complies with the code so that staff can review the signs to make sure they conform.

Council Member Huntington commented that the location on the sign may have health and safety issues as far as obstructing traffic, etc.

Mayor Luckino suggested that, if Council is willing, maybe staff can come back with some suggestions. He noted his intent is to relax enforcement. Manager Takata suggest stated if the Council would like portion of the ordinance changed it should be sent to the Planning Commission. Deputy Town Manager Stueckle advised Council can suspend enforcement but any changes to the Ordinance would have to go to the Commission. Mayor Luckino noted his preference is to suspend.

Council Member Huntington stated the Town should not suspend the need for a permit but suspend enforcement.

Council Member Mayes recommended that the permit fee also be looked at.

Council Member Neeb commented then the Town would end up subsidizing that and commented that the Town had a study done to come up with the fee. He noted that he would agree with Council Member Huntington to put enforcement on hold but not suspend the need for a permit.

Mayor Luckino advised he would go along with that.

Council Member Huntington moved to continue permitting temporary signs, specifically bee wings, but not enforce the number of days they can be up. Council Member Neeb seconded.

Council Member Mayes questioned the other temporary signs, noting if the Council wants to be business friendly we want to make sure the rules are clear and that everyone is following same rules.

Upon further discussion, the item was postponed to the next meeting.

18. Town Council Policy Discussion, SR 62 Median Islands

Deputy Town Manager Stueckle reported that over the past couple of months the Council has discussed opportunities that may be available to the Town or RDA to assist in trying to provide encouragement and support for development projects. Discussions have been associated with the costs of improvements for highway widening and median islands. He noted that anytime public financial assistance is provided to private land development projects, the law states that all improvements shall pay prevailing wages.

Council Member Mayes stated he is favor of the highway medians, the problem he has it making construction of them a condition of approval. The Town should be paying for them and shouldn't be conditioning applicants to do that.

Council Member Herbel questioned how the Town would pay for the median islands. Town Manager Takata state they would be paid through the RDA or general fund.

Council Member Mayes stated that he wants median islands but doesn't think it is appropriate to make developers put them in.

Council Member Herbel commented that development needs to pay its own way instead placing the responsibility on the community.

Council Member Neeb stated he heard some of the medians things are optional and that there are not a lot required by Caltrans. Town Manager Takata advised that the median by Home Depot was required by Caltrans, but Auto Zone wasn't. Council Member Neeb advised he is fine with going to the RDA and asking them to pay for the medians required by the Planning Commission.

Mayor Luckino commented that he opposed to taking in lieu fees that are going into the bank account and not being used.

Council Member Mayes commented either the Town has to collect in lieu fees or the developer has to build their small portion of the improvement. When taking about median islands specifically there should not be a condition of approval unless it is necessary for safety purposes.

Council Member Neeb stated he has no problem with charging in lieu fees, and thinks the issue is a safety factor.

Town Manager Takata commented that the Council asked staff to find a way to help the little guy, and noted the Consultant will bring some other ideas to the Agency. It was

noted that it is not uncommon for cities to take responsibility for building median islands.

PUBLIC COMMENT

Margo Sturges, Yucca Valley, requested that Council declare certain signs as a landmark such as the time and temperature sign at the old PFF.

STAFF REPORTS AND COMMENTS

Town Manager Takata advised that Lt Mondary will be leaving the Morongo Basin Station.

Lt Mondary advised he has the opportunity to be transferred to headquarters. He thanked the Council for letting him work with them, and noted that even though he is going to be working in San Bernardino he is still living in Yucca Valley.

Mayor Luckino wished Lt. Mondary all the luck in world in his new assignment, noting he and Capt. Miller made a great team.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

19. Council Member Huntington

Wished Lt. Mondary the best and thanked him for his service to Yucca Valley.

Reported regarding attendance at the Veterans Day celebration in Twentynine Palms with Mayor Luckino.

Reported regarding attendance at the Animal Services JPA Meeting had last week where they adopted a conflict of interest code, and looked at a bylaw draft and general liability. A request to transfer the funds for a new kennel facility will be coming before the Council in December.

Reported regarding attendance at the Mojave Desert Mountain Desert Integrated Waste Management JPP meeting. He noted that of 4 bills sent to the Governors desk regarding recycling, three were vetoed and one eliminating the Waste Management Board was approved.

20. Council Member Neeb

Wished Lt. Mondary all the best in his new position.

Commented that, as Mayor Luckino is very busy during the day, there is a need to consider a new alternate on Sanbag. He noted he expects to be able to attend the meetings on a regular basis, but if he can't attend the Town needs to have an alternate

who can.

21. Council Member Herbel

Thanked Lt. Mondary for his service and wished him luck.

Thanked Francesca Wright for coming from Davis to make the presentation regarding eating healthy and active living.

Reported regarding attendance at two homeless meetings last week, noting there is a 10 year plan to eliminate homelessness in San Bernardino County.

Wished everyone a happy thanksgiving.

22. Mayor Pro Tem Mayes

Congratulated and wished Lt. Mondary good luck noting Council is going to miss him.

23. Mayor Luckino

Advised that Senator Dutton came to town yesterday and talked about many things going on in the Legislature. He noted that, in looking at this and next year's budget, the State will be \$7 billion short this year and additional \$12 to \$13 billion short next year.

Wished everyone a safe and happy Thanksgiving holiday.

FUTURE AGENDA ITEMS

Council Member Neeb requested replacement of the Sanbag alternate.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, December 1, 2009.

ADJOURNMENT

There being no further business, Mayor Luckino adjourned to closed session at 7:59 a.m. and reconvened at 8:38 p.m. with no reportable action taken. There were no members of the public present.

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

YUCCA VALLEY TOWN COUNCIL MINUTES

NOVEMBER 17, 2009

Jamie Anderson, MMC
Town Clerk