

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MAY 4, 2010**

Mayor Mayes called the regular meeting of the Town of Yucca Valley Council to order at 6:05 p.m.

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

Staff Present: Interim Town Manager Tooker, Deputy Town Manager Stueckle, Town Attorney Haubert, Administrative Services Director Yakimow, Community Services Director Schooler, Police Capt. Miller, and Town Clerk Anderson.

PLEDGE OF ALLEGIANCE

Led by Council Member Herbel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS,

1. Proclamation honoring Hilda Hardesty.

Mayor Mayes read and presented the proclamation to Ed Hardesty, son, who gave a short history of Mrs. Hardesty.

AGENCY REPORTS

Water District

2. Monthly Report for April 2010

Ed Musik gave the monthly report for April 2010.

APPROVAL OF AGENDA

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

CONSENT AGENDA

3. Approve, Regular Town Council Meeting Minutes of April 20, 2010.

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

5. **Authorize**, the Town Manager to enter into an agreement with Revenue Experts, Inc. to provide collections for unpaid Administrative Citation.

6. **Adopt**, Ordinance No. 209, Youth Commission, Maximum Number of Appointments

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 4.12 OF TITLE 4 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 4.12.010 (A) RELATING TO MAXIMUM NUMBER OF MEMBERS OF THE YOUTH COMMISSION

8. **Approve and adopt**, Resolution No. 10-09 directing the Assessment Engineer to prepare a report describing any new improvements or any substantial changes in the existing improvements in the assessment districts listed in the Resolution and file such report with the Town Clerk for submission to the Town Council.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DIRECTING THE TOWN ENGINEER TO CAUSE AN ENGINEER’S REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2010-2011 TAX YEAR

9. **Accept**, the construction of the Fortuna Avenue Reconstruction Improvements, Town Project No. 8351 by Palm Canyon Contractors as substantially complete; Authorize Town Staff to file the Notice of Completion with the County Recorder; Authorize Town Staff to release the Performance bond in the amount of \$271,541; and Authorize staff to release retention monies in the amount of \$30,208.43 due the contractor.

10. **Receive and File**, the Conceptual Use Plan from the Yucca Valley Redevelopment Agency, Staff Unification Opportunity

Council Member Herbel requested to pull Item 7. Council Member Huntington advised he is going to abstain on Item 3 only.

Council Member Neeb moved to adopt Consent Agenda Items 3-6 and 8-10. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Herbel, Huntington, Luckino, Neeb and Mayor Mayes.

NOES: None

ABSTAIN: Council Member Huntington on Item 3 only.

ABSENT: None

7. **Hi Desert Nature Museum 2009 Annual Report**

Community Services Director Schooler advised the report gives an overview of the

activities and programs conducted in 2009.

Council Member Herbel commented regarding the report questioned the attendance figures for last year and how the museum helps the schools in the basin. Museum Supervisor Richardson advised there were 36,675 visitors last year, and noted that Museum staff travel to schools, and the schools take field trips to the Museum.

Mayor Mayes questioned how the number of people visiting the Museum is determined. Museum Supervisor Richardson advised that there are counters on the doors that count as people enter the building.

Council Member Neeb moved to receive and file the Hi-Desert Nature Museum's 2009 Annual Report. Council Member Herbel seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

11. 2009-2010 Youth Commission Report to Town Council

Community Services Director Schooler gave the background of the Youth Commission.

Youth Commission Chair Crystal Geeson and Vice Chair Christine Caldejon gave a power point presentation recommending that the Council develop a task force on youth alcohol and drug use and work on a social host ordinance.

Joan Gahagan, Yucca Valley, spoke in support of the Commission's recommendations.

Bonnie Schaffer, Big Bear, spoke in support of the recommendation and invited Council to attend a meeting on May 25th at the Big Bear Discovery Center looking at the issue of a county wide social host ordinance.

Diana DeMartino, Yucca Valley, spoke in support of the recommendations.

Taylor Sinclair, Yucca Valley, commented he is 12 years old and concerned about issues of kids his age doing drugs and drinking alcohol and that he supports the recommendation.

Don Forhreif, Yucca Valley, spoke in support.

Council Members expressed support of the recommendations.

Council Member Neeb moved to receive and file the report from the 2009-2010 Youth Commission and direct staff to look into coordinating with the County and forming a task force and bring a recommendation back to the Council. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

12. Development Code Amendment, DCA 01-10, Ordinances Repealing and Restating Chapter 15 of Division 1, Title 4 Relating to Special Events; Repealing and Restating Section 84.0410 of Chapter 4 of Division 4, Title 8 Relating to Additional Uses; and Repealing and Restating Chapters 1 through 27 of Division 12, Title 8 Relating to Definitions

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SWAP MEETS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING TITLE 8, DIVISION 12, CHAPTERS 1 THROUGH 27 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO DEFINITIONS

Council Member Herbel recused herself from the discussion advising she has a conflict, and left the dais.

Associate Planner Kirschmann advised that at the Council meeting of March 2, 2010, the Council directed staff to return with revisions to the Planning Commission’s recommendation, eliminating the requirements for a certified farmers market. The ordinances have been amended to reflect the Council’s direction, and it has also been suggested to place reference to “farmers markets” into the definition for “certified farmers markets”.

Town Clerk Anderson read the titles of the ordinances.

Council Member Neeb moved to introduce the Ordinances and approve DCA 01-10, repealing and restating Chapter 15 of Division 1, Title 4, Special Events, repealing and restating Section 84.0410 of Chapter 4 of Division 4, of Title 8, Additional Uses, removing all references to Farmers Markets in the Additional Uses Section, and repealing and restating Chapters 1 through 27 of Division 12, Title 8, Definitions, adding a definition for Certified Farmers Markets and for Farmers Markets. Council Member Huntington seconded. Motion carried 4-0-1-0 on a roll call vote.

AYES: Council Member Huntington, Luckino, Neeb and Mayor Mayes.
NOES: None

ABSTAIN: None

ABSENT: Council Member Herbel

13. Traffic Speed Surveys

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED "CHANGES IN STATE LAW SPEED LIMITS" OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE ESTABLISHING SPEED LIMITS FOR WARREN VISTA EMERSON AVENUE AND YUCCA TRAIL

Deputy Town Manager Stueckle advised the recommendation is to introduce the ordinance which would establish speed limits on Warren Vista from Yucca Trail to Onaga Trail at 40 mph where there was no previous posted speed limit; Emerson Avenue from Joshua Lane to Joshua Drive to remain at 35 MPH and increasing the speed on Yucca Trail from SR 62 at Remembrance Park to SR 62 at the Park and Ride from 35 MPH to 40 MPH.

Council Member Luckino questioned if there was police presence during the survey as discussed at a previous meeting. He noted he is opposed to raising speed limits. Deputy Town Manager Stueckle stated that he does not believe there was police enforcement during the time of the survey.

Council Member Neeb questioned if staff would normally have a police presence during traffic surveys. Deputy Town Manager Stueckle explained the state law regarding the setting speeds according to the 85 percentile.

Council Member Huntington suggested that a patrolman on duty in the area of the survey would artificially control the situation making the data bogus.

Council Member Herbel questioned if it is possible to patrol the streets before the survey is taken. Interim Town Manager Tooker stated there can be some enforcement before a survey is done, but it would not be appropriate to patrol during the survey.

Council Member Neeb noted that one of the streets mentioned in the ordinance did not have a posted limit which automatically made the limit 55 mph, one stayed the same and one is raised from 35 to 40, and he questioned why the survey needed to be performed. Deputy Town Manager Stueckle advised that they need to be updated every few years.

Town Clerk Anderson read the title of the ordinance.

Council Member Neeb moved to introduce the Ordinance, amending Title 12 Chapter 12.20 of the Town of Yucca Valley Municipal Code, Section 12.20.020, entitled "Changes in State Law Speed Limits" by establishing the recommended speed limits, and rescinding that portion of the Ordinance that establishes the existing speed zones. Council Member Huntington seconded. Motion carried 3-2 on a roll call vote.

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

14. Amendment to Chapter 6.04, Section 6.04.050, Administrative Hearing to Confirm Nuisance and deletion of Section 6.40.060, Notice of Hearing, Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 6.04.050 OF CHAPTER 6.04 OF TITLE 6 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATING TO ABATEMENT OF PUBLIC NUISANCES

Deputy Town Manager Stueckle advised the recommendation is to amend the ordinance to allow any responsible party, if they choose to have a hearing, to file a written request within (10) days after the Notice to Abate is mailed, to determine whether the property is a public nuisance.

Gladys Kovaleff, Yucca Valley, spoke regarding a public nuisance near her property that she has been dealing with for about 3 ½ years.

Council Member Huntington commented this is a housekeeping item to bring align all similar ordinances.

Town Clerk Anderson read the title of the ordinance

Council Member Neeb moved to introduce the Ordinance, amending Chapter 6.04 of the Town of Yucca Valley by revising Section 6.04.050 and deleting Section 6.04.060. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

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

15. Proposed FY 2010-11 Special Revenue Funds Budget

Administrative Services Director Yakimow gave a breakdown of the Special Revenue Funds noting the full budget will be adopted at the June 15th Town Council Meeting.

Council Member Huntington questioned if there has been a ruling on the RDA take away. Administrative Services Director Yakimow advised the judge upheld the state's position noting that is a loss of \$630,000 for the town from the 2009/10 budget and an additional \$130,000 in 2010/11. He noted that the Redevelopment Association is appealing that decision.

Mayor Mayes commented that is about \$800,000 that is going to be drained from the community because the state couldn't balance their own budget.

Council Member Luckino moved to receive and file the draft Fiscal Year 2010-11 Special Revenue Funds Budget. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENT

Town Attorney Haubert noted there were many people in the audience wishing to speak on a possible waste facility that might be heard some time by the Planning Commission. He advised the project is very early in the process and could eventually be acted on by the Planning Commission and possibly appealed to the Town Council. Since the item is not on the agenda, due to Brown Act prohibitions, the Council can listen to items of concern but can not make decisions or give feedback. Also, since the item could be heard by the Council as an appeal, until the issue comes before the Council in a public hearing they can not take any position or else the members could be disqualified if they have prejudged the matter.

Mayor Mayes advised the following presented slips in opposition to the proposed Burrtec project, but did not wish to speak: **Sherry and Allen Gray**, Yucca Valley; **Charlene Boyer**, Yucca Valley; **Tobi Tobonda**, Yucca Valley; **Steve Townsend**, Yucca Valley; **Melanie Townsend**, Yucca Valley; **Grace DuPrey**, Yucca Valley; **Judy Gordon**, Yucca Valley; **Geff Gordon**, Yucca Valley; **Red Barkle**, Yucca Valley; **William Dahl**, Yucca Valley; **Richard Schwartz**, Yucca Valley; **Sam Kodish**, Yucca Valley; **Sheila Benson**, Yucca Valley; **David Benson**, Yucca Valley; **B. Renton**, Flamingo Heights; **Peter Moreno, Natalie and Tim Carpenter**, Yucca Valley; **Autumn Tshoko**, Yucca Valley; **Sam Hani**, Rancho Mirage; **Azor Hani**, Rancho Mirage; **William Purdholm**, Yucca Valley; **Lary Callander**, Yucca Mesa; and **Olivia DeHaulleville**, Yucca Mesa.

The following spoke in opposition to the Burrtec project, citing proximity to residential zoning, noise, odor, lighting, traffic, the fact that the area is a wildlife corridor, zoning issues, appearance, lack of a buffer zone, safety, vermin, health issues, greenhouse gas emissions, and fuel storage in an area close to earthquake faults: **Laraine Turk**, Joshua Tree; **Elden Goldsmith**, Yucca Valley; **Debra Goldsmith**, Yucca Valley; **Louis Poist**, Yucca Valley;

Mardee Poist, Yucca Valley; **Ruth Moreno**, Yucca Valley; **Deane Locke**, Yucca Valley; **Kim Hetrick**, Yucca Valley; **Edward Rohrer**, Yucca Valley; **Joe Ann Storm**, Yucca Valley; **David Cooper**, Yucca Mesa; **Phyllis Schwartz**, Yucca Mesa; **Larry Pitzer**, Yucca Valley; **Charles McHenry**, Yucca Valley; **Cynthia Anderson**, Yucca Valley; **Inge Darr**, Yucca Valley; **Ben Buschon**, Yucca Valley; **Mary Buschon**, Yucca Valley; **Julianne Koza**, Yucca Valley; **Michael Sanford**, Yucca Valley; **Karen Sanford**, Yucca Valley; **Lan Hammet**, Yucca Valley; **Jim Kirkland**, Yucca Valley; **Richard Boyer**, Yucca Valley; **Linda Kirmeier**, Yucca Valley; **Frank Kirmeier**, Yucca Valley; **Lea Kermier**, Yucca Valley; **David Bradley**, Yucca Valley; and **Aileen Doria**, Yucca Valley.

Mike Veto, Burrtec, offered to meet with the residents in the area to discuss the project.

FUTURE AGENDA ITEMS

Council Member Neeb requested discussion of AB 32 and SB 375 on the next agenda. Council agreed.

Council Member Herbel requested discussion regarding how the Chamber and Town can help the business community. Mayor Mayes recommended that a 2+2 meeting be scheduled with the Chamber.

Council Member Herbel requested discussion regarding land use zoning, especially related to industrial zoned property. Upon discussion the Council expressed concern regarding such a broad topic and possibly getting into a total reworking of the General Plan.

Council Member Herbel requested that the Council look at the lighting ordinance. There was no agreement.

STAFF REPORTS AND COMMENTS

None

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. Council Member Luckino

Expressed condolences to the Hardesty family.

Commented regarding attendance at the retirement celebration for Jerry Megli, and the staff camaraderie.

17. Council Member Huntington

Thanked Ed Hardesty for bringing some historical highlights of a young Yucca Valley to

the Council.

Reported regarding attendance at the Animal Care JPA meeting noting he and JPA Director Cronin will be reviewing the 16 bids presented for the new facility.

18. Council Member Neeb

Expressed condolences to the Hardesty family.

Questioned if the Town has received the funding form SANBAG for traffic signal synchronization. Deputy Town Manager Stueckle Town's advised of the process and timeline.

19. Mayor Pro Tem Herbel

Congratulated the Youth Commission on the good work they are doing.

Thanked the Rancho Mesa neighborhood for coming out to the meeting.

20. Mayor Mayes

Stated the public comments tonight were great, noting it is odd at this time to have folks coming to Council so early in the process.

Paid respects to the memory of Hilda Hardesty, noting the term "pioneer" is not quite strong enough to describe all she did.

CLOSED SESSION

21. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b) 3 potential cases

Mayor Mayes adjourned to closed session at 9:00 p.m., returned to open session at 9:05 p.m. and advised there was no reportable action taken. There were no members of the public present.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, May 18, 2010.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:05 p.m.

YUCCA VALLEY TOWN COUNCIL MINUTES

MAY 4, 2010

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk