

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
FEBRUARY 1, 2011**

Mayor Huntington called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Hagerman, Luckino, Mayes Rowe and Mayor Huntington.

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

PLEDGE OF ALLEGIANCE

Led by Council Member Rowe

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. **Approve**, Regular Town Council Meeting Minutes of January 18, 2011, as presented.
2. **Waive**, further reading of all ordinances and read by title only.
3. **Adopt**, Ordinance No. 221, establishing procedures for the creation of utility undergrounding districts

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, ESTABLISHING A PROCEDURE FOR THE CREATION OF
UTILITY UNDERGROUNDING DISTRICTS AND REGULATIONS REGARDING
SUCH DISTRICTS

4. **Approve**, FY 2011-12 Budget Preparation Calendar
5. **Adopt**, the US Bank Resolution of Authority updating the Town's authorized signatories concerning all Town accounts at US Bank and Trust; and **Adopt**, Town of Yucca Valley Resolution No. 11-05 updating the Town's authorized signatories at the Local Agency Investment Fund (LAIF)

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING
DEPOSIT AND WITHDRAWAL IN THE STATE LOCAL AGENCY INVESTMENT
FUND

7. **Receive and file**, Summary of Claims from 07-01-2010 through 12-31-2010.
8. **Approve**, the fourth amendment to the Waste Delivery Agreement between the County of San Bernardino and the Town of Yucca Valley.
9. **Adopt**, Resolution No. 11-06, in opposition to the Administration's proposal to abolish Redevelopment Agencies in California and direct staff to communicate its opposition to the appropriate parties

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO
ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA

10. **Approve**, the lease agreement between the Town of Yucca Valley and High Desert BMX, Incorporated for use of specified Town property for bicycle motocross activities and events, subject to receipt of a certified record that the non-profit corporation is in good standing with the State of California.
11. **Adopt**, Resolution No. 11-07, approving a Revised Schedule of Parking Penalties.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, ESTABLISHING PARKING PENALTIES

12. **Adopt**, Resolution No. 11-08, authorizing the submittal of a Bureau of Reclamation, WaterSMART Development of Feasibility Studies grant application under the Title XVI Water Reclamation and Reuse Program, and authorize the Town Manager to enter into all necessary agreements for program implementation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO
THE BUREAU OF RECLAMATION

13. **Ratify**, the Warrant Registers total of \$195,344.26 for checks dated December 22, 2010. Ratify Payroll Registers total of \$303,188.26 dated December 10, 2010 to December 22, 2010.

Council Member Rowe requested to pull Item 6.

Council Member Luckino moved to adopt Consent Agenda Items 1-5 and 11-13. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

6. AB 1234 Reporting Requirements

Council Member Rowe advised she pulled the item to report regarding her attendance along with Council Member Hagerman at the League of California Cities, New Mayor and Council Members Institute on January 19-21, 2011. They also met with the local Legislators.

Council Member Hagerman advised, in addition to the League Conference, he attended the Desert Mountain Division of the League of California Cities meeting in Ridgecrest on January 28th and the Mojave Desert Air Quality Management District Meeting in Victorville on January 24th.

Council Member Luckino moved to receive and file the AB 1234 Reporting Requirement Schedule for the month of November and December 2010. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

14. Amendment to Title 12, Adding Chapter 12.50, Vehicles and Traffic of the Municipal Code, Administrative Adjudication Procedures, Ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12, VEHICLES AND TRAFFIC OF THE MUNICIPAL CODE, ADDING CHAPTER 12.50, ADMINISTRATIVE ADJUDICATION PROCEDURES

Mayor Huntington introduced the item and read the title of the Ordinance.

Code Enforcement Supervisor Ponder gave the background of AB 408 decriminalizing parking and other vehicle-related violations requiring cities to establish an administrative hearing procedure in place of the criminal court system. The Town adopted AB 408 Procedures in 1993 by Resolution and a Program Manual. The recommended action codifies the process within the Municipal Code.

Council Member Luckino moved to introduce the Ordinance amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington

NOES: None

ABSTAIN: None

ABSENT: None

15. Sign Ordinance Enforcement, Temporary Signs, Banners & Flags for Commercial Enterprises.

Associate Planner Kirschmann advised on January 19, 2010 Town Council approved the suspension of time period limitations for temporary signs for commercial and industrial establishments for a period of one year ending January 20, 2011. Based on prior Town Council action, a temporary sign permit application and fees are required to be submitted and approved. Staff recommends extending the suspension to February 1, 2012.

Council Member Luckino commented he supports the recommendation and requested that in addition to the suspension of the time limits, that the permit fees be waived. He noted the Council should focus on issues regarding health, safety and welfare, and temporary signs do not fall into that category.

Council Member Hagerman questioned what the fees are for a temporary sign permit. Associate Planner Kirschmann advised they are \$80.00 per year. Town Manager Nuaimi added that many people who have temporary banners to date haven't obtained a permit, so there is no need to suspend the fees. He noted that staff is looking at a comprehensive strategy to make sure businesses comply with the requirements and stated there are possible health and safety implications of signs along the highway.

Mayor Huntington advised he is against elimination of the fees, noting the Town has to be able to control the process. He has already noticed that several of the banners are in disrepair and looking shabby. He agrees with suspension of the time limits for another year, but keep fees in place.

Council Member Luckino stated his issue is the fact that he law abiding citizens are going to come in to pay the fees and are going to be penalized by paying the fees when others aren't, and there is no enforcement. Town Manager Nuaimi advised that staff doesn't have an answer today as to what enforcement will be on the highway, and will come back with a comprehensive program.

Council Member Hagerman commented regarding the need to make sure the banners are the right type and placed properly.

Council Member Mayes commented that he is starting to see some of the temporary banners get in the way of the fixed signs of businesses next to them. If the Town doesn't have a sign ordinance, signs will continue to keep getting larger and larger. There is a need for standards.

Council Member Luckino suggested the business community establish something similar to development CC&R's.

Council Member Rowe questioned if businesses would still be required to get a permit if the fee is suspended. Deputy Town Manager Stueckle advised they would, noting it is the tool the Town uses to determine compliance. Council Member Rowe advised she would like to see the fee waived to help jump start small businesses, as long as they still have to obtain permits.

Council Member Luckino moved to continue to suspend enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130(c), including suspension of the permit fee, for a period of one year ending on February 1, 2012. Council Member Rowe seconded.

Mayor Huntington commented that the fact that businesses have to come in to get permits will cost the Town money to enforce the requirements without funding to do so. Council Member Mayes questioned how many permits were pulled this last year. Associate Planner Kirschmann advised there were 15.

Mayor Huntington commented the Town is losing the right to enforce the ordinance and inviting blight by eliminating the fee.

Motion carried 4-1 on a voice vote with Mayor Huntington voting no.

Deputy Town Manager Stueckle advised the Council will be discussing other sections of the sign ordinance during the Development Code update.

Associate Planner Kirschmann advised of other sections of the Sign Code and its policies including freestanding signs, wall signs, landmark signs, design merit sign policy, billboards, non-conforming signs, and provision for sign programs.

Deputy Town Manager Stueckle commented the primary issues looked at by sign companies and business owners are the size, height and length, allowed for signage. Currently the Town's ratio of allowable wall signage is 1 to 1 which is liberal, however

other sections may be on the low end of what should be allowed and needs to be looked at.

Council Member Hagerman cited Hutchins Motor Sports as an example of issues with the sign code noting their maximum sign allowance is less than the standard logo signs provided by the manufactures, so they have to be specially made and are very small and hard to see.

Council Member Luckino commented he doesn't believe the sign ordinance needs to be so restrictive and does need to be reviewed in totality.

Council Member Mayes commented that much of the blight along the highway is due to non conforming signs, however, there is a need to develop an amortization schedule to give new business owners time to come into compliance when they buy an existing business, instead of requiring immediate compliance when the property is sold. The question of a sign ordinance is very difficult and trying to come up with standards everyone is going to agree with is doubtful.

Council Member Rowe objected to a small business having to pay more for a sign that is different than a standard logo that every other city allows.

Mayor Huntington commented this is the 3rd edition of the sign ordinance, which has been through thousands of hours of review. It is basically a sound ordinance that may have a few glitches in need of addressing. He suggested the Planning Commission hold a public hearing to get input from businesses to determine exactly what needs to be fixed. Town Manager Nuaimi requested the Council allow staff to look at current restrictions compared to market standards. Hopefully through marketing we can help people find what they need. He noted this will be part of the Development Code update

POLICY DISCUSSION

16. Town Council Policy Discussions

Town Manager Nuaimi gave the staff report pointing out that currently the Mayor/Mayor Pro Tem selection process rotates the Mayor based upon seniority but there are no provisions for failure of the nominee to secure majority support. Commissions and Boards are intended to be extensions of the Town Council, however, the current appointment process results in a lag between election of Council Members and their representation on the commissions. Also, a number of the commissions have not been active, or their responsibilities could be combined. Staff recommends elimination of Team Yucca Valley, Traffic Commission and the Public Arts Advisory Committee, and that the Council review the current appointment process for potential modification. With

regard to the current 2+2 committee structure, it was noted that standing committees are regulated by the Brown Act, but ad-hoc committees allow for less formal discussions. Staff recommends elimination of the current 2+2 committees and formation of ad-hoc committees as needed. Currently there is a need for a Senior Housing Design Ad Hoc Committee and a Sewer Financing Strategies Ad Hoc Committee.

Ted Quinn, President Morongo Basin Cultural Arts Council, encouraged Council to retain the Public Arts Advisory Committee.

Margo Sturges, Yucca Valley, spoke in opposition to eliminating the Public Arts Advisory Committee.

Charles McHenry, Yucca Valley, objected to eliminating any Commissions noting the Council should be using volunteers as a tool.

Nancy McHenry, Yucca Valley, spoke in opposition to elimination of the Public Arts Advisory Committee.

Council Member Mayes commented that rotation of Mayor/Mayor Pro Tem should not be in Ordinance form and should be following tradition as it was prior to adoption of the Ordinance.

Council Member Luckino suggested the current Council should remain as seated and a sunset placed on the ordinance after everyone on the current Council has served as Mayor.

Council Member Rowe questioned why this is in Ordinance form rather than Resolution. Town Manager Nuaimi commented that, based on Council direction, a lot will be taken out of the ordinance and placed into a different format.

Council Member Mayes suggested the rotation may not need to be in resolution form either and should be at the will of the Council.

Mayor Huntington advised that there hasn't been a formal structure for selecting the Chair of the Planning Commission and it has always worked well.

Council Member Luckino moved to eliminate the section regarding selection of Mayor/Mayor Pro Tem from the Ordinance, but to continue with the rotation as it currently exists. Council Member Rowe agreed.

Council Member Mayes seconded the motion for discussion, but questioned the need to have a formal motion at this time if staff is going to bring back a proposal. Town

Manager Nuaimi advised that staff will bring back an enabling ordinance and resolutions for future consideration.

Council Members Luckino and Mayes withdrew their motion and second.

Upon discussion regarding Commission terms, Council consensus was to change Commissioner terms to 4 years, coinciding with the terms of the appointing Council members. Terms should expire on January 31st to allow incoming Council Members time to interview potential candidates. Individual Council Members will still nominate appointees with affirmation of the entire Council. Once the new Ordinance is in effect, the entire Town Council would identify their appointment to Town Commissions. This would result in two members being appointed/re-appointed for the balance of Mayor Huntington and Councilmember Luckino's terms and three members being appointed/re-appointed for the balance of Councilmember Rowe, Hagerman, and Mayes' terms.

Council Consensus to disband the Public Arts Advisory Committee, and forward potential art purchases or donations to the Morongo Basin Arts Council for their input.

Ted Quinn, President Morongo Basin Arts Council, advised he would have to report back to the rest of the board to get their approval but he would be happy to represent the Arts Council.

Council consensus was to disband the Traffic Commission and the TEAM Yucca Valley Commission.

Council consensus to eliminate the 2+2 Committees and form a Senior Housing Design Ad-Hoc committee consisting of Mayor Huntington and Council Member Rowe, and a Sewer Financing Strategies Ad-Hoc Committee with Council Member Rowe and Council Member Hagerman.

Council Member Mayes discussed the need to clean up some of the items in the Council Ordinance such as Section 2.05.320 C. Council Member Statements.

Town Manager Nuaimi advised that there may be a need for an Ad-Hoc Committee for that duty and since that was not a recommendation for this meeting, staff will bring back appointment of the committee members to the next Council Meeting.

FUTURE AGENDA ITEMS

None

PUBLIC COMMENT

Hap Ames, Yucca Valley, commented with regard to issues with the Business Registration program, noting there is a glitch in the audit sheets.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow advised that staff has been made aware of the issue that came up in the Business Registration program. The questions with regards to Mr. Ames issue have been answered and resolved.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

17. Council Member Mayes

Commented regarding the business registration program and the fact that people pay \$40 per year without receiving any benefit. He suggested a review of the program might be in order in the next few months.

18. Council Member Hagerman

Commented regarding the Development Code Survey being conducted and expressed concern that it will be hijacked by groups outside of town. He feels the survey needs to be scientific.

19. Council Member Rowe

Commented regarding the survey noting that she has heard sentiment throughout the community questioning why it was not a telephone survey to Yucca Valley residents only.

20. Mayor Pro Tem Luckino

None

21. Mayor Huntington

Reported regarding attendance on the Marine Corps Air Ground Combat Center ribbon cutting for the Urban Warfare training facility. He noted it is the size of downtown San Diego and can accommodate training of 15,000 troops at one time.

Reported regarding attendance at Joshua Tree National Park's 75th Anniversary kick off party at the Bell Center

ANNOUNCEMENTS

The next Town Council Meeting is Tuesday, February 15, 2011 at 6:00 p.m.

CLOSED SESSION

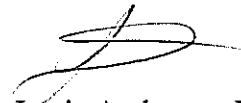
- 22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Subsection (a) of Section 54956.9(a) Bagley, et al. vs. Town of Yucca Valley,
Case No. CIVMS900133; Tim Todd vs. Town of Yucca Valley, Case No.
CIVMS10000379.

Mayor Huntington adjourned the meeting to Closed Session at 7:59 p.m., reconvened to open session at 8:12 p.m. and advised there was no reportable action taken. There were no members of the public present.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:12 p.m.

Respectfully submitted,



Jamie Anderson, MMC
Town Clerk