

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
FEBRUARY 15, 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 Hagerman

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

2010 Miss Yucca Valley Janice Park introduced 2011 Miss Yucca Valley Kasandra Paulino and her Court: 1<sup>st</sup> Princess Shelly Sanden; 2<sup>nd</sup> Princess Lindsey Quiroz; and Princesses Velda Denison, Amanda Ambrosius, and Miranda Mondary.

**AGENCY REPORTS**

**Fire Department**

**1. Monthly Report for January 2011**

Battalion Chief Benfield gave the monthly statistical Fire Department Report for January 2011

**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**

2. **Approve**, Regular Town Council Meeting Minutes of February 1, 2011 as presented.
3. **Waive**, further reading of all ordinances and read by title only.
4. **Adopt**, Ordinance No. 222, amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures.

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

- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of January 2011.
- 6. **Ratify**, sale of the identified list of taxidermy shorebird specimens to the Santa Maria Natural History Museum and designate the proceeds to be used for collections care and acquisitions.
- 7. **Ratify**, Warrant Registers total of \$682,963.93 for checks dated January 21, 2011 thru January 31, 2011.

**Phyllis Lyte**, Yucca Valley, spoke in opposition to Item 6, de-accession of taxidermy specimens. Community Services Director Schooler advised the items in question that are recommended for de-accession are not relevant to the museum's exhibits and have been identified by staff as appropriate for de-accession. They are more appropriate to the Santa Maria Natural History Museum where the birds are native.

Council Member Luckino moved to adopt Consent Agenda Items 2-7. Council Member Mayes 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

**PUBLIC HEARINGS**

- 8. **Service Charge for Release of Stored or Impounded Vehicles.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION 04-38 BY ADDING VEHICLE IMPOUND RELEASE FEES FOR THE ADMINISTRATIVE SERVICES DIVISION

Administrative Services Director Yakimow reported the cost related to impounded vehicles is a non-recoverable expense for provision of public safety services to our citizens. It was noted that a Sheriff's Deputy is required to be present to oversee the entire process regarding the impounding of a vehicle which takes about an hour of the Deputy's and support staff time. The recommendation is a \$100 fee paid by the registered owner of the vehicle. There are exemptions provided.

**Margo Sturges**, Yucca Valley, commented regarding trailers that may be impounded noting they may be borrowed and the actual owner may be an innocent victim.

Council Member Luckino questioned if the fee has anything to do with the towing charges. Administrative Services Director Yakimow advised the fee is strictly to cover the Deputy's time and is in addition to any towing fees. He noted that insurance companies often pay towing fees for registered owners involved in an accident.

Council Member Hagerman questioned what happens in the case of a lien sale. Administrative Services Director Yakimow advised if the vehicle goes to a lien sale the fee is not recoverable unless the sale is sufficient for the registered owner to pay from the proceeds.

Council Member Mayes questioned if there is any increase to staff time. Capt. Miller advised the paper work is already being done.

Council Member Rowe clarified that this is for vehicles that are being impounded because they are causing hazard of some kind.

Council Member Mayes moved to adopt Resolution No.11-09, establishing a service charge for release of stored or impounded vehicles. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

## DEPARTMENT REPORTS

### 9. **Ordinance No. 169, Utility Undergrounding, Service Line/Drop Undergrounding, In-Fill Residential Development**

Deputy Town Manager Stueckle gave a PowerPoint presentation regarding the history of the ordinance, and advised potential modifications to the ordinance could include: exempting service lines to in-fill residential where adjacent property has aerial service; providing a mechanism whereby a project can petition the Town for a waiver based upon economic hardship due to unique site characteristics for new development or costly undergrounding for "service" expansion on developed property as required by Section 87.1140; or unlikelihood of future undergrounding (no in-lieu payment).

**Mike Poland**, Yucca Valley, commented regarding his service on the undergrounding committee, and presentations from Edison stating they are an overhead utility provider, and noted there are huge punitive amounts of money to a developer to place utilities underground. Requiring undergrounding is an unfair condition for those people who are building in a subdivision that already exists. He encouraged the Council to give serious thought to removing that requirement.

Council Member Luckino commented he has always had an issue with the ordinance. It makes sense to require undergrounding for large developments but he cannot support the requirement for in-fill lots. He stated he does not agree with exemptions for economic hardship noting it takes staff time and everyone will find a reason for an economic hardship. Commercial in-fill should also be exempt. Undergrounding needs to be done collectively if at all and not a few at a time.

Council Member Mayes stated he wouldn't want to repeal the ordinance, but there are instances where there should be exceptions such as for large lots that are not going to be subdivided, other than that he is fine with the residential provision of the current ordinance. On the commercial he would like to waive the requirement for undergrounding existing distribution lines and not require in-lieu fees for that. However, new lines would have to be underground.

Council Member Hagerman commented that the cost of \$1,000 for every 4' is a huge expense. He agreed with Council Member Mayes regarding the in lieu fee, noting he would rather see the owner put that money into their own business than one of our bank accounts. As far as commercial he does not see any reason to underground existing service, and he appreciates the comments stating that Edison is an overhead power company.

Council Member Rowe commented that cases such as the CARQUEST expansion where the owner had to underground the neighbor's lines is unfair. However, when there is new development and no existing distribution or service lines, there is an argument for placing the lines underground.

Council Member Luckino commented there has to be a financing mechanism to pay for undergrounding, noting if large portions are done at one time, the costs will go down.

Mayor Huntington commented that requiring service lines to be underground is justified, but distribution lines are something else. It will be much more costly if we allow all overhead and then go to underground at a future time. Underground service should be required, but there has to be some exemptions in certain circumstances.

Council Member Mayes commented there should be no more poles placed in Yucca Valley, because once they go up there is a cost to bring them back down again. Undergrounding the service line is not that much of an issue but there has always been an issue with undergrounding the distribution line.

Council Member Luckino commented regarding the fact that requiring service line undergrounding might not be that much money but the cost is in addition to all the other associated costs.

Mayor Huntington commented that Council is in agreement that existing distribution lines should not require undergrounding.

Council Member Mayes questioned if there is a mechanism in place to refund in-lieu fees back to developer if that part is removed. Town Manager Nuaimi advised that staff will research the issue.

Mayor Huntington advised that he and Council Member Mayes are in agreement that service lines should be underground but there should be some wiggle room. Council Member Rowe advised her agreement would depend on the language of wiggle room. Council Member Mayes recommended that staff draft language for Council to look at.

Mayor Huntington advised there is consensus regarding ceasing collection of in lieu of fees.

Council Member Rowe requested that anyone have the alternative to appeal a decision to the Planning Commission or Council.

Town Manager Nuaimi requested that Council support a fee to go through that appeal process noting the staff time required. Deputy Town Manager Stueckle noted that any staff level determination on a code interpretation can always be appealed.

Council Member Mayes suggested looking at some exemption for large lots.

Staff advised sufficient direction has been given to bring information back to Council.

**10. Ordinance Amending the Town of Yucca Valley Municipal Code regarding Mayor and Town Council, Revising Commission Terms, and Disbanding Public Arts Advisory Committee, Traffic Commission and TEAM Yucca Valley Commission.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2 RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS, AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4 RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4 RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER 4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY

COMMISSION

Town Manager Nuaimi gave the staff report and read the title of the ordinance, noting it captures all the direction Council provided us at the February 1<sup>st</sup> meeting. In addition, staff is requesting Council appoint an ad-hoc committee to review the rules and procedures that will be adopted by resolution. Commission terms will be amended to 4 year terms to coincide with the elected official's terms.

**Marge Crouter**, Yucca Valley, commented regarding the original council intent regarding selection of Mayor, Mayor Pro Tem.

**Margo Sturges**, Yucca Valley, suggested that citizens convicted of a felony or on probation should not be qualified to serve on a commission.

**Phyllis Lyte**, Yucca Valley, spoke in opposition to disbanding the Public Art Advisory Committee.

Town Manager Nuaimi answered questions asked during public comments.

Council Member Mayes explained the reason for removing the selection of Mayor and Mayor Pro Tem from the ordinance, noting that councils have always followed the tradition set up by the first council. He commented that staff has done what the Council requested, and noted he would like to serve on the ad hoc committee with Mayor Huntington if he is willing to meet in the evening or on weekends.

Council Member Luckino stated he does not support disbanding any commissions or committees or changing the Planning Commission to 4 year terms.

Council Member Mayes moved to introduce the Ordinance, concerning Mayor and Council Policies and commission appointments, and appoint Mayor Huntington and Council Member Mayes to an Ad-hoc committee to review Council Rules and Procedures. Council Member Rowe seconded. Motion carried 4-1 on a roll call vote.

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

**11. General Plan Update Authorization, Request for Qualifications/Request for Proposals (RFQ/RFP), Budget Amendment**

Deputy Town Manager Stueckle gave the staff report and an overview of the desired outcome of the General Plan process.

Council Member Rowe commented regarding the mandate to update the Housing Element, and questioned if the entire General Plan has to be updated every so often by law. Deputy Town Manager Stueckle advised there is no specific time period for a complete general plan update noting the only mandatory requirement is update of the housing element, however, at year 10 we began to receive letters regarding the need for an update from the state and after 12 years we began to get letters from the Attorney General.

Council Member Hagerman questioned how the GPAC is formed. Deputy Town Manager Stueckle advised that process has not been laid out yet, but it is anticipated that there will likely be a Council Member representative to monitor and participate in the process, as well as members of the community at large to represent the different stakeholders groups. Staff will return to Council with recommendations as that step in the process comes closer. Council Member Hagerman commented he is happy this is a priority of the Council.

Council Member Luckino expressed concern about the cost, noting he would prefer to look at the budget before committing the funding. Administrative Services Director Yakimow advised that Council will be looking at the mid-year budget in March and the first cut of next year's budget in May. Town Manager Nuaimi advised that Council should assume the worse case scenario is this is going to be spent out of reserves, noting he believes there is sufficient rationale that the RDA should also pay up to 50% of the cost. This is a one time expense the Town needs to make. He noted there is no rush, but he would not want to try to get the update done after the market has reignited, and added the Town is exposed to litigation due to the age of the General Plan.

Council Member Mayes commented this is a must and the money must be spent whether it is now or later.

Mayor Huntington stated communities are supposed to look at the General Plan every 10 years and it has been 16 years for the Town. He questioned if the update will include a Town survey. Town Manager Nuaimi advised performance of a scientific survey is included in the scope of work. There will also be a mandatory bidders meeting. Mayor Huntington commented regarding the need to perform the update and requested that the RFP include the number of organizations in the valley who are doing research that will help in the process.

Council Member Mayes questioned why the Town isn't setting aside approximately \$100,000 on an annual basis for future updates. Town Manager Nuaimi advised there will be future discussions regarding reserves and categorizing them differently.

Mayor Huntington expressed concern regarding the proposed number of GPAC meetings.

Council Member Mayes moved to authorize the General Plan Update, approve the Request for Qualifications/Request for Proposals, appropriate \$300,000 from the General Fund Undesignated Reserves for the first of three anticipated appropriations for the project, direct staff to schedule additional appropriations in the 2011-2012 and 2012-2013 fiscal years to complete the project, estimated at approximately \$1.0 million, and authorize the Town Manager to make non substantive and technical changes to the RFQ/RFP as deemed necessary. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

**FUTURE AGENDA ITEMS**

None

**PUBLIC COMMENT**

**Marge Crouter**, Yucca Valley, commented regarding the process when amending ordinances, questioned why Council doesn't hold study sessions, and requested that the night sky ordinance be amended so that it can be enforced.

**Margo Sturgis**, Yucca Valley, commented regarding the work people do on the committees in the Town, and public notification of meetings.

**Curt Duffy**, Yucca Valley, commented regarding the wastewater treatment project.

**STAFF REPORTS AND COMMENTS**

None

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**12. Council Member Mayes**

None

**13. Council Member Hagerman**

None

**14. Council Member Rowe**

Thanked the Fire Department for the ride on the new fire engine.



**15. Mayor Pro Tem Luckino**

Congratulated Miss Yucca Valley and her Court.

Commented regarding the need to get the State and Country's economies under control.

**16. Mayor Huntington**

Reported regarding attendance at the Miss Yucca Valley pageant noting the participants are exceptional young ladies who will represent the community very well.

Commented he enjoyed the ride on fire engine.

Reported regarding attendance at the meeting for the SR 247/62 stop light and medians.

Reported regarding attendance at the Healthy Hearts Run, and commented regarding the low attendance this year due to activities in Palm Springs.

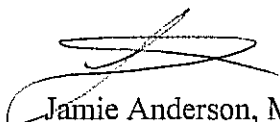
**ANNOUNCEMENTS**

The next Town Council Meeting is Tuesday, March 1, 2011 at 6:00 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

  
Jamie Anderson, MMC  
Town Clerk