

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MAY 3, 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, 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 Mayor Huntington

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Proclamation for May, 2011 as Motorcycle Awareness Month.

Mayor Huntington read and presented the proclamation to Marty Rapp, ABATE 29.

2. Employee of the Quarter

Presented to Lead Skilled Maintenance Worker II Rusty Scott

3. Presentation to Chad Mayes

Mayor Huntington, Deputy Town Manager Stueckle and Town Clerk Anderson presented a Town plaque, road sign, left over business cards and Council name plates naming Chad Mayes' positions as Council Member, Mayor Pro Tem and Mayor.

Mr. Mayes commented that the Town of Yucca Valley has had a great impact on his life and has meant a great deal to him. He still plans to serve this community in any way he can.

4. Presentation to Gary Benedict

Council Member Rowe presented a proclamation from Assemblyman Cook for Gary Benedict's service to the Fire Service.

Mayor Huntington presented a Town of Yucca Valley plaque.

Mr. Benedict thanked the Council and community for allowing him to serve for so

many years.

APPROVAL OF AGENDA

Council Member Luckino moved to approve the agenda. Council Member Hagerman seconded. Motion carried 4-0 on a voice vote.

CONSENT AGENDA

- 5. **Approve**, Regular Town Council Meeting Minutes of April 5, 2011, Special Joint Town Council/Hi Desert Water District Meeting of April 11, 2011, as presented.
- 6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 7. **Adopt**, Ordinance No. 224, 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

- 9. **Ratify**, Warrant Register total of \$541,179.95 for checks dated April 7, 2011 through April 21, 2011. Ratify Payroll Registers total of \$297,406.91 for checks dated April 1, 2011 through April 15, 2011.

Council Member Hagerman requested to pull Item Number 8.

Council Member Luckino moved to adopt Consent Agenda Items 5-7 and 9. Council Member Hagerman seconded. Motion carried 4-0 on a roll call vote.

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

8. AB 1234 Reporting Requirements

Council Member Hagerman commented that he was unable to attend the City County Conference. Administrative Services Director Yakimow advised that staff will make that correction.

Council Member Rowe moved to receive and file the AB 1234 Reporting Requirement Schedule as amended for the months of March and April 2011. Council Member Hagerman seconded. Motion carried 4-0 on a voice vote.

PUBLIC HEARING

10. Conditional Use Permit, CUP 01-11 T-Mobile Hutchins, Planning Commission Recommendation

Associate Planner Kirschmann presented the specifics of the project along with a PowerPoint presentation regarding the tower to be located at the Hutchins Motorsports location.

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

Council Member Luckino moved to approve as recommended by the Planning Commission to the Town Council, based on the findings in the staff report, and the Conditions of Approval, (a) That the Town Council determines the project to be categorically exempt from CEQA under Section 15332, class 32, In-fill Development; and (b) Recommend approval of Conditional Use Permit, CUP 01-11, for the construction of a roof mounted cellular tower consisting of nine panel antennas, 6TMA antennas and 2 GPS antennas completely screened behind an extended parapet wall with four (4) equipment cabinets on the ground behind a block wall. Council Member Hagerman seconded. Motion carried 4-0 on a roll call vote.

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

DEPARTMENT REPORTS

11. Youth Commission Recommendation: Social Host Ordinance

Community Services Director Schooler advised the Youth Commissioners from the 2009-2010 term expressed concern about drug use and underage drinking within the local teen community prompting the 2010-2011 to add the issue to their work plan.

Ana Goddard, Youth Commission Chair and Krista Blevins, Vice Chair presented information regarding the need for a Social Host Ordinance that covers more than the current State and County Ordinances. They noted the State ordinance only applies where there is damage, injury or death involved as a result of underage drinking and

the County ordinance only covers alcohol and no other controlled substances. The Youth Commission as a whole wanted to propose a stronger ordinance for Yucca Valley to include controlled substances in addition to alcohol.

Bonnie Shaffer, Yucca Valley, advised that her group did supply statistics to the Youth Commission, and offered their services to the Town also.

Council Member Hagerman questioned if the property owner or the adult who is present during the party is the responsible party. Ms. Blevins and Goddard advised the Youth Commission put the responsibility on the person who lives at the property.

Council Member Luckino questioned if the Sheriff's department endorses this proposed ordinance. Capt. Miller advised the ordinance gives the department another tool in their tool bag to write citations to the person in charge of the residence. Council Member Luckino noted that people expect actions like this from the Town, but it means more when the request comes from the Commission, and noted he would endorse including all controlled substances in the ordinance.

Council Member Rowe commented it takes a lot of courage to get up in front of the Council and expressed her appreciation to the Commissioners. She is in favor of adding controlled substances to the ordinance also. She noted that anyone found guilty will have a criminal charge, so the Town has a certain cost to prosecute the issue. Town Manager Nuaimi advised the cost to the Town will depend on the frequency in which we have to enforce the law, noting he hopes this tool will be a deterrent.

Mayor Huntington agreed this is a great tool, noting the Council consensus is to include controlled substances to the ordinance.

Council Member Hagerman moved to receive and file the Youth Commission recommendation regarding the establishment of a local Social Host Ordinance, and direct staff and the Town Attorney to draft a local ordinance. Council Member Rowe seconded. Motion carried 4-0 on a voice vote.

12. Youth Commission Recommendation: Smoke-Free Parks Ordinances

Community Services Director Schooler introduced the item for the Youth Commission.

Ana Goddard, Chair, and Krista Blevins, Vice Chair advised that last year the Commission noticed the problems in the park being caused by the same group of people smoking in the parks, noting an ordinance would be another tool to help deter people from smoking. The Commission debated this issue long and hard and concluded the activity had a negative impact on people trying to enjoy the parks. It was noted that

about 90 cities in California have enacted smoke free parks ordinances. The Parks, Recreation and Cultural Commission indicated general support for an ordinance when the Youth Commission presented it, but noted concern regarding the rights of smokers, the ability to enforce the ordinance and alternatives that would permit smoking in designated areas.

Council Member Rowe thanked the Youth Commission for going through this process. She has given the issue a lot of thought and noted that smoking is legal in this country and town for adults. It is however illegal for young people so there is already an avenue for enforcement.

Council Member Hagerman requested clarification regarding whether or not the commission is asking for smoke free or tobacco free parks. It was noted the recommendation is for smoke free. Council Member Hagerman noted that he has a difficult time banning the entire park to smoking for adults, noting that many parks have designated smoking areas and he is all for having signs showing designated smoking areas, but is not comfortable banning smoking completely out of our parks.

Council Member Luckino commented that people should not smoke, but they do, and a part of what we as a country have is our freedoms. However, something we can do is designate areas where smoking is permitted. He does not want to put the burden on law enforcement to have to enforce the ordinance, taking them away for more serious issues.

Mayor Huntington concurred with supplying designated areas, noting that people have rights that have to be respected.

Community Services Director Schooler advised that staff does run into some issues at the concerts for example, but voluntary compliance is usually the norm. It may be possible to amend the Parks Use Ordinance rather than adopt a whole new ordinance.

Town Manager Nuaimi advised of past experiences when people are waiting in line for various activities and staff has been asked to place temporary no smoking signs. Conceptually creating a setting for compliance such as placement of a fairly visible sign, without enforcement may get the desired results. Council agreed and directed staff to develop a proposal for compliance.

13. Brehm Sports Park Update

Town Manager Nuaimi gave the staff report and background of the project to date. The Brehm Park Committee has requested assurance that the Town will accept the completed park and provide ongoing maintenance and operation of the facilities. Based on design concepts and current utility rates, staff estimates the annual cost of

maintenance to be approximately \$180,000. Such a maintenance obligation would not occur until a one year "growing in" period is completed. This gives staff some time to identify potential revenue sources for the maintenance of the project.

Town Manager Nuaimi indicated that staff and the Brehm Park Committee representatives had met to discuss development of a Prop 84 grant application for the Brehm Youth Sports Complex. Staff indicated that a grant writer who was brought on during our Phase I application for Southside was proposed to be brought on in support of this effort, at a cost of \$20,000.

Council Member Luckino spoke in support of the idea of going after the grant noting that the expenditure of \$20,000 is money well spent if the result turns out positive. He questioned the long term maintenance issue. Town Manager Nuaimi advised the Town will support and commit to provide for the maintenance which is a requirement the Basin Wide Foundation and State will want.

Council Member Hagerman questioned if the commitment letters go with the packet for the Prop 84 Grant. Community Services Director Schooler advised the State wants to be sure the Town and nonprofit group have a relationship that secures the land for the Town for the long term 30 plus year commitment, and don't want to leave anything to chance that the relationship is formal enough. Council Member Hagerman questioned if a letter will affirm that. Town Manager Nuaimi advised that staff will be bringing items before the Council to show that commitment.

Mayor Huntington commented that since this is the second time around for the grant application, we have better chance because we know rules and regulations. This is a good public/private commitment.

Council Member Luckino stated it is time for the Council to look at budget and reprioritize.

Council Member Rowe questioned the time frame for results. Town Manager Nuaimi advised the application is due July 1st and the cycle takes about 6 months.

Council Member Luckino questioned the amount of the Grant. Community Services Director Schooler advised that \$5,000,000 is the maximum amount, and we expect our application to be fairly close to that.

Council Member Hagerman moved to authorize Town Manager to provide required commitment letter(s) to the BWF for future maintenance of the improvements; amend the FY 2010-11 Amended budget by appropriating \$20,000 from General Fund Undesignated Reserves to the Community Services Administration - Professional Services line item; and authorize Town Manager to enter into a Professional Services

agreement with a grant specialist for the preparation of a Round 2 submittal, amount not to exceed \$20,000. Council Member Luckino seconded. Motion carried 4-0 on a roll call vote.

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

14. Old Town Specific Plan Sign Regulations, Consideration of Implementing Town Wide Sign Regulations in the Old Town Specific Plan (OTSP) Boundaries

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, IMPLEMENTING TOWN-WIDE SIGN REGULATIONS WITHIN THE OLD TOWN SPECIFIC PLAN BOUNDARIES

Deputy Town Manager Stueckle advised that with adoption of the Old Town Specific Plan, sign standards and regulations were enacted that were applicable only within the specific plan boundaries. Based upon factors such as the regional economy and wastewater treatment implementation, very few actions, both private and public have occurred inside the specific plan area that assist in implementation of the pedestrian oriented district as envisioned in the plan. Recent permit applicants have identified constraints with the requirement of channel letters for wall signs and the Town was requested to review the specific plan sign regulations for determining alternatives.

Eric Muller, Old Town Merchant's Association, spoke in favor of relaxing the restrictions as they are now.

Council Member Luckino questioned when the Sign Regulations within the Specific Plan will be revisited. Deputy Town Manager Stueckle advised that review will occur with the Development Code Update. Phase 1 of the report will be brought to a joint meeting with the Council and Planning Commission after the new Council Member has been appointed.

Council Member Luckino moved to adopt Resolution No. 11-18, suspending applicability of the Old Town Specific Plan Sign Regulations, and implementing the Town-wide Sign Regulations, Ordinance No. 158, within the OTSP boundaries. Council Member Rowe seconded. Motion carried 4-0 on a roll call vote.

POLICY DISCUSSION

15. 29 Palms Marine Corps Air Ground Combat Center (Combat Center), Environmental Impact Statement (EIS), Land Acquisition and Airspace

Establishment, Johnson Valley Off Highway Vehicle Area

Deputy Town Manager Stueckle reported the Council requested this matter be placed on an agenda to consider taking additional action, if necessary in relationship to the proposed Combat Center expansion into the Johnson Valley Off Highway Vehicle area.

He gave a Power Point presentation regarding the proposal noting that Alternative No. 6 is the proposed preferred alternative. The Johnson Valley OHV area contains 189,470 acres, and the proposal is to take 108,530 of those acres for exclusive military use, and another 60 \pm day loss of an additional 38,137 acres. It was noted that Staff disagrees somewhat with the proposed impacts stated in the EIS, and feels they are understated.

Eric Muller, OTMA, commented that once the OHV area is closed off to the public there will be a noticeable impact on the Town.

Ray Pessa, Yucca Valley, thanked the Town for taking a proactive approach on this issue, noting the cumulative impact of the base going into the Johnson Valley area is huge and not just economic. He suggested that Alternative 3 expansion to the east would better.

Krista Bevins, Yucca Valley, thanked the Council for talking about this issue and its impacts.

Council Member Luckino commented he is a big supporter of the military, and would do anything we can do for them, however the Council represents the Town and people of Yucca Valley, and needs to have a strong statement to let them know how we feel about this and the impacts it will have. He suggested the need to involve our Legislators in the issue.

Council Member Hagerman stated he loves living in a military community and is also an off road enthusiast. He noted he has a problem with the last line of the EIS stating the impacts to the area are "less than significant". This is going to be a huge impact not only on the Town but the entire basin. He strongly supports sending a letter.

Council Member Rowe suggested the letter should strongly state the importance of the King of the Hammers event. Town Manager Nuaimi stated staff will put something on the website for folks to submit their comments, and suggested that Council Members should encourage the community to make comments.

Council Member Hagerman commented this is not going to be the only land grab attempt to the area, noting it will take a group effort to keep these areas open.

Mayor Huntington commented he felt the economic model was greatly flawed, noting

the filming industry moving away doesn't help us in Yucca Valley, He questioned what the feedback is regarding the proposed airspace restrictions. Deputy Town Manager Stueckle advised the aviation community would like the altitude to be raised to 3,000' rather than 1,500' above ground level. Mayor Huntington added information also doesn't take into account the impact and losses the Feinstein bill will cause, and requested a briefing from Senator Feinstein's office on her current bill.

Council directed staff to forward a letter identifying the Town's concerns.

FUTURE AGENDA ITEMS

Council Member Luckino requested a Strategic Planning session with an outside facilitator after the new Council Member is appointed. Mayor Huntington advised it would be more of a workshop than an agenda item. Council Member Rowe advised she is not opposed to that.

Council Member Rowe requested consideration of an ordinance for future Council vacancies. The council directed staff to bring back such an ordinance.

PUBLIC COMMENT

Mike Roddy, Yucca Valley, commented regarding pending solar expansion in the area.

Cindy Melland, Basin Wide Foundation, thanked Council and staff for stepping up to the plate with them to move forward with the Brehm Sports Park.

Eric Muller, Yucca Valley, commented regarding the letter to be sent to the Marine Corps suggesting the tone of the letter needs to recognize what valuable partners they are.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. Council Member Hagerman

Congratulated Lead Skilled Maintenance Worker II Rusty Scott

Commented it was nice to see Chad Mayes and Gary Benedict back for recognitions

Advised he heard the announcement about capturing and killing Bin Laden with 60,000 Stagecoach fans.

17. Council Member Rowe

Congratulated Lead Skilled Maintenance Worker II Rusty Scott.

18. Mayor Pro Tem Luckino

Thanked Lead Skilled Maintenance Worker II Rusty Scott, Chad Mayes and Gary Benedict for their service to the Community.

Commented regarding attendance at the City County Conference. Noted that Governor Perry from Texas spends more time in California than in Texas taking our jobs. He hopes our State can change some of their ways.

19. Mayor Huntington

Echoed kudos to Lead Skilled Maintenance Worker II Rusty Scott Gary Benedict and Chad Mayes.

Commented that discussions out of the City County Conference were not too positive. The economic forecast was bad, the County has budget woes, as do most of the cities in the county, and the legislative outlook was horrible. The only bright spot is the fact that Caltrans says that State Route 330 will be open again by July 4th.

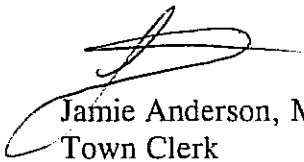
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, May 17, 2011, 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