

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
JULY 17, 2012**

**OPENING CEREMONIES**

Mayor Rowe called the meeting to order at 5:00 p.m.

Council Members Present: Abel, Huntington, Lombardo, and Mayor Rowe. Council Member Hagerman was absent

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

**CLOSED SESSION**

There being no members of the public present requesting to comment, Mayor Rowe adjourned the meeting to Closed Session at 5:01 p.m.

1. **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**  
The legislative body is deciding whether or not to initiate litigation pursuant to Government Code Section 54956.9(c). (1 case)

Mayor Rowe reconvened to open session at 5:55 p.m. and recessed the Town Council Meeting

**JOINT TOWN COUNCIL/PLANNING COMMISSION WORKSHOP**

Mayor Rowe called the joint session to order at 6:05 p.m.

**ROLL CALL:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
Council Member Hagerman absent

Commissioner Alberg, Drozd, and Chair Humphreville. Commissioner Bridenstine and Hildebrand were absent

Town Manager Nuaimi announced that the Council did meet in closed session prior to this joint meeting and that there was no reportable action taken

## DEPARTMENT REPORTS

**2. General Plan Land Use Review**

Wendy Grant, General Plan Consultant, advised the focus will be on key areas of change and questions that came up at the last joint meeting. A total of 3,264 acres are recommended for change to reflect the community's input to preserve desert character, and maintain the Town as the economic hub of the Morongo Basin. Some changes are recommended to reflect established uses on the ground. New land use categories are recommended that are more broad and inclusive, and streamline the General Plan, making it easier to implement. The proposed Plan has 26,556 housing units and estimated population of 62,966 while the 1995 General Plan has 24,401 housing units and a population of 62,223, for a difference of 2,155 units and 743 additional population.

A new proposed mixed use for the Civic Center assumes an 80% retail and 20% office mix and requires a specific plan. Town Center Mall mixed use assumes 60% retail, 20% office and 20% residential. Corridor Residential Overlay has 244 commercial acres with three transitional areas between mixed use or special policy area nodes on SR 62. The designation provides added flexibility and allows development of commercial or residential uses up to 25 dwelling units per acre. Special policy areas provide specialized policy guidance in addition to proposed land use designation. Underlying land uses remain in place.

The East side is envisioned to be a commercial center and industrial jobs base for the Town. It requires a specific plan and transitions in between residential and industrial uses.

Town Center Mall mixed use is envisioned to be a regional commercial destination, requires a specific plan and transitions in between differing uses such as residential and commercial.

Rural Mixed Use is industrial land north of Skyline Ranch Road. Business park uses are required adjacent to the Rancho Mesa neighborhood along Skyline Ranch Road. Areas north of the business park area are encouraged for home based businesses.

Feedback from the West Side focus area requested creation of a gathering place, built upon arts and culture, and creation of a festival/events area similar to Pappy and Harriet's musical venue. The Land uses will not change in the General Plan, but preparation of a specific plan is required. Additional alternatives will be evaluated in the EIR for the area with varying uses and residential densities.

Areas proposed for zoning changes include 320 acres north of Blue Skies Country club from R-L-1 (1 unit per acre) to Hillside Residential (RH) 1 unit per 20 acres. The change is recommended to preserve the natural landforms and hillsides to the greatest extent possible. Staff recommends extending the West Side Special Policy Area boundary to include the 320 acres. In response to Rancho Mesa resident concerns, 22.7 acres are proposed to be changed from Industrial (I) to Rural Residential 2.5 (RR2.5). The properties proposed for the change are either vacant or have existing residential on them. The property owner of a large parcel consisting of 8.1 acres and a smaller parcel to the west consisting of 2.8 acres, at the southwest corner of Yucca Trail and La Contenta, is requesting that the property be changed to Commercial (C). The Plan also proposes to change 9.1 acres of a 10 acre area of commercial mixed use (C-MU) to Medium Density Residential. The property is a transition area between residential and the Old Town mixed use and many of the properties are currently developed with multiple dwelling units on site. A remaining 0.2 acre portion is changed to Commercial to reflect approved entitlement. The new plan proposes to change 113.7 acres of Rural Living 1 (R-L-1) at the southwest corner of the Country Club area to Hillside Residential (HR). The lowered density from 1 unit per acre to 1 unit per 20 acres is consistent with implementation of development of properties with similar topography. 36.4 acres of Resort/Recreation Commercial (C-RR) is proposed to be changed to Hillside Residential (HR) to be consistent with adjacent land uses and development. Should resort or hospitality use be desired for the site, preparation of a specific plan is recommended.

With reference to the property along Skyline Ranch Road, a letter was submitted by Carlene Malin requesting that additional parcels be added to the business park zoning to square off the map.

Planning Commission Chair Humphreville questioned how the property owners feel about changing industrial property to business park, or residential zoning. It was noted that the property owner sent the letter.

Deputy Town Manager Stueckle advised that the proposed land use map has recommendations based on environmental studies.

Chair Humphreville commented he has a problem changing industrial zoning without the rest of the property owners being notified. He would like to see all property owners notified where the zoning is being changed.

Discussion ensued regarding the intent of the business park designation allowing more design, attention to landscaping, screening etc.

**Carlene Malin**, Yucca Valley, advised there are two existing businesses in this area already, and there are a couple of other residential homes where businesses are

operated out of the house.

**Cynthia Anderson**, Rancho Mesa, commented, in terms of the area being discussed for expansion of the business park area, there are no businesses in the area at this time. The residents of Rancho Mesa appreciate the effort by the Town and the Planning Center for recognizing the impacts of industrial zoning in the area.

**Margo Sturges**, Yucca Valley, requested disclosure of whether Council or Commissioners own property in the area.

Upon further discussion, it was determined to evaluate the area at the highest intensity of use.

Council and Commission agreed to request to add the 2.8 acre parcel to the larger parcel on the Southwest Corner of Yucca Trail and La Contenta with Commercial Zoning.

All agree to changing the Commercial Mixed Use south of the old town specific plan area to residential medium density.

Regarding the proposed change of the 113.7 acres of R-L-1 to HR at the south west corner of the Town, Mayor Rowe questioned if all those property owners have been notified that the property has been downzoned. Deputy Town Manager Stueckle advised they have. Mayor Rowe questioned if any parcel that has been subdivided would be allowed to stay at its present zoning. Deputy Town Manager Stueckle stated yes.

**Vivien Bandiola**, Desert Hot Springs, advised she owns 23 acres next to the satellite towers that she bought the property as an investment based on its current zoning of 1 unit per acre, not 1 per 20 acres. She noted she was not notified of the proposed change.

Upon further discussion staff was directed to work with the property owner, look at all the different constraints, and reevaluate the property.

Council and Commission agree to designation of property at Burnt Mountain to Hillside Residential.

**Richard Harlan**, Yucca Valley, expressed concern regarding rezoning this property, noting the present property owner has plans for the area.

Council Member Huntington advised that Mr. Harlan is talking about a different piece of property.

Currently the 320 acres above the golf course is zoned R-L-1 and the recommendation is to designate it Hillside Residential. Staff has received a letter from property owner requesting that the original zoning designation remain in place. Staff recommends it be designated Hillside to be consistent with what is existing in the area. Deputy Town Manager Stueckle advised that in the EIR there is going to be additional uses allocated inside the West Side special policy area so that when someone comes forward to look at golf course area the environmental analysis has been provided to allow them to move forward with a different kind of project.

**Cindy Melland**, Yucca Valley, advised they live south of property in question, and thanked the Town for including it in the special policy area. They are planning on designating portion of the area to wildlife but there are parts that are very developable.

It was determined that Staff will sit down with the property to determine if there are areas that may have more flexibility, with the understanding that the upper levels will remain as Hillside Residential.

Deputy Town Manager Stueckle thanked the Town Council and Commission for their work on this process tonight.

### **ADJOURN JOINT WORKSHOP**

Mayor Rowe adjourned the workshop at 8:05 p.m.

### **RECONVENE TOWN COUNCIL MEETING**

Mayor Rowe reconvened the Town Council meeting at 8:17 p.m.

### **PLEDGE OF ALLEGIANCE**

Led by Mayor Rowe

### **INVOCATION**

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

### **AGENCY REPORTS**

#### **Chamber of Commerce**

#### **3. Monthly Report for June, 2012**

Jennifer Collins, Chamber President, gave the monthly Chamber update for June 2012,

and invited Council Members to attend the Board retreat on Saturday August 18<sup>th</sup> from 8:30 a.m. to 2:00 p.m.

Hi Desert Water District

4. **Water & Wastewater Project Updates.**

Sarann Graham, Hi Desert Water District Board President, gave the monthly Water and Wastewater Project update for June, 2012.

**APPROVAL OF AGENDA**

Council Member Abel moved to approve the agenda. Council Member Lombardo seconded. Motion carried 4-0-1.

**CONSENT AGENDA**

5. **Approve**, Special Town Council Meeting Minutes of June 26, 2012, as presented.
6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
7. **Receive and file**, the monthly statistical Fire Department Report for June, 2012
8. **Receive and file**, the AB1234 Reporting Requirement Schedule for the months of April and May 2012
9. **Adopt**, Resolution No. 12-24, appointing a Board Member and an Alternate Board Member to the Board of Directors of the Public Agency Risk Sharing Authority of California.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA TO APPOINT TWO REPRESENTATIVES TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA BOARD OF DIRECTORS**

10. **Accept**, Safe Routes to School (SR2S) grant funds in the amount of \$399,800, and authorize staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans; Authorize Staff to release a Request for Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications and cost estimates for the project following necessary Caltrans approvals; Approve and authorize the Town Manager as the designated signatory for the SR2S program; and **Adopt**, Resolution No. 12-25 amending the FY 2012-13 Adopted Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2012-13 BUDGET

- 11. **Approve**, Cost Distribution Agreement between the Town and Caltrans for the traffic signal (future) located at SR 62 and Church Street, and authorize the Town Manager to sign the Agreement
- 12. **Approve**, addendum to the Existing Electrical Maintenance Agreement between the Town and Caltrans, and authorize the Town Manager to sign the Agreement, Traffic Signals and Lighting Project EA No. 08680-5T3000
- 13. **Approve**, Construction Cooperative Agreement No. 08-1542 with Caltrans, SR 62, La Honda to Dumosa Project, Transportation Congestion Relief Program (TCRP), and authorize the Mayor to sign and execute the Cooperative Agreement.
- 14. **Ratify**, Warrant Register total of \$503,018.64 for checks dated June 28, 2012. Ratify Payroll Registers total of \$318,374.84

**Richard Harlan**, Yucca Valley, thanked the Town for getting the street signs up on the highway,

Council Member Lombardo moved to adopt Consent Agenda Items 5-14. Council Member Abel seconded. Motion carried 4-0-1.

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

**DEPARTMENT REPORTS**

- 15. **Financing, Disposition and Development Agreement for Affordable Senior Housing Project**

Town Manager Nuaimi gave an update on the TCAC application for the Senior Housing Project, noting they are getting ready to submit the 2<sup>nd</sup> round. The project received maximum points with the March submittal but the tie-breaker was insufficient to secure the tax credits. The tiebreaker was based upon local funding committed to the project. County HOME funds, land value, and the Town loan count towards the tiebreaker. Tiebreaker points are increased by cutting project costs, and more so by increasing local sources. He noted potential Town funding sources include project development impact fees in the amount of \$250,000; storm drain impact fees of (\$300,000; LTF funds \$300,000, December 2010 ENA (low mod income housing set

aside) \$500,000; SERAF repayment from the Successor Agency \$635,000 and the Dumosa property valued at \$940,000 for a total of \$2,925,000.

Other considerations include use of funding on other improvements such as road and Long Canyon Channel. It was noted the project was meeting the obligations of the RDA to generate deed restricted but the RDA is now dissolved. There is also uncertainty with the low/mod funding until after Department of Finance (DOF) review, however the funds could be swept and a portion returned to the Town as General funds as opposed to low/mod obligated funds. The risk is whether or not the Department of Finance will honor the ENA amount of \$500,000 that has already been committed.

Staff's recommendation is to receive the update and provide comments regarding potential modification to the Financing, Disposition, & Development Agreement (FDDA) and direct staff to bring back all documents required to support the National Community Renaissance of California application for tax credits as part of a July Tax Credit Allocation submittal.

**Margo Sturges**, Yucca Valley, approached to speak on the item. She asserted that she would need five (5) minutes to complete her comments. Mayor Rowe informed Ms. Sturges that public comment was limited to three (3) minutes and that her time was running. Ms. Sturges advised that Captain Miller should prepare himself to remove her when her time was up. Ms. Sturges questioned why she would not be given additional time, since she was the only one rising to speak on the item. Mayor Rowe repeated that Ms. Sturges had three minutes, that she was not required to grant her more time, and that her time was continuing to run. Ms. Sturges remained silent for much of the balance of her time

Council Member Abel questioned if the DOF would take into consideration that the \$500,000 is for low income housing for seniors when they make their decision. Town Manager Nuaimi advised it is not known what they base their decisions on, however, staff will make as aggressive a pitch as we can and will show that the project can be traced back to June of 2010. We will do what we can to show the housing needs in community. Council Member Abel questioned if a project is not approved during the HUD process would get extra consideration the 2<sup>nd</sup> time around and questioned if the same would apply for TCAC. Town Manager Nuaimi commented it is believed that HUD misevaluated our application but would not tell us what score was. They have since discontinued the 202 program, but we believe if it had continued the project would have been reevaluated. He added that the TCAC process was very different and is very transparent.

Council Member Huntington questioned when the decision will be made on the application if it is due the 25<sup>th</sup> of July. Town Manager Nuaimi advised it is typically a 3 month process, and we would expect a decision in the mid to late fall. It depends on



how many applications are received.

Council Member Huntington questioned how much time is allowed to sign the final agreement after the decision is made. Town Manager Nuaimi advised from that point it would be CORE accepting the funding. Staff will work with them and believe they have 180 days from acceptance to breaking ground. Council Member Huntington questioned how much of the initial allocation of \$500,000 has been spent. Town Manager Nuaimi stated approximately \$156,000 has been spent, noting they have not been billing us since the RDA dissolution. Council Member Huntington questioned if the property transfer from the Town to the RDA then to Core is secure. Town Manager Nuaimi advised it will be in the near term, noting one of the requirements is to submit an inventory of properties to the state. Council Member Huntington commended staff for their effort to date and recommended the Town continue.

Council Member Lombardo agreed that staff has put a lot of effort into this worthy project, noting he is delighted with the creativity.

Council Member Abel agreed.

Mayor Rowe stated she appreciates the transparency regarding other considerations for use of the funds.

Council Member Abel moved to direct Staff to bring back all documents required to support the NCRC application for Tax Credits as part of a July Tax Credit Allocation submittal. Council Member Huntington seconded. Motion carried 4-0-1.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Council Member Hagerman

Town Manager Nuaimi thanked Council for their vote of confidence and advised staff will bring back the revised DDA.

## PUBLIC COMMENT

**Margo Sturges**, Yucca Valley, commented regarding the possible local revenue measure, and urged everyone to attend the July 24<sup>th</sup> meeting.

**Amy Falls**, Joshua Tree, thanked the Town and commented she happy is the Town is going to put sidewalks in along Sage to the High School. Also thanked the Town for the improvement on Church street from Onaga Trial to Joshua Drive.

**STAFF REPORTS AND COMMENTS**

Town Manager Nuaimi commented regarding public comment about the Town's outreach efforts, and thanked staff and the consultants for assisting in that outreach effort. He noted it has never been indicated that the Town is running out of money or that the number of votes are there to approve it. We are however getting a fantastic response with good questions and good ideas. The first mailer sent out received over 470 responses with folks putting their own stamp on the piece. He invited everyone to come to the meeting of the 24<sup>th</sup> to review the proposal. We have a lot of needs to meet and it is incumbent on us to inform the community. No matter how hard we try we can't prevent people from spreading this kind of information. He expressed appreciation to the efforts of the Town Council as we tackle some of these unprecedented issues.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**16. Council Member Huntington**

Congratulated staff for Safe Routes to School grant funding.

Advised that SANBAG will continue pushing through funding requests to complete projects.

**17. Council Member Lombardo**

Commended staff for all their hard work on the presentation tonight noting it is insulting to hear the Town has run out of money when we haven't. It is a gross misrepresentation.

**18. Council Member Abel**

Thanked Staff for letting him be part of the Concerts in the Park series noting there was a nice crowd at the last concert.

Congratulated staff for obtaining the Safe Routs to School grant, noting it is very much needed.

Reported regarding attendance at a Mohave Desert AQMD Board tour of the various power plants, noting it was very informative.

**19. Mayor Pro Tem Hagerman**

Absent

**20. Mayor Rowe**

Echoed congratulations for the Safe Routes to School grant, and congratulated staff for their work on the housing program.

Thanked Water Board President Graham for staying through the meeting tonight and for the partnership with the District.

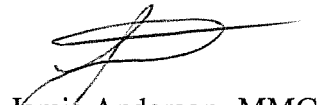
**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, July 24, 2012, 6:00 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Jamie Anderson, MMC  
Town Clerk