

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JUNE 4, 2013**

OPENING CEREMONIES

Mayor Pro Tem Lombardo called the meeting to order at 6:10 p.m.

Council Members Present: Huntington, Leone, Rowe and Mayor Pro Tem Lombardo. Mayor Abel was unable to attend due to family commitments.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Police Captain Boswell, and Deputy Town Clerk Copeland

PLEDGE OF ALLEGIANCE

Led by Jennifer Collins, Yucca Valley Chamber of Commerce

INVOCATION

Led by Pastor Chris Wagner, Joshua Springs Community Chapel

AGENCY REPORTS

1. Yucca Valley Chamber of Commerce

Jennifer Collins, Yucca Valley Chamber of Commerce President, presented the monthly chamber of commerce report for May 2013.

Margo Sturges, Yucca Valley spoke about the sign replacement project sponsored by the Yucca Valley Chamber of Commerce

Jennifer Collins responded to public inquiry regarding the sign project.

APPROVAL OF AGENDA

Margo Sturges, Yucca Valley inquired about the ad-hoc committee titles listed on the agenda.

Ron Cohen, Yucca Valley questioned the lack of prepared minutes on the agenda.

Council Member Rowe moved to approve the agenda. Council Member Huntington seconded. Motion carried 4-0-0-1 on a voice vote.

CONSENT AGENDA

2. Waive, further reading of all ordinances and read by title only.
3. Receive and file the FY 2012-13 Third Quarter Budget Report
4.
 - 1) Reject one claim filed against the Town of Yucca Valley submitted on April 25, 2013 by Friederich Koenig.
 - 2) Reject the first amended claim filed against the Town of Yucca Valley submitted on May 28, 2013 by Friederich Koenig.
 - 3) Reject any claim from the claimant, Friederich Koenig, based on the same operative facts and allegations as stated in the original and first amended claims.
5. Award the construction contract to JMJ Construction, Inc., in the amount of \$187,969, and authorize a construction contingency in the amount of \$18,750, for a total contract amount not to exceed \$206,718, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.

Ron Cohen, Yucca Valley spoke on items 3 and 5, questioning the figures stated in the budget report. Cohen voiced concern about the playground construction schedule.

Fritz Koenig, Yucca Valley spoke on item 4.

Claude Short, Yucca Valley spoke on item 5 regarding the playground construction schedule.

Town Manager Nuaimi described the revenue flow during the course of Town business throughout the year and how it affects budget numbers.

Deputy Town Manager Stueckle explained the timing of the Community Center playground construction is restricted through funding sources.

Council Member Rowe moved to approve the consent agenda, Council Member Huntington seconded. Motion carried 4-0-0-1 on a voice vote.

PUBLIC HEARING

6. Street Vacation SV-01-13

Mayor Pro Tem Lombardo opened the public hearing and questioned if the Town Clerk has any written communication regarding the street vacation. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle explained that a portion of the legal description is incorrect and requested that the item be continued to the Town Council meeting of June 18, 2013.

With no public in attendance wishing to speak on the item, Lombardo announced keeping the public hearing open until its continuance on June 18, 2013.

Council Member Leone moved to continue the item to the Town Council meeting of June 18, 2013. Council Member Rowe seconded. Motion carried 4-0-0-1 on a voice vote.

7. Development Code Amendment, DCA 01-13 Housing Element Update, State Mandated Regulations, Reasonable Accommodations Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 3, CHAPTER 3 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING ARTICLE 9, SECTION 83.0309, REASONABLE ACCOMMODATIONS

Mayor Pro Tem Lombardo introduced the ordinance and opened the public hearing. Lombardo questioned if the Town Clerk has any written communication regarding the Reasonable Accommodations Ordinance. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report regarding reasonable accommodations and explained that the Development Code Amendment is at the request of the State Housing and Community Development (HCD). The amendment is part of the General Plan Update Project and is based upon review of the Draft Housing Element.

Mayor Pro Tem Lombardo opened the public hearing. With no one wishing to speak, Lombardo closed the public hearing.

Council Member Huntington moved to find that the proposed ordinance is exempt from CEQA under Section 15061 (b) (3) and introduce the Ordinance. Council Member Rowe seconded. Motion carried 4-0-0-1 on a voice vote.

8. Development Code Amendment, DCA 02-13 Housing Element Update, State Mandated Regulations, Density Bonus and Development Incentives Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING CHAPTER 11, SECTIONS 87.1110-87.1180, DENSITY BONUS AND OTHER HOUSING DEVELOPMENT

Mayor Pro Tem Lombardo introduced the ordinance and opened the public hearing. Lombardo questioned if the Town Clerk has any written communication regarding the Density Bonus and Development Incentives Ordinance. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report and explained the purpose of the Density Bonus and Development Incentives Ordinance. State Housing and Community Development (HCD) identified and requested that the Town enact regulations and standards as part of the General Plan Update Project after review of the Draft Housing Element. Stueckle

explained how the density bonuses are calculated and reviewed to arrive at the required percentage of total housing units for incentives or concessions.

With no one wishing to speak, Mayor Pro Tem closed public comment.

Council Member Huntington moved to find the ordinance exempt from CEQA under Section 15061 (b) (3) and introduce the ordinance. Council Member Rowe seconded. Motion carried 4-0-0-1 with a voice vote.

9. Development Code Amendment, DCA 03-13 Housing Element Update, State Mandated Regulations, Emergency Homeless Shelters, Single Room Occupancy Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0370 TO ALLOW EMERGENCY TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS WITHIN THE INDUSTRIAL LAND USE DISTRICT

Mayor Pro Tem Lombardo introduced the ordinance and opened the public hearing. Lombardo questioned if the Town Clerk has any written communication regarding the Density Bonus and Development Incentives Ordinance. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the item and explained that the purpose of the Emergency Homeless Shelters, Single Room Occupancy Ordinance is the State Housing and Community Development (HCD) is requesting the Town enact regulations and standards as a part of the General Plan Update Project and based upon Draft Housing Element review. Stueckle gave a description of Emergency Homeless Shelters and clarified that this is not for the purpose of emergency shelter in response to a disaster, but in regards to homelessness.

The Housing Element Policy 3.f requests the amendment to the Development Code to allow Homeless Shelters by right, with approval of a Site Plan Review in the Industrial and/or Quasi-Public zoning designations. Deputy Town Manager Stueckle continued by explaining the requirements for Emergency Transitional Housing (Homeless Shelter).

Rae Packard, Yucca Valley, spoke in favor of the ordinance.

Council Member Huntington inquired about the inclusion of ADA regulations for the transitional housing.

Deputy Town Manager Stueckle clarified the state mandate requires local agencies to make the process available through local regulations, not a requirement to build or fund the construction of emergency transitional housing.

Council Member Huntington moved to find the ordinance exempt from CEQA under Section 15061 (b) (3) and introduce the ordinance. Council Member Leone seconded. Motion carried 4-0-0-1 on a voice vote.

10. Development Code Amendment, DCA 04-13 Housing Element Update, State Mandated Regulations, Second Dwelling Units

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0305(b), 84.0320(b) AND 84.0325(b), CHAPTER 5, SECTION 84.0510 RELATING TO ACCESSORY USES

Mayor Pro Tem Lombardo introduced the ordinance and opened the public hearing. Lombardo questioned if the Town Clerk has any written communication regarding the Density Bonus and Development Incentives Ordinance. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report to explain the requirements addressing second dwelling units. The existing Housing Element, Program 9 B requires an amendment to the development code to allow Second Units on single family residential lots consistent with state law. AB1866 implemented mandates on local governments to enact regulations which expand the supply of housing through the development of second units.

Fritz Koenig, Yucca Valley, spoke on square footage requirements of a second unit.

Curt Duffy, Yucca Valley, commented on waste water demands with the development of second units.

Council Member Leone inquired on how this impacts other buildings such as garages and barns.

Deputy Town Manager Stueckle explained that the discussion this evening is strictly on second dwellings and not on accessory structures and noted that the Planning Commission will continue to discuss accessory structure provisions and how they tie in with second dwellings. The set of regulations discussed this evening does not affect accessory structures.

Council Member Rowe questioned if the minimum and maximum second dwelling size was a state or Town mandate. Deputy Town Manager Stueckle explained that the dwelling size is in the current Town standards and are not being changed at this time until the Planning Commission has an opportunity to review the accessory structure regulations to ensure they work cohesively together. Rowe commented that she would like the Planning Commission to consider the eclectic community we live in and not be too restrictive in its recommendations.

Mayor Pro Tem Lombardo commented on need to review the minimum and maximum unit size of second dwellings.

Council Member Huntington moved to find the ordinance exempt from CEQA under Section 15061 (b) (3) and introduce the ordinance. Council Member Rowe seconded. Motion carried 4-0-0-1 on a voice vote.

DEPARTMENT REPORTS

11. Appointment of Voting Delegate and Alternates to the League of California Cities Annual Conference

Town Manager presented the item, explaining that the League of California Cities offers an annual conference which alternates between Northern and Southern California each year. This year, the conference will be held in Sacramento near the end of September 2013. Nuaimi explained that typically the voting delegate is the mayor.

With no one wishing to speak, public comment was closed.

Council Member Huntington moved to delegate the Mayor as voting delegate and the Mayor Pro Tem as the alternate for the business meeting of the League of California Cities Annual Conference. Council Member Rowe seconded. Motion carried 4-0-0-1 on a voice vote.

FUTURE AGENDA ITEMS

Council Member Huntington asked for the Town Council to discuss the AB1213 regarding bobcat trapping. Council Member Leone and Mayor Pro Tem Lombardo agreed to bring back for discussion.

Council Member Leone stated he would like the Town Council to discuss the hours of operation of Town facilities. Council Members Rowe and Huntington and Mayor Pro Tem Lombardo suggested keeping this discussion at a staff level instead of an agenda item.

PUBLIC COMMENT

Rae Packard, Yucca Valley, spoke about an incident with a Town Planning Commissioner.

Margo Sturges, Yucca Valley, spoke about the distribution of flyers and public record requests.

Lori Herbel, Yucca Valley commented on the draft budget document

Richard Harlan, Yucca Valley commented on the new traffic signals in town.

Curt Duffy, Yucca Valley spoke on the process of placing items on the Town Council agenda for discussion.

Fritz Koenig, Yucca Valley commented on the Town Council's decision to reject his claim.

Claude Short, Yucca Valley spoke on the potential recall election costs.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi explained the new traffic signals being installed include cameras to detect traffic flows, instead of the induction loops in the asphalt. The cameras are not used for red-light enforcement. Nuaimi described the process in which items are included on a Town Council agenda.

Mayor Pro Tem Lombardo admonished a member of the audience that he was being disruptive by interrupting Town staff comments.

Town Attorney Laymon clarified the Brown Act regulations on responding to the public during public comment. She indicated that the Brown Act restricts the Council from discussing or taking action on items brought up during Public Comment. However, the act does allow staff to provide responses to inquiries.

Town Manager Nuaimi announced that the recipient of the Town's full-time Employee of the Year is Kim Casey, Animal Control Officer II, stating she is a tremendous asset to the community. The part-time Employee of the Year is Rose Stewart, Maintenance Worker I, as she does a fantastic job for the organization and always with a smiling face.

Administrative Services Director Yakimow announced the aquatics program registration is underway and the pool activities will begin on June 17th.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. **Council Member Leone** congratulated Kim Casey for her award.
13. **Council Member Rowe** congratulated Kim as well.
14. **Council Member Huntington** announced his upcoming meeting with SANBAG and congratulated Kim for her award.
15. **Mayor Pro Tem Lombardo** congratulated Kim and thanked her for rounding up the loose mules found on his driveway late one night.

ANNOUNCEMENTS

Next Town Council Meeting, 6:00 p.m. Tuesday, June 18, 2013, Yucca Valley Community Center, Yucca Room

ADJOURNMENT

There being no further business the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Deputy Town Clerk