

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
SEPTEMBER 17, 2013**

OPENING CEREMONIES

Mayor Abel called the meeting to order at 6:00 p.m.

Council Members Present: Huntington, Leone, Lombardo, Rowe and Mayor Abel

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

The Pledge of Allegiance was led by Mayor Abel

The Invocation was presented by Bishop Jeuske, the Church of Jesus Christ Latter Day Saints.

PRESENTATIONS

1. Mayor Abel presented a proclamation to the General Plan Advisory Committee members for their dedication and assistance through the Yucca Valley General Plan Update process.

GPAC Member Joe Meer thanked the staff and consultants for leading the GPAC through the process.

GPAC Member Jeff Evans thanked the original GPAC members for giving the updated process a jumpstart.

GPAC Member Nancy Lawson stated that everyone on the committee worked well together and spoke highly of the consultants and Town staff.

Planning Commissioner Representative Vicki Bridenstine thanked Deputy Town Manager Stueckle for sharing his knowledge of land use and guiding the committee through the update process.

GPAC Member Charles McHenry thanked Town staff for their assistance with the committee.

GPAC Member Bonnie Brady stated her appreciation for the update process.

GPAC Member Ted Milson spoke on the conscientious approach the committee took in keeping the uniqueness of Yucca Valley during the process.

AGENCY REPORTS

2. The Hi Desert Water District monthly Water and Wastewater Update was presented by Public Information Associate Jennifer Poland and Consultant Alex Altman Vice President of CV Strategies. Information was given for planned public outreach for the wastewater project, including a new website.

Mayor Pro Tem Lombardo inquired on the new website's launch date.

Fritz Koenig, Yucca Valley thanked HDWD for launching the informative website and suggested to also include engineering reports for those seeking the detail the reports provide.

APPROVAL OF AGENDA

Council Member Leone moved to approve the Yucca Valley Town Council meeting agenda for September 17, 2013. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

3. **Waive** further reading of all ordinances and read by title only.
4. **Receive and file** the monthly statistical Fire Department Reports for August 2013
5. **Receive and** file the AB1234 Reporting Requirement Schedule for the month of August 2013
6. **Item pulled**
7. **Item pulled**
8. **Adopt** Resolution No. 13-33 approving the 2012-13 Purchase Order Encumbrances and Project Carry forwards as identified
9. **Item pulled**

Council Member Huntington moved to approve items 3, 4, 5 and 8 of the consent agenda. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

Item 6- Tract map 17328; Initiating Reversion to Acreage.

Deputy Town Manager presented the staff report for Tract map 17328, Initiating Reversion to Acreage explaining that prior to recording a final map, all conditions of approval must be satisfied. If the conditions of approval are not satisfied, the sub divider must enter into an improvement agreement. The agreement specifies the requirements upon the sub divider and when the public improvements will be completed. There is no right to a final map until the agreement is entered into. The new owners of Tract Map 17328 have not entered into an assumption agreement. There is no existing subdivision improvement agreement with the current property owner, and there are no performance sureties posted by the current property owner.

Tom Harris, an Attorney from Rancho Mirage, representing the new owners of the property in question. Mr. Harris explained that his clients purchased the foreclosed property, known to be a total of 17 lots and were surprised to later receive assessments totaling approximately \$850,000. Harris expressed his clients would like to see this project completed, but completed and paid for by those who have obligated against the property.

Deputy Town Manager Stueckle updated the Town Council on the communication with the property owner of Tract Map 17328. Stueckle responded to Mr. Harris' request that the obligations be completed by the original developers and explained that this would require the Town to file a call of the current bonds and causing improvements to be constructed.

Mayor Abel inquired about any ramifications of extending the reversion of acreage process on Tract Map 17328 for an additional year.

Council Member Leone questioned Mr. Harris on when the new owner acquired the property.

Mr. Harris responded to Leone's question and continued by commenting on contract law and bonding information. Council Member Leone questioned Mr. Harris if his client has received any extensions while being the owner of the property. Harris commented on the process he has been involved in, yet didn't answer Leone's question.

Council Member Lombardo inquired about the obligations through the purchase of the property and how that relates to the Tract Map.

Council Members Rowe inquired on the intent of the bonding company in this situation based on Mr. Harris' information.

Mayor Abel moved to pull the item for staff to work with the new owners on the matter. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

Item 7- Professional Services Agreement- Museum Registrar

Administrative Services Director Yakimow presented the staff report regarding a Professional Services Agreement with Vanessa Cantu. With recent staffing changes affecting the Hi Desert

Nature Museum, specific duties, typical of a Museum Registrar were not being met. The proposed term of the contract is through June 30, 2015, not to exceed \$20,000. Funding for the agreement is structured to utilize the existing professional services allocation within the adopted FY 2013-14 budget as well as existing donation funding currently held as a restricted use reserve for the Hi Desert Nature Museum.

Margo Sturges, Yucca Valley commented on the use of a contract employee instead of re-hiring a former employee or using a volunteer.

Council Member Huntington inquired about the funding for the services.

Vanessa Cantu introduced herself to the Town Council and spoke of her qualifications including a Masters Degree in Museum Studies.

Council Member Huntington moved to:

- A. Approve a professional services agreement between the Town and Vanessa Cantu for a not to exceed amount of \$20,000 for Museum Registrar and related services.
- B. Waive the requirements of Section 5.1 & 5.2 of the Town's standard professional services agreement, and authorize the Deputy Town Manager and Town Attorney to execute the agreement and make any additional non-substantive changes as needed.
- C. Approve an offsetting budget amendment in the amount of \$13,000 by recognizing \$13,000 in Museum Donations Revenue, and appropriating \$13,000 in Professional Services Expenditures.

Council Member Leone seconded. Motion carried 5-0 on a voice vote.

Item 9- 2013-14 Youth Commission Appointments and Introductions

Administrative Services Director Yakimow presented the staff report regarding the appointment of applicants to the 2013-14 Youth Commission. To date, 13 applications from candidates seeking appointment to the 2013-14 have been received. Applicants include Aaron Ahmadi, Hannah Bogue, Tommy Bracamonte, London Caldwell, Tyler Geeson, Francisco Gonzalez, Miranda Green, Rachel Green, Harmony Hayes, Shawn Idnani, Nathan Lafferty, Kaylin Moffitt, and Blake Rowe.

Recreation Supervisor Sue Earnest introduced the applicants to the Town Council.

Fritz Koenig, Yucca Valley spoke regarding the responsibility of the Youth Commissioners.

Margo Sturges, Yucca Valley commented on the selection process of the Youth Commissioners.

Mayor Abel briefly explained the application process includes the application, an essay and two

letters of recommendation.

Mayor Pro Tem Lombardo moved to appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2013-14 Youth Commission, and authorize the Parks, Recreation and Cultural Commission to review future applications and make subsequent appointments on behalf of the Council.

Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

PUBLIC HEARING

10. Development Code Amendment, DCA-06-13; Draft Development Code Article 4; Permit Procedures

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTERS 9.60 THROUGH 9.77, PERMIT PROCEDURES AND REPEALING SECTIONS 83.010105 THRU 83.0103.15, SECTIONS 83.010325 THRU 83.010335, SECTION 83.010505, SECTIONS 83.020105 THRU 83.020210, SECTIONS 83.030805 THRU 83.030855, SECTIONS 83.030145 THRU 83.030175, SECTIONS 83.030205 THRU 83.030230, SECTIONS 83.030310 THRU 83.030325, SECTION 83.030405, SECTION 83.030505, SECTION 83.030605 SECTIONS 83.030705 THRU 83.030765, SECTIONS 83.030905 THRU 83.030955 OF DIVISION 3 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE AND SECTIONS 41.151 THRU 41.1569 FROM CHAPTER 15, DIVISION 1 TITLE 4 OF THE YUCCA VALLEY MUNICIPAL CODE.

Deputy Town Manager Stueckle presented the staff report regarding Development Code Amendment, DCA-06-13; Draft Development Code Article4; Permit Procedures. As part of the Development Code Update project, the Planning Commission reviewed Article 4 at its meetings of April 9, 2013, and August 13, 2013. Article 4 establishes procedures for processing applications including, but not limited to, General Plan Amendments, Development Code Amendments, Conditional Use Permits, Site Plan Reviews, and all other land use permits issued by the Town.

Deputy Town Manager Stueckle stated that there are sections of Article 4 that are not included as the Planning Commission has not completed a review of certain areas. Stueckle continued by reviewing the recommended changes between the Town’s current Development Code and the proposed version. Stueckle read the Ordinance Title.

Mayor Abel opened the public hearing.

Fritz Koenig, Yucca Valley questioned the title of the ordinance and would like to see a clear

summary or redline version for the public to view. Koenig also stated that all decisions made under Article 4 should be appealable.

Margo Sturges, Yucca Valley spoke of the lack of redline changes available to the public. Council Member Rowe commented that she had met with Deputy Town Manager Stueckle prior to the meeting and asked for some of these changes to be presented tonight. Rowe continued by thanking the Planning Commission for their tremendous job and agreed that a redline version may have been beneficial.

Council Member Leone commented that he reviewed the document prior to the meeting with staff and understands the recommended changes. Leone continued by commenting on the document and stated that the Town Council should be the final approval authority.

Council Member Huntington expressed that the necessary changes were relatively minor and likes the flexibility in the document. Huntington commented on stamped page 137, regarding notifications. The State requires 300 feet, but believes it is important that the director could change this if the project may affect a greater number than those within the 300 foot radius.

Deputy Town Manager Stueckle that though the ordinance presentation seemed complicated, the introduction of the ordinance can continue as long as there were no other topics included that would require an additional introduction. No new topics were brought forward during the hearing this evening. Before the second reading, a redline version of the document will be available for review and if there are any requested changes, they can be discussed at the second adoption reading. This was confirmed as appropriate by Town Attorney, Lona Laymon.

Council Member Rowe voiced her agreement that the Town Council should be the final review authority, especially with Home Occupancy Permits. Items brought forward to the Planning Commission should be appealable to the Town Council.

Mayor Abel voiced concern with defined notification areas which may need to be flexible according to the scope of the project.

Margo Sturges, Yucca Valley commented in agreement with Rowe and Leone that the Town Council should be the final authority and also spoke on notification procedures.

Fritz Koenig, Yucca Valley spoke on notification areas.

Mayor Abel closed the public hearing.

Mayor Pro Tem Lombardo moved to:

- A. Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing

requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-03 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

- B. Introduces the Ordinance, and repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
NOES: None
ABSTAIN: None
ABSENT: None

DEPARTMENT REPORTS

11. Paradise Park Playground Equipment Improvement – Town Project No. 8947; Resolution No. 13-34; Notice Inviting Bids

Town Engineer Qishta presented the staff report explaining the necessary park improvements for ADA compliance. The playground equipment project at Paradise Park includes the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. Approximately \$125,000 in CDBG funds has been allocated for the project.

Margo Sturges, Yucca Valley commented on the scope of the Paradise Park project.

Richard Harwin, Yucca Valley questioned the life span of playground equipment.

Mayor Abel inquired on the possible monetary value of the old park equipment.

Council Member Leone spoke of the importance of safe playground surface areas.

Council Member moved to Adopt Resolution No. 13-34, approve the Plans and

Specifications, and authorize the Town Clerk to advertise and receive bids for the Paradise Park Playground Equipment Improvement Project. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

AYES: Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
NOES: None
ABSTAIN: None
ABSENT: None

12. Questar Southern Trails Pipeline Oil Conversion Project

Deputy Town Manager presented the staff report, including background information on the Questar Pipeline project. Two proposed alternate routes and the impact on the community was discussed.

Edward Vallerand, Twentynine Palms spoke in opposition of the pipeline traversing through the Morongo Basin.

Claudia Sall, Pioneertown spoke in opposition to the project and inquired as to why a link to the proposed Questar Pipeline project was on the Town's website.

Meg Foley, Morongo Valley spoke in opposition of the proposed pipeline through the Morongo Basin.

Mayor Abel clarified that the link on the Town's website was for informational purposes only and was not stating a specific stance on the project.

Deputy Town Manager Stueckle stated the Town Council will be informed of any Town contact with Questar in the future.

Mayor Pro Tem Lombardo moved to receive the report regarding Questar Southern Trails Pipeline Oil Conversion Project. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENT

Fritz Koenig, Yucca Valley spoke regarding a recent Request for Public Records.

Richard Harwin, Yucca Valley commented on the Town Council seating arrangement.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow updated the Town Council on the recent Oversight Board action in concurrence with Successor Agency's action regarding the Long-Term Property Management Plan.

Deputy Town Manager Stueckle thanked the Town Council and the Planning Commission for their input throughout the Development Code Update process.

Deputy Town Manager Stueckle suggested the need for a short-term sub-committee to meet with property owners regarding consent item #6 discussed this evening.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 13.** Council Member Leone thanked the General Plan Advisory Committee for their diligent work and welcomed the Youth Commissioners.
- 14.** Council Member Rowe welcomed the new Youth Commissioners and thanked the General Plan Advisory Committee and Planning Commission for their hard work in updating the Town’s General Plan.
- 19.** Council Member Huntington expressed his appreciation to the Museum staff for the new exhibit being shown and commended the Town’s road crew for a fantastic job responding after the recent storm activity.
- 20.** Mayor Pro Tem Lombardo welcomed the Youth Commissioners and stated his appreciation to the General Plan Advisory Committee and Planning Commission for their commitment in updating the Town’s General Plan into a comprehensive, easier to use document.
- 21.** Mayor Abel also thanked the General Plan Advisory Committee and was pleased to see the diverse group work so well together in producing a quality document.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Town Council will be held on Tuesday, October 1, 2013 at 6:00 pm, in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

With no further business, Mayor Abel adjourned the meeting at 8:50 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk