

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
AUGUST 19, 2014**

OPENING CEREMONIES

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

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

Staff Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Police Chief Mondary and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Pro Tem Huntington

The Invocation was led by Pastor Matt Jennings, Good Shepherd Lutheran Church

PRESENTATIONS

1. Town Employee of the Quarter

Town Manager Yakimow requested that this presentation be moved to the September 2, 2014 Town Council meeting.

2. Capital Projects Update

Town Project Engineer Qishta presented an update on several Town projects including, PLHD- SR 62 Apache Trail to Palm Avenue, SR 62 Signal Synchronization- Phase 1, 2014-15 Slurry Seal, Safe Routes To Schools, Dumosa Traffic Signal, Black Rock Canyon Road, Pima Trail Improvements, Alley Way from Grand to Palm, Jacobs Park Playground, Sage Estates, and the Morongo Basin Area Transportation Study.

Mayor Pro Tem Huntington inquired on the timing of upcoming improvements for Black Rock Canyon Road.

Mayor Lombardo questioned the plans for Pima Trail due to pending sewer system installation.

Council Member Leone stated that the close proximity of the new Dumosa Signal to the Hwy 62 and Hwy 247 intersection, could impede the flow of traffic in that area.

Mayor Lombardo opened public comment on the presentation. With no members of the public wishing to speak, public comments were closed.

AGENCY REPORTS

3. Yucca Valley Chamber of Commerce

Yucca Valley Chamber of Commerce Board Chair Tom Huls introduced himself and Executive Director Wanda Stadum to the Town Council and invited the Council to the ribbon cutting slated for Friday, August 22, 2014 at the newly landscaped Town entrance sign at the west-end of Yucca Valley. Stadum continued to give details on the shop local campaign and the new, shop after-hours program.

4. Hi Desert Water District

Mark Ban, Operations Manager for Hi Desert Water District presented the update and announced that the Wastewater System is currently in an 8-week review process at the state level. It is anticipated that an assessment vote will be before the voters by the end of October 2014.

APPROVAL OF AGENDA

Mayor Pro Tem Huntington moved to approve the agenda for the Town Council Meeting of August 19, 2014. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

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

CONSENT AGENDA

- 5. Waive** further reading of all ordinances and read by title only
- 6. Accept** the 2014/2015 Town-Wide Slurry Seal Project, Town Project 8340 as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months.
- 7. Receive and file** the report outlining the fall and winter 2014-15 programs and events to be organized and conducted by the Community Services Department
- 8. Receive and file** the Community Services planning update for the 2014 Veterans' Tribute event.
- 9. Receive and File** the FY 2012-13 Single Audit Report on Federal Awards Certification.

- 10. **Receive and file** the Treasurer’s Report for the fourth quarter of FY 2013-14
- 11. **Receive and file** the AB 1234 Reporting Requirement Schedule for the months of June 2014 and July 2014
- 12. **Ratify** the Payroll Registers Total of \$272,814.04 for checks dated July 3, 2014 and July 18, 2014; and
Ratify the Warrant Registers total of \$2,671,672.38 for checks dated July 9, 2014 thru August 7, 2014

Mayor Lombardo opened public comments for the consent agenda items. With no members of the public wishing to speak, public comments were closed.

Council Member Rowe moved to approve consent agenda items 5-12. Council Member Leone seconded. Motion carried 5-0 on roll call vote.

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

PUBLIC HEARING

- 13. **Resolution No. 14-
Appeal, A-01-14, Koenig
Appeal of Planning Commission Action
Home Occupation Permit Request for Approval,
HOP 11-05/HOP 01-14, Falossi
Exempt from CEQA under Section 15301, Class 1, Existing Facilities
84.0635 (b) Special Use Permits May Be Issued For Limited Time Periods. New
Applications May Be Required for Special Use Permit Renewal**

The staff report was presented by Deputy Town Manager Stueckle, explaining that this item is an appeal by Mr. Fritz Koenig of Planning Commission approval of a Home Occupation Permit for an artist studio within an accessory structure at an existing single family residence including outdoor activity within a 53’ x 58’ screened area that also encompasses the workshop building, and outside storage. The property is located at 6229 Hoot Owl Trail, on the east side of Hoot Owl Trail, with the cross street of Tish Trail and is identified as Assessor’s Parcel Number 596-101-12. Stueckle presented aerial photos further explaining the property location.

Business activities that occur on site include the production of small pieces of sculpture inside

the workshop. The smaller pieces are then assembled into larger pieces of artwork in the screened area of the property. Approximately seven (7) larger pieces of stone have been worked on in the yard since 1989. The only other activity that occurs outside of the screened area is the loading of artwork onto a vehicle or occasional photographing or filming of sculpture. All material related to the home occupation activity is stored completely out of public view from street grade. Stueckle presented on-site photos of the workshop area, surrounding yard and fence line.

Stueckle explained that if the findings and resolution are approved and adopted by the Town Council, based upon the General Plan, Development Code, public testimony and evidence submitted to the Town Council, the Town Council is finding the HOP application consistent with the Yucca Valley General Plan, the Yucca Valley Development Code, as adopted and amended by the Town of Yucca Valley and upholding the Planning Commission's approval, denying the Appeal.

The definition of a Home Occupation Permit was explained as generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity that is accessory and incidental to the use of the residential property as long as the activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval.

Stueckle explained that the surrounding Zoning Designations and Surrounding General Plan Designations are RL-5 Rural Living in all directions. The history of the HOP was presented, explaining that the permit was approved by the Planning Division in December 2005. Renewals were issued in 2009 and 2013. The business registration has been kept current since approval. No complaints were received by the Planning Division or Code Compliance Division prior to the renewal on November 21, 2013. The Town received a complaint regarding the property on December 16, 2013. No substantial evidence has been submitted indicating violations of the Municipal Code, Development Code, or conflicts with the General Plan.

Mayor Lombardo asked the Town Council members to report any personal site visits and any observations for the record.

Council Member Leone stated he visited the property and did not see where the studio activities impacted the neighborhood.

Council Member Abel reported that he spoke with Mr. Koenig several times over the phone and visited the artist studio.

Mayor Pro Tem Huntington explained that he toured the neighborhood but did not conduct any site visits.

Council Member Rowe and Mayor Lombardo both reported that they too, toured the neighborhood but did not make any specific site inspections.

Mayor Lombardo inquired if any additional public submissions were received regarding the hearing.

Town Clerk Copeland reported that the Town Council has received several submissions from the public. Most were provided to the Town Council at the time the agenda was prepared and distributed. Other submissions received since, have been compiled and distributed to the Town Council prior to the hearing. All additional documentation received was accessible to the public at Town Hall and at the meeting.

Mayor Lombardo opened the public hearing and provided ground rules for public testimony and asked fellow council members if there was concurrence on these rules. Consensus was expressed by all Council Members.

Mayor Lombardo invited the Appellant, Mr. Koenig to present his testimony.

Mr. Koenig stated his opposition to the Planning Commission's approval of the HOP, explaining the procedures were not correct for the complexity of the subject, has seen welding onsite, and no mention of a crane or forklift required to move certain pieces of artwork. Koenig also expressed his opposition of not including all of his submitted documentation in the agenda packet.

Mayor Lombardo invited the Applicant, Mr. Falossi to present his testimony.

Mr. Falossi explained he has been in business since 1989 and has conducted his business in accordance to what the Town has required of him. Falossi presented two Craig's List advertisements submitted in 2012 to the online venue by Mr. Koenig, using a photo of the Falossi home as an example of the types of homes seen in the neighborhood.

Town Attorney Laymon explained that the protective order is not pertaining to city business, but from a civil matter between the same parties. Supplemental documents are not required to be included in the agenda packet or distributed on behalf of a party.

Mayor Lombardo opened public comments on the hearing.

Edward Tucker, Yucca Valley spoke in favor of the Falossi business.

Moran Lavender, Yucca Valley spoke in favor of Koenig's appeal.

Janis Pask, Yucca Valley spoke in favor of the Falossi business and believes Koenig's unsightly residence and dangerous rock piles are the real issue in the neighborhood.

John Barraige, Mr. Koenig's attorney stated he filed an opposition to the resolution earlier in the day and believes that by not including approximately 50 pages of testimony in the Planning Commission's agenda packet, it is considered censorship.

James Hood, Yucca Valley spoke in favor of the Falossi business.

Mayor Lombardo then invited the appellant and applicant to present their final comments.

Frederick Koenig, Yucca Valley spoke of the use of the dirt road is by permission only, including a portion of Hoot Owl Trail.

David Falossi, Yucca Valley reiterated that he has done everything that the Town has asked from him and believes he is following the codes and conditions of approval appropriately.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Town Attorney Laymon explained the procedure for the Town Council to evaluate the findings and deliberate.

Mayor Pro Tem Huntington stated he believes the conditions of approval are adequate. Trash trucks, trucks delivering appliances and similar can use local roads for deliveries. Huntington continued to comment that he sees that there is neighborhood support for the artist studio.

Council Member Abel explained that after having several phone conversations with Mr. Koenig, he felt a personal visit to the neighborhood was necessary. Abel stated that he did not see any manufacturing or industrial equipment on site, nor was there an unusual characteristics to warrant overturning the Planning Commission's decision.

Council Member Leone stated that during his visit to the Falossi Studio, he did not see any large stockpile of materials. Leone also explained that while in the neighborhood, he spoke with a neighbor about the studio, with no objections. Leone expressed he does not see a reason to overturn the Planning Commission's decision, except would like to see a one-year renewal to stay consistent with the current ordinance.

Council Member Rowe asked for clarification, that the review of Town codes are a constant process. Rowe inquired on the number of artist studios in Yucca Valley. Stueckle explained that during the development code review by the Planning Commission, several artists have expressed that they do not want the Town to begin regulating artist activity. Rowe inquired on the renewal process and updating the renewal term limits. Rowe thanked everyone in attendance for coming to the meeting, and stated she does not see anything that would warrant changing the Planning Commission's decision.

Mayor Pro Tem Huntington moved to Adopt Resolution No. 14-26, uphold Planning Commission Action and deny Appeal A-01-14 Koenig, amending the permit review to include an annual review of the Home Occupancy Permit, consistent with the current ordinance. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

FUTURE AGENDA ITEMS

Council Member Leone stated he would like to discuss the speed limits on dirt roads.

Mayor Pro Tem Huntington asked for a future discussion on Council support of SB270 regarding single use plastic bags.

Council Member Rowe requested a discussion to reimburse the Deputy Town Manager for the long-term coverage as Acting Town Manager

Mayor Lombardo stated he would like an updated on the pending medical marijuana initiative.

PUBLIC COMMENTS

Mayor Lombardo opened public comments.

Sue Tsuda, Yucca Valley and representative for the Center for Healthy Generations spoke of past Council support of the agency and they would like to return \$250 to the Town, from a savings found during their recent re-roofing project. Tsuda continued by reporting that the Center currently has 407 activ participants ranging from 18 months to 92 years,. 691 volunteer hours were charted during the month of July 2014.

Council Member Rowe stated that though a gracious offer, she would like to see the Council return the \$250 dollars back to the Center of Healthy Generations as it was previously allocated to them.

Richard Harlan, Yucca Valley spoke of missing signage along Highway 62.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

STAFF REPORTS AND COMMENTS

Police Chief Mondary updated the Town Council on the Erin Corwin case and publicly acknowledged the many volunteers who gave over 5,000 hours into the search. Mondary also thanked the local media who also assisted in the outreach, resulting in witnesses coming forward in the case.

Town Manager Yakimow thanked the Recreation Staff for a successful summer programming season.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 14.** Council Member Abel thanked Sue Tsuda for the Center for Healthy Generations update and reminded everyone that the Center will be having their annual fundraiser on September 12th. Abel congratulated Stadum with her appointment to the Chamber of Commerce and has always represented the business community well. Abel thanked Town Staff for the beautiful facilities, parks, and successful summer programming.
- 15.** Council Member Leone concurred with Abel’s remarks and congratulated Yakimow on his Town Manager appointment.
- 16.** Council Member Rowe stated she is looking forward in working with Hi Desert Water District on the sewer project and learning more about the upcoming assessments. Rowe thanked the Sheriff’s Department staff and volunteers for the efforts in searching for Erin Corwin. Thanked Tsuda for leading the 100 percent volunteer, non-profit organization.
- 17.** Mayor Pro Tem Huntington congratulated Stadum for her appointment at the Chamber and presented a brief update on recent SANBAG activity in the Morongo Basin.
- 18.** Mayor Lombardo reported he attended the Town’s recent Family Fun Day at Paradise Park and congratulated staff for presenting the wonderful, highly-attended event.

ANNOUNCEMENTS

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, September 2, 2014 at the Yucca Valley Community Center Yucca Room.

CLOSED SESSION

Town Attorney Laymon introduced the closed session item.

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
subdivision Significant exposure to litigation pursuant to paragraphs (2) and (3) of (d) of Government Code Section 54956.9 (one potential case)
- 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957, Public Employee Performance Evaluation (Town Manager) - goals and objectives

Mayor Lombardo opened public comments on the closed session items. With no members of the public wishing to speak, public comments were closed.

Mayor Lombardo adjourned to closed session at 8:12 p.m.

REPORT OUT FROM CLOSED SESSION - ADJOURNMENT

Town Attorney Laymon reported that closed session adjourned at 8:55 with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk