

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
NOVEMBER 4, 2014**

**OPENING CEREMONIES**

Mayor Lombardo called the meeting to order at 5:30 p.m. for Closed Session.

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

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

**CLOSED SESSION**

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

**RECONVENE FROM CLOSED SESSION**

Mayor Lombardo reconvened the regular meeting from Closed Session at 6:00 p.m.

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 Council Member Leone.

The Invocation was led by Pastor Stephen Jones, First Southern Baptist Church.

**REPORT OUT FROM CLOSED SESSION**

Town Attorney Laymon reported that the Closed Session ended at 5:50 p.m. with no reportable action.

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

1. **Introduction- Joshua Tree National Park Superintendent David Smith**

The Town Council welcomed David Smith to the Morongo Basin. Superintendent Smith expressed gratitude for the Council's action in improving Black Rock Canyon Road.

2. **Public Safety Update- San Bernardino County Fire**

County Fire Division Chief Dave Benfield updated the Council on upcoming equipment deliveries, budget outlook and the new ambulance operator program for the area.

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

**APPROVAL OF AGENDA**

Mayor Pro Tem Huntington moved to approve the agenda for the Town Council Meeting of November 4, 2014. Council Member Leone 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**

- 3. **Waive** further reading of all ordinances and read by title only
- 4. **Approve** the minutes of the Town Council Meetings of September 2, 2014 and September 16, 2014 as presented.
- 5. **Reject** one claim filed against the Town of Yucca Valley submitted on October 2, 2014 by Mark Alan Vanderpool
- 6. **Reject** one Claim filed against the Town of Yucca Valley submitted on October 14, 2014 by Timothy Peth.
- 7. **Item Pulled from Consent Agenda**
- 8. **Accept** the State Safe Routes to School (SR2S) Improvements- Town Project No. 8320 as substantially complete and authorizes staff to file the Notice of Completion  
  
**Authorize** the reduction of the Faithful Performance Bond to 10% and directs staff to retain the Labor and Material Bond for six (6) months for Project No.8320  
  
**Amend** the budget to fund the actions taken at the June 3, 2014 by transferring \$17,687 from Traffic Safety Fund 507 to SR2S Fund 529 as reflected in the attached amended budgets.  
  
**Release** the expenditure budget surplus back to fund balance and returns any unused transferred funds to the source fund.
- 9. **Authorize** payment in the amount of \$90,000 to CalPERS to pay down the unfunded liability

- 10. **Receive and file** the FY 2014-15 First Quarter Budget Report
- 11. **Receive and file** the Treasurer’s Report for the first quarter of FY 2014-15
- 12. **Receive and file** the AB1234 Reporting Requirement Schedule for the month September 2014
- 13. **Ratify** the Payroll Registers Total of \$276,354.38 for checks dated September 26 thru October 10, 2014  
**Ratify** the Warrant Registers total of \$1,006,313.91 for checks dated October 2 thru October 16, 2014

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

Mayor Pro Tem Huntington moved to approve consent agenda items 3-6, 8-13. 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

**Item No. 7- Resolution No. 14-  
 Planning Commission Recommendation  
 Street Vacation SV-01-14, Sage Avenue  
 Approximately Ten feet (10’) by One Hundred-Thirty-Two feet (132’)  
 easement on the southwest corner of Sage Avenue and Hidden Gold Drive**

Deputy Town Manager Stueckle presented the staff report for Street Vacation SV-01-14, Sage Ave.

Mayor Pro Tem Huntington questioned the measurement of the right of way and suggested reducing the requested 10 ft. right of way, to a 7 ft. right of way.

Deputy Town Manager Stueckle suggested the item be returned to the Planning Commission for further review of the item.

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

Mayor Pro Tem Huntington moved to return the Street Vacation, SV-01-14 to the Planning Commission for further review. 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

**PUBLIC HEARINGS**

**14. Resolution No. 14-  
Appeal of Planning Commission Decision  
Site Plan Review, SPR-01-13, Billings Transfer  
Rock, Gravel and Sand Yard**

Mayor Lombardo announced the public hearing on the Appeal of Planning Commission decision of Site Plan Review, SPR 01-13 Billings Transfer, Rock, Gravel and Sand Yard.

Town Clerk Copeland announced that written communication has been received on the item prior to the hearing from John LeBoutillier of JLT Rock and Sand. Copeland read the item into the record.

Deputy Town Manager Stueckle presented the staff report on the item. The Planning Commission approved Site Plan Review SPR 01-13 at their meeting of August 12, 2014, for business activity by Billings Transfer at 55525 Yucca Trail. Council Member Rowe is the appellant on the item, for possible non-compliance of certain conditions of approval.

The property is located within the Old Town Specific Plan (OTSP). The Planning Commission found the use of the property consistent with similar uses identified in the OTSP. Currently, a point of concern is the application of standards being consistent between two abutting businesses with similar land uses. Neighboring JLT Rock and Sand was approved for its location prior to adoption of the OTSP. For each business, the Planning Commission reviewed and approved comparably as possible with the guiding requirements in place at the time of each application. There are two outstanding items of approval that are not being met 1) slats in the chain-link fenced along the east fence line, and 2) a trash enclosure.

Stueckle continued to explain that the OTSP is not consistent with the current General Plan and needs review and modification. There is a disparity of industrial/commercial land use districts.

Mayor Lombardo opened the public hearing.

Council Member Rowe expressed the reasons for bringing this appeal before the council regarding the perceived lack of consistencies in various Town planning documents such as the Old Town Specific Plan, and interpretations of those codes and documents as made by staff and/or the Planning Commission.

Jay Corbin, representing Billings Transfer stated that the Planning Commission was correct in approving the Site Plan Review. Corbin distributed an environmental report for 55525 Yucca Trail by Frey Environmental, Inc. to the Town Council, with the cost of mitigating the environmental hazards being estimated at \$50,000.

Council Member Rowe reiterated, the appeal is not intended to revoke the business.

John Le Boutillier, Yucca Valley, owner of neighboring business JLT Rock and Sand spoke of the lengthy approval process he endured for his Conditions of Approval. Le Boutillier stated he would like to see clear guidelines that are not subject to interpretation.

Fritz Koenig, Yucca Valley spoke of the environmental report from Frey Environmental, Inc.

Tami Roleff, Yucca Valley commented on the unsightliness of the Billings property.

Jay Corbin, stressed that this is an industrial area.

Council Member Rowe spoke of concern, questioning if sand and gravel product is laying on contaminated soil and being distributed to offsite locations.

Robert Billings responded to Council Member Rowe's concern that rock material is not on top of the test site and they are working as quickly as they can to clean up the property.

Council Member Abel questioned the length of operation. Billings reported that work began immediately to pay fees and address the conditions of approval.

Rowe questioned two years of operating without a license with known environmental issues. Rowe also inquired on the changes in the building and how ADA compliance needs were being addressed.

Mayor Lombardo inquired about two businesses currently being conducted on the same property, the sand and gravel company and an auto repair business.

Mayor Pro Tem Huntington recommended returning the item to the Planning Commission for review of the Conditional Use Permit, and inquired on any recourse the Town may have to enforce compliance.

Council Member Leone agreed with Mayor Pro Tem Huntington, based on the information presented.

Council Member Abel also concurred with Mayor Pro Tem Huntington's recommendation.

Council Member Rowe stated that the Town Council should give the Planning Commission clear guidelines to assure consistency between the Old Town Specific Plan and the General Plan.

Council Member Leone moved to return Site Plan Review- SPR-01-13 Billings Transfer to the Planning Commission for further review. Mayor Pro Tem Huntington 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

Council Member Rowe moved to request that the Planning Commission review the Old Town Specific Plan to be consistent in interpretation and application with the Town’s General Plan and other applicable documents. Council Member Leone 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

**15. Planning Commission Recommendation  
Development Code Amendment, DCA-04-14  
Draft Development Code Article 1, Authority and Applicability  
CEQA Exemption 15061(b)(3)**

Mayor Lombardo announced the public hearing for Development Code Amendment, DCA-04-14; Draft Development Code Article 1, Authority and Applicability; CEQA Exemption 15061 (b)(3)

Town Clerk Copeland announced that no written communication was received on the item prior to the hearing.

Deputy Town Manager Stueckle presented the staff report the public hearing. Article 1 of the Draft Development Code identifies the authority, purpose, and applicability of the Development Code and standard procedures for non-conforming lots, structures and uses.

Town Clerk Copeland announced that no written communication was received on the item prior to the hearing.

Mayor Lombardo opened the public hearing.

Fritz Koenig, Yucca Valley spoke in opposition on all of the Development Code items due to the review process the Code went through to reach this point.

Town Attorney Laymon read the title of the ordinance into the record.

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

Mayor Pro Tem Huntington moved to:

- 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 Development Code 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 04-14 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”.
- Introduce Ordinance No. 250, Article 1, Chapters 9.01 through 9.03.060 and repealing San Bernardino County Development Code Sections, as adopted and amended by the Town of Yucca Valley, 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8.

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

**16. Development Code Amendment, DCA-03-14  
 Draft Development Code Article 5, Administration  
 CEQA Exemption 15061(b)(3)**

Mayor Lombardo announced the public hearing for Development Code Amendment, DCA-03-14; Draft Development Code Article 5, Administration; CEQA Exemption 15061 (b)(3).

Town Clerk Copeland announced that no written communication was received on the item prior to the hearing.

Deputy Town Manager Stueckle presented the staff report for the item, and called attention to Article 5, stamped page 267, Item B. Legal clarifications will be included and considered at the Ordinance’s second reading. Stueckle read the title of the ordinance into the record.

Mayor Lombardo opened the public hearing.

With no members of the public wishing to speak, the public hearing was closed.

Mayor Pro Tem Huntington moved to:

- 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 Development Code 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 03-14 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”.
- Introduce Ordinance No. 251, Article 5, Administration, Chapters 9.80 through 9.86, and repealing Sections 81.0205-81.0235, Sections 83.010605-83.010630 and Sections 87.1201-87.1202 of Title 8 of the San Bernardino County Development Code as adopted and amended.

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

**17. Planning Commission Recommendation  
 Development Code Amendment, DCA-05-14  
 Draft Development Code Article 7, Definitions  
 CEQA Exemption 15061(b)(3)**

Mayor Lombardo announced the public hearing for Development Code Amendment, DCA-05-14; Draft Development Code Article 5, Administration; CEQA Exemption 15061 (b)(3).

Town Clerk Copeland announced that no written communication was received on the item prior to the hearing.

Deputy Town Manager Stueckle presented the staff report for Development Code Amendment, DCA-05-14, Draft Development Code Article 7, Definitions; CEQA Exemption 15061 (b)(3) Stueckle explained that on stamped page 327, section 9.99.120- “K” Definitions for Kennels and Catteries, Item B. There is a recommended change to add additional language to this section to allow an exception for those animals registered with American Kennel Club, the United Kennel Club, the American Cat Fanciers Association, or similar organizations for show animal purposes.



Mayor Lombardo opened the public hearing.

Fritz Koenig, Yucca Valley spoke in opposition of the definition of Home Occupancy Permits, specifically with outside storage provisions.

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

Deputy Town Manager Stueckle read the title of the ordinance into the record.

Mayor Pro Tem Huntington moved to:

- 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 Development Code 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 05-14 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”.
- Introduce Ordinance 252, Article 7, Chapters 9.99.020 through 9.99.260 and repealing Section 812.01005, Chapters 1 through 27, Division 12, Title 8 of the Yucca Valley Development Code.

Council Member Leone 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

**DEPARTMENT REPORTS**

**18. Brehm Youth Sports Park Acquisition Agreement**

Town Manager Yakimow recommended that this item be continued to a future meeting as staff is waiting for final approval from the State Department of Finance for the upcoming Recognizable Obligation Payment Schedule (ROPS) anticipated to be received by mid-November.

Town Clerk Copeland noted for the record, that written communication dated 11/01/14 was

received from Robert Nelson, Yucca Valley in opposition of the acquisition agreement.

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

Council Member Leone moved to continue the Brehm Youth Sports Park Acquisition Agreement to a future Town Council meeting. 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

**FUTURE AGENDA ITEMS**

Old Town Specific Plan Update

Golf Cart Ordinance

**PUBLIC COMMENTS**

Mayor Lombardo opened public comments.

Sarann Graham, Yucca Valley invited the Town Council and the public to the Celebration of the California Desert Protection Act on Sunday, November 15<sup>th</sup> at the Boys and Girls Club in Yucca Valley. Graham also spoke of the Morongo Basin Haven group conducting a sleeping bag drive for the area’s homeless community.

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

**STAFF REPORTS AND COMMENTS**

Town Manager Yakimow spoke of the upcoming Town Council meeting schedule, and reported that the old Pomona First Federal Bank sign will be removed this week. Yakimow invited the public to the Family Fun Day at Paradise Park on Saturday, November 8<sup>th</sup>.

Deputy Town Manager Stueckle presented an update on the Signal Synchronization Project, and reported of conversations with Caltrans in the possible removal of the reflective signs in the medians within the PLHD project area.

Police Chief Mondary announced he now has a Twitter account.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

19. Council Member Abel thanked JTNP Superintendent David Smith for his attendance and encouraged the public to attend the JTNP lecture series.
20. Council Member Leone welcomed Superintendent Smith to the area and looks forward to working with him on the flood control issues at Black Rock Campground. Leone also thanked the Planning Commission for their diligence working through the Development Code Update.
21. Council Member Rowe also thanked the Planning Commission, and wished the Town Council candidates well in the election.
22. Mayor Pro Tem Huntington welcomed Superintendent Smith, thanked the Planning Commission and announced a volunteer opportunity with the County of San Bernardino 2015 Point-in-Time count. Huntington continued by thanking Robert Adams, a dedicated Town employee who regularly attends the Town Council meetings.
18. Mayor Lombardo also thanked David Smith for his kind words, and thanked the Planning Commission for their hard work on the Development Code Update. Lombardo announced that Planning Commissioner Tim Humphreville has given his notice from the Planning Commission effective November 1, 2014. Also, Meredith Jones has given notice to vacate her position on the Parks, Recreation and Cultural Commission.

**ANNOUNCEMENTS**

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, November 18, 2014 at the Yucca Valley Community Center Yucca Room.

**ADJOURNMENT**

Mayor Lombardo adjourned the meeting at 8:12 p.m.

Respectfully Submitted,

**YUCCA VALLEY TOWN COUNCIL MINUTES**

**November 4, 2014**

Lesley Copeland, CMC  
Town Clerk