

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
DECEMBER 13, 2007**

Mayor Neeb gave the state of the town address for 2007 at 5:30 p.m.

Mayor Neeb called the regular meeting of the Town of Yucca Valley Council to order at 6:05 p.m.

Council Members Present: Herbel, Leone, Luckino, Mayes, and Mayor Neeb.

Staff Present: Town Manager Takata, Town Attorney Silvergleid, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Community Services Director Schooler, Capt. Williams, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Council Member Leone.

AGENCY REPORTS

Hi Desert Water District

1. Monthly Wastewater Treatment System Update.

Joseph Glowitz gave the monthly wastewater treatment system update.

Council Member Luckino questioned if 2010 is still the target date for the system. Mr. Glowitz advised that is the year to begin construction with a 2012 completion.

Council Member Herbel congratulated Hi Desert Water District General Manager Muzik on his nomination to the Water Quality Control Board.

Fire Department

2. Monthly Fire Department Report for November, 2007.

Battalion Chief Oplinger gave the monthly statistical fire department report for November 2007, and safety message regarding home heating.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS.

2A. Presentation from General Spiese.

General Spiese gave a presentation regarding the Marine Corps Air Ground Combat Center's future plans and development, noting that the relationship between the cities and the combat center is critical.

Council Member Luckino thanked the General for everything he and his men and women do for our country. He questioned if the basin Chambers of Commerce receive the building information to help some of our local contractors to be able to bid on the jobs. General Spiese advised that they will make sure the Chambers understand the process and know what is happening. Council Member Luckino commented that jobs very important, and questioned how the Council as community leaders can attract personnel to fill the positions that will be available on the Base. General Spiese advised that the Base is working through an analysis of the civilian work force structure now, noting they already recognize that they have an aging workforce. They have to figure out where they are and where they want to go, and then will meet with everyone in the basin to come up with a plan on how to work through the issue.

2B. Presentation from Assemblyman Cook.

Assemblyman Cook gave an update on the State budget crisis and the water issue, and requested that the Council make alliances in the basin, be aggressive and keep asking for assistance. He expressed his hope to return and speak again when there can be a more detailed forum.

3. Presentation to Capt. Williams

Mayor Neeb presented a plaque to Capt. Williams recognizing his pending retirement, noting we are going to miss him. He has been so important to the Town in the police department. Town Manager Takata presented gag gifts from the staff, noting that Jim has been a wonderful addition, and has done a wonderful job in the basin.

Capt. Williams thanked the Council for their support during the past six years here as the Town's Police Chief.

4. Presentation to Yucca Valley High School Coaches.

Mayor Neeb presented plaques thanking Yucca Valley High School Coach Connavo and Assistant Coach Jay Schweitzer and thanked them for their heroic actions assisting to save a young football player's life when he collapsed during practice.

Coach Connavo advised that the player was able to come home on Thanksgiving Day.

5. Introduce new employees

None presented

APPROVAL OF AGENDA

Council Member Mayes moved to approve the agenda. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

REORGANIZATION OF TOWN COUNCIL

6. Selection of Mayor

Town Clerk Anderson accepted nominations for Mayor.

Council Member Luckino moved to nominate Mayor Pro Tem Leone to serve as Mayor for 2008. Council Member Herbel seconded. Motion carried 4-1-0 on a voice vote with Mayor Pro Tem Leone abstaining.

7. Presentations to outgoing Mayor

Mayor Leone presented a gavel plaque to outgoing Mayor Neeb.

Town Manager Takata and Community Services Director Schooler presented gifts from staff.

8. Selection of Mayor Pro Tem

Mayor Leone accepted nominations for Mayor Pro Tem

Council Member Mayes moved to nominate Council Member Luckino to serve as Mayor Pro Tem for 2008. Council Member Neeb seconded. Motion carried 4-1-0 with Council Member Luckino abstaining.

CONSENT AGENDA

9. Approve, Regular Town Council Meeting Minutes of November 8, 2007, as presented.

10. Waive, further reading of all ordinances (if any in the agenda) and read by title only.

11. Receive and file, the AB 1234 Reporting Requirement Schedule for the months of October and November 2007.

- 12. **Adopt**, Ordinance No. 184, Traffic Speed Surveys.

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED “CHANGES IN STATE LAW SPEED LIMITS” OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE

- 14. **Approve**, Amendment #1 to the Agreement with RBF Consultants, Inc., to prepare a Project Study Report/Project Report for PLHD SR 62 Median Improvement project on SR 62 from Apache Trail to Palm Avenue, increasing the Agreement value from \$75,000 to \$175,480.

- 15. **Adopt**, Resolution No. 07-32, amending and adopting the Measure I 3 Year Plan and Expenditure Strategy for 2007/2008 through 2009/2010.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FIVE-YEAR TRANSPORTATION PROJECT LIST AND ADOPTING THE TOWN’S MEASURE I EXPENDITURE STRATEGY FOR 2005/2006 THROUGH 2009/2010

- 16. **Approve**, Final Map, PM 17012, and direct staff to record the Final Map, Sprecher, Southwest Corner of Jemez Trail and Mountain View Trail, Assessor Parcel Number 586-211-05

- 17. **Amend**, the 2007/2008 FY Budget appropriating \$105,000 from the Internal Service Fund and establish Special Equipment – Road Grader line item (100 00-00 8542) in that amount; authorize purchase of the 2002 John Deere 770CH road grader from RDO Equipment Company, and authorize the trade in of the Town’s existing 1974 John Deere road grader with a trade in credit of \$8,500, for a total purchase price of \$100,693.00, and waiving the competitive bidding process as purchasing of certain used equipment provides efficiencies for the organization.

- 18. **Authorize**, staff to advertise for bid the Community Center Electronic Sign.

Council Member Herbel requested to pull Item No. 13 and 20. Council Member Luckino requested to pull Item No. 19.

Council Member Mayes moved to adopt Consent Agenda Items 9-12, 14-18 and 20. Council Member Herbel seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
NOES: None

ABSTAIN: None

ABSENT: None

13. 2006/2007 Preliminary Annual Redevelopment Report, 2006/2007 Preliminary Annual Redevelopment Agency Financial Report.

Deputy Town Manager Stueckle advised this is an administrative manner required by law. The recommended action is to receive annual report and schedule the item for hearing at the meeting of January 10, 2008.

Council Member Herbel commented regarding Policy 1 regarding the housing element, noting there have been a lot of homes reposed within the Town limits, and she is concerned they not become a blight problem. She questioned if staff has received any complaints along those lines. Deputy Town Manager Stueckle advised that is a difficult question to answer noting that Code Compliance deals with houses in many states of financial condition, and they deal with new homes just as they would with any other similar types of construction. Staff does not know the cause behind the abandonment of the structures. Council Member Herbel suggested that it may be useful to keep some kind of record regarding homes that have been reposed to make sure we don't have some a blight problem.

Deputy Town Manager Stueckle advised that staff can distribute a standard monthly report regarding the cases that Code Compliance is working on. However, in terms of being able to monitor foreclosures, staff does not have that capacity.

Council Member Luckino suggested approaching the Board of Realtors to present this to them and let them be aware so that they can hopefully police the situation themselves.

Council Member Mayes moved to receive the 2006/2007 Annual Redevelopment Report and the 2006/2007 Annual Redevelopment Agency Financial Report and schedule Town Council action for the meeting of January 10, 2008. Council Member Herbel seconded. Motion carried 5-0 on a voice vote.

19. Employee Handbook with Personnel Rules, Policies, and Procedures, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING AMENDMENTS TO THE EMPLOYEE HANDBOOK WITH PERSONNEL RULES, POLICIES AND PROCEDURES

Administrative Services Director Yakimow presented the staff report.

Council Member Luckino requested that staff look into working with the Hi Desert Medical Center to perform the pre employment physicals and drug screenings. Town Manager Takata advised that direction has already been given to staff to look into the

possibility.

Council Member Neeb moved to adopt Resolution No. 07-33, adopting Amendments to the Employee Handbook with Personnel Rules, Policies and Procedures. Council Member Luckino seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

20. Warrant Register – December 13, 2007

Council Member Herbel questioned the payment of \$25,000 to the Desert Regional Tourism Agency and whether or not they had presented any reports to the Council. Administrative Services Director Yakimow advised that they are required to file an annual report as part of their contract with the Town and will be providing that shortly.

Council Member Herbel moved to ratify Warrant Registers in the amount of \$1,028,187.97 for expenses dated November 2 through November 21, 2007. Council Member Luckino seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

PUBLIC HEARINGS

21. Continued Public Hearing, Specific Plan S-01-07, General Plan Amendment, GPA-07-07, Rezone, RZ 01-07, Environmental Assessment, EA-20-07, (Consisting of Draft Environmental Impact Report SCH #2006061143, and Statement of Overriding Considerations)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING AND APPROVING THE FACTS, FINDINGS AND STATEMENTS OF OVERRIDING CONSIDERATION FOR THE OLD TOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT, SCH#2006061143

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE OLD TOWN SPECIFIC PLAN (SCH#2006061143)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,

CALIFORNIA, AMENDING THE GENERAL PLAN LAND USE DESIGNATIONS FOR THE OLD TOWN SPECIFIC PLAN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE ZONING MAP FOR THE OLD TOWN SPECIFIC PLAN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, ADOPTING THE OLD TOWN SPECIFIC PLAN

Deputy Town Manager Stueckle advised that Council held a public hearing on November 8th. Since that time Town staff and representatives from RBF have met with members of the community to discuss several items. Staff recommends that the Council reopen the public hearing, and cover those items that have surfaced, and the discussions that have taken place.

AL Zelinka, RBF gave a power point presentation. Based upon meetings and discussions held since the November 8th presentation, the following amendments are recommended. Add a concluding paragraph pertaining to the linkage between the Blue Skies Country club and Old Town. In Section 4.5.1 – 2a insert “temporary retail sales” following “Outdoor Eating” and insert “consistent with the Yucca Valley Municipal Code” following “and similar uses” Section 4.5.1 – 2b insert “unless screened from view consistent with the Yucca Valley Municipal Code” before “the outside storage...” Delete the entire provisions of Section 4.5.1 – 2c. Section 4.6.5 delete subsections 1, 2, 3, and 4 and replace with “nightclubs, bars, and similar establishments shall comply with the requirements set forth in the Yucca Valley Municipal Code”. Section 4.9.2 – 1c change “4 feet high” to “3 feet high” and change “3 feet wide to “2 feet wide”. Section 4.9.2 – 1f add “freestanding signs may be anchored with removable devices to prevent being blown over by winds, etc.”. Section 4.12.2 -1 add “Design assistance or” after “offering”. Section 5.3.1 – B add “/Moorish/Desert Architectures of the World” after “Mission Revival”. Section 5.3.1 – D add “/Green” after “Industrial” and Delete entire sentence “this style is encouraged...(OTI Subdistrict). Section 5.3.2 add “Recycled/Green” as a bullet item after “Corrugated Metal...” in the recommended materials sidebar. In addition, key questions have included the replacement percentage that should be allowed. As it states now, if a non conforming structure is destroyed by more than 50% it could not be rebuilt, and it is recommended that that percentage be changed to 75%. It is recommended to remove the provisions of section 4.6.2 to base density, height and other standards, and reduce parking from 3 to 2 per unit. Regarding the question regarding whether or not the regulations allow the Town to require a project to be built to the property line, it is recommended that there be a 15’ setback for Old Town Commercial and Residential and a 0 setback is appropriate for Old Town mixed use. It was noted that the land use table can be adjusted, noting that through the public review draft it was determined that land uses may be adjusted to accommodate special circumstances. With regard to mini storage and Laundromats, it is recommended that they be treated as

conditionally permitted uses. It has also been discussed whether or not “Old Town” is the best descriptor for the project. It is about branding and the goal is to take customers and prospects from where they currently perceive Old Town to how the Town wants them to perceive the use in the future. Successful branding will help make potential customers change their attitudes and behavior.

Mayor Leone re-opened the Public Hearing

Erick Mueller, Yucca Valley, thanked the Council for the process, and commented regarding the previous discussion about branding, noting that all of those who have lived here so long and used Old Town as a working title have a lot of affection toward it, but have to look beyond that because of the market place, and have to pay close attention to how the market is going to see and respond to us. We don't have the kind of Old Town like Old Tucson or San Diego. Changes are worthy.

Gary Kay, Yucca Valley, representing the Kay family partnership, thanked the Council and staff you for the work they have done with him on his mini storage, noting it sounds like all have considered options and are going to be able to give him a Conditional Use Permit.

Wanda Stadum, Yucca Valley, commented that the document fabulous, and thanked members of the Old Town Blue Ribbon Committee for taking the time to study the document, and staff for arranging a special meeting with the consultant to get answers to all their questions our questions. She noted that other business like the Kay family are out and are a little nervous about the change, but this change is very very good. She has a copy of the document at her business, so anyone can call her personally or call staff to review it.

There being no one else wishing to speak Mayor Leone closed the Public Hearing

Council Member Mayes questioned if the Town would and could require a 0 setback in that zoning. Mr. Zelinka advised it is recommended to require a 0 setback in the mixed commercial area, with the only exception if the setback was wanted for public use. He noted that it is important to build to the edge of the sidewalk, adding that the width of the sidewalks will be increasing in width, and is a benefit to the property owners to have that 0 setback in the Old Town area because more of the site can be used for revenue beneficial uses. Council Member Mayes questioned the height language in regard to the allowable 3 stories and a bonus, noting that the height limit in the rest of Yucca Valley is 35', and if that means more height is wanted in Old Town. Mr. Zelinka stated it is a matter of what is appropriate for the Old Town area, especially in the mixed use area. The height standard outside is 3 stories or 45 feet which ever less, and there are bonuses provided that can take buildings up to 4 stories. It seems appropriate for the Council to consider height in the terms of a number of stories, not just necessary footage. Now we are seeing 18' to 21' floor plate heights, and it may be worth consideration to allow 4

stories in Old Town without a height limit.

Council Member Luckino commented that how the plan is going to be implemented is important, noting that staff is already maxed out, and questioned how to succeed in getting the ball rolling to implement the plan. Mr. Zelinka noted that the communities they have worked with that have propelled implementation not only made an investment to provide the plan itself, but also made a commitment to bring in a professional Downtown Manager who knows how to get it done, and made that commitment for 5 years. You have to make sure you get the top people in the business. It is also important that once the plan is adopted, to convene a meeting with the stakeholders to go through an implementation plan. Council Member Luckino questioned the comment says that Caltrans will establish the exact course of the bypass within one year, noting that they are talking about the possibility of coming back with a 3'-7' variance in that plan. Mr. Zelinka advised the general alignment is pretty certain, but there may be a little margin of fluctuation one way or the other. Once the next round of study occurs, they will understand a little more information as to where the actual alignment is going to be. Council Member Luckino questioned if it is typical to give incentives to businesses to get the ball rolling. Mr. Zelinka stated it is very key to incentivise, noting that private reinvestment follows public investment.

Council Member Mayes commented regarding the name change, noting it has been something he has been concerned with, and noted there is a need to take look at that. It works today but he is not sure it will work in 30 years, and it is important to establish something for the future. As far as implementation, the Town has worked so hard on the plan, it is important to hire the professional management, and the RDA needs to talk about these things and get more bonding.

Council Member Luckino like to thanked staff for listening to Mr. Kay to work out the best solution. He also commented that this plan can not happen without a wastewater facility, and the Town needs to work together with the Water District to make this a reality, in addition to working with the owners of the golf course to provide that linkage.

Council Member Neeb thanked RBF and staff for bringing this together, noting another factor is the Town's Facilities Master Plan that will add information regarding what we will have up in that area in the future. It is a great start and now the Town needs to get moving on it.

Council Member Herbel questioned the discussion on page 204 of the packet regarding biological resources and the Joshua Tree Woodlands in intermittent patches in the downtown area. Mr. Zelinka explained that the Joshua Tree Woodland is a habitat community defined in the EIR that includes trees and undergrowth that occurs with the Joshua Trees. The quality of the woodlands in that area, in a biologic sense, is not as significant as in the National Park. Glen LaJoie, RBF, note that in the EIR, notes that the Joshua Tree Woodland is of low quality in the old town area and not a significant issue.

Council Member Herbel commented that the environmental effects remain significant concerning the fire hydrants and the fire flow, and mitigation is recommended requiring hydraulic analysis on a project by project basis. She questioned if that is a suggestion or a requirement. Mr. LaJoie advised that everyone will need to meet the requirements of the town, noting that when systems are in place the issue will be mitigated. Council Member Herbel commented regarding Policy No. 6 of the RDA report to insure provision of housing that is efficient in use of energy and natural resources, and suggested consideration of applying a Green Building Ordinance in Old Town similar to what is already in use in Palm Desert.

Deputy Town Manager Stueckle summarized noting since the plan was first distributed there were a number of recommended changes stating it appears that the Council desires for those changes to be made. RBF also walked through number of other recommended changes and would like Council input on two of those items. Can the Council change the permitted land use tables. The only area staff has not heard direct feedback would be on whether mini storage and Laundromats should be permitted uses with a Conditional Use Permit.

Council Member Mayes questioned if that would allow all mini storages. In regards to the Kay property we are looking at existing uses, and for the next 200 years they could continue to operate as a mini storage as long as they remain that way and do not discontinue that use for more than 180 days. Deputy Town Manager Stueckle advised that there is one provision in the code that when a non conforming use is damaged beyond 75% it can not be rebuilt, but aside from that situation, as long as the use continues to operate as mini storage it will be allowed. Town Manager Takata advised if the Council disagrees with that they would have pull out that item and amend the language. Council Member Mayes commented that the additional height language is not included. Deputy Town Manager Stueckle advised that, as part of verbal presentation, the elimination of the height issue by number of feet and changing it to stories is being recommended for the mixed use area.

Council Member Luckino questioned the difference in the mini storage discussion from what had before. Deputy Town Manager Stueckle advised the use was legal non conforming before, now it would allow new uses.

Council Member Mayes advised that he does not support that language.

Council Member Luckino commented that he believes that people who own property in that area should be able to operate their business and generate income. As the Town develops this plan, property owners will see more value in their land and possibly sell it for a different use.

Council Member Mayes moved to approve as recommended excluding the proposed amended language allowing Laundromats and Mini Storage with a Conditional Use

Permit. Council Member Neeb seconded.

Council Member Luckino advised that he supports the Specific Plan, but not the motion and provided a substitute motion for Environmental Assessment, EA-20-07: 1) Approve the Statements of Overriding Consideration as attached to the staff report and adopt Resolution No. 07-34. 2) Certify the Environmental Impact Report (State Clearing House Number 2006061143, and adopt Resolution No. 07-35; General Plan Amendment, GPA-07-07: Approve the General Plan Amendment, based on the findings contained within the staff report and the Conditions of Approval, and Adopt Resolution No. 07-36; Rezone, RZ-01-07: Approve the Rezoning 01-07, based on the findings contained within the staff report, and introduce the Ordinance; Specific Plan, SP-03-07: Approve the Specific Plan, based on the findings contained within the staff report and the Conditions of Approval, and introduce the Ordinance, including the changes presented in the written portion of the Town Council packet and those included in the oral presentation. Including the changes to the height issue. Council Member Herbel seconded.

Council Member Luckino pointed out that without the change if the two existing uses are destroyed by 76% they will not be able to rebuild, but with the change allowing the uses with a Conditional Use Permit, they will be able to be rebuilt.

Council Member Mayes advised that, with that language, any new mini storage and Laundromats could be built as well. He noted that he could not support the plan at all if Mr. Kay were not able to continue with his mini storage business, but his objection is to allowing any new mini storage in that area..

Substitute motion carried 3-2 on a roll call vote.

AYES: Council Member Herbel, Luckino, and Mayor Leone

NOES: Council Member Mayes and Neeb

ABSTAIN: None

ABSENT: None

DEPARTMENT REPORTS

22. Fiscal Year 2006-07 Comprehensive Annual Financial Report.

Staff Report by Administrative Services Director Yakimow and Ken Aliman

Ken Al Imam, presented the highlights in the comprehensive annual financial report of the Town, noting that revenues exceeded expenses by 2.4 million dollars. There are four minor recommendations dealing with controls.

Council Member Luckino questioned how long the firm been performing the Town's

audits. Administrative Services Director Yakimow advised this is their 5th year. Council Member Luckino questioned if there is a policy about limitation of the number of audits one firm can perform. Administrative Services Director Yakimow advised that last year it was noted there was a desire by the Council to go out for a new RFP for an auditor and that will go out in the first part of the calendar year.

Council Member Mayes questioned if there is any idea of what revenues will be next year in light of the State budget. Mr. Allman advised that there are some constitutional protections that have been approved by the voters. Administrative Services Director Yakimow commented that from a financial perspective, the last three years have been very positive for the town. Looking at the headlines there is reason for concern, but Town staff will bring back items for council consideration at budget time that will include a conservative approach next year.

Administrative Services Director Yakimow thanked his staff and Mr. Allman and his group for a job well done.

Council Member Luckino moved to receive and file the FY 2006-07 Comprehensive Annual Financial Report. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

23. Ordinance Amending Chapter 1.04 of the Town of Yucca Valley Municipal Code Administrative Citation Procedures, Resolution amending Administrative Citation Fines

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTIONS 1.04.030 (B) AND (C), RENUMBERING SECTIONS 1.04.030 (D) AND AMENDING SECTION 1.04.040 OF CHAPTER 1.04 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION 98-22, ADMINISTRATIVE CITATION FINES BY ADDING MAXIMUM ADMINISTRATIVE FINES FOR VIOLATIONS OF THE BUILDING AND SAFETY CODES

Animal Care and Control Manager presented the staff report regarding recommended amendments to Chapter 1.04 of the Municipal Code.

Fritz Koenig, Yucca Valley, questioned if this new ordinance will take care of the problem he has had with illegal grading on his road.

Council Member Mayes questioned if this ordinance will resolve that question. Deputy Town Manager Stueckle advised that the item is an amendment to the Ordinance which

changes the time frames allowed in the Administrative Citation Program. The issues that were questioned tonight are not on the agenda and may be an ongoing case which is not open to public inspection.

Town Clerk Anderson read the title of the Ordinance.

Council Member Luckino moved to introduce the Ordinance, amending Chapter 1.04 of the Town of Yucca Valley Municipal Code and Adopt Resolution No. 07-37, amending Resolution No. 98-22 by adding administrative fines. Council Member Neeb seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

Deputy Town Manager Stueckle advised that staff will look into Mr. Koenig’s questions.

POLICY DISCUSSION

24. Policy Discussion, Direction to Staff, Sphere of Influence Boundaries.

Deputy Town Manager Stueckle presented the staff report advising the recommendation is to authorize the sphere analysis process, amending it to make the boundary consistent with the Hi Desert Water District’s current service boundaries, not their sphere of influence. After Council’s decision, staff and consultants will request a preliminary meeting with San Bernardino County, prepare the application, conduct a fiscal analysis and prepare a municipal services review. The entire application will come back to the Council for review and adoption by resolution before it is submitted to LAFCO.

Mr. Steve Gunnells, The Planning Center, presented the recommended boundaries.

Deputy Town Manager Stueckle advised the recommended action is to direct staff to prepare the sphere of influence to include areas A, C1, and C2, and only a portion of B2 land immediately west of the current boundaries.

Claudia Sall, Pioneertown, expressed concern regarding the sphere noting Pioneertown is very different than Yucca Valley and they are striving to keep their identity separate. The Conservancy wants to keep a separation of the communities, and sees the annexation of area B2 as threatening to the open space they are striving for.

Council Member Luckino questioned what the financial impact is going to be and if it is anticipated that it is going to be negative. Town Manager Takata advised that staff will

be bringing that information back after negotiating with the County. Council Member Luckino commented that the Council Members as government officials have to look at current and future needs to be responsible to the taxpayers and be as efficient as possible.

Council Member Mayes commented that the Council is talking about sphere of influence, not annexation, and questioned if there is a deadline. Mr. Gunnells doesn't change anything, can negotiate with the county about what they area doing. Doesn't mean will be annexed. Won't be into any other community's sphere or annexed by any other community without sphere change. Council Member Mayes consider pi town part of our community. If not going to be in Yucca Valley's sphere of influence at some time they need to think about their own incorporation.

Council Member Neeb moved to approve a Town sphere of influence boundary that is coterminous with the Hi-Desert Water District current service boundary; subject to Council policy discussion of areas defined within the staff report and attachments, and council review and approval of the application and supporting documents forthcoming to the Council prior to application submittal. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

25. Federal Legislative Program, U.S. Army Corps of Engineers, Alternative Project Eligibility Policy Discussion

Deputy Town Manager Stueckle advised because of the significant financial commitment that is required for the next planning phase of the program, as well as the potential for future construction costs, staff is seeking Town Council direction.

Council Member Neeb stated he thinks this is an opportunity to do something on flood control, which Council has been talking about as long as he has been on the Council. At some point and time the Town has to do something. We are finally hearing about money from the Corps of Engineers, and getting some help from Congressman Lewis, but they almost had to change the criteria so that we could fit in the picture. Deputy Town Manager Stueckle advised that the Corps has been assisting the Town to find funding. Council Member Neeb commented the Council needs to pick a project and go forward.

Council Member Luckino commented that flood control is a top priority, but the Council needs to hold off on this until the Strategic Planning session. He noted that many times items are most important because they are right in front of the Council, and there is a need to look at the whole picture. The Town has limited funds and needs to evaluate if this is in reality our number one priority.

Council Member Neeb stated he is not against putting the issue off unless there is a time line we are going to miss. Deputy Town Manager Stueckle advised there is no time line expressed to staff at this point.

Mayor Leone commented this has been discussed for a long time, and agreed with the suggestion from Council Member Luckino in order to have additional talks with the County for additional assistance.

Council Member Mayes stated the Town needs to come up with \$150,000 just to do a feasibility study and staff is asking us to choose which one. No one is going to be able to come up with \$16,000,000 to build this. He would agree to holding off to discuss during the Strategic Planning.

Council Member Herbel expressed concern about allocating money for a study when there isn't funding available to perform the project.

Mayor Leone stated Council consensus is to bring the issue forward at the Strategic Planning Session.

26. Council Request for Formalized Policy to Place Items on the Town Council Agenda.

Town Clerk Anderson presented the staff report requesting Council direction.

Fritz Koenig, Yucca Valley, commented regarding the importance of a formalized process.

Council Member Neeb commented he brought this issue up in the past, noting when too many things get put on the agenda, the Council's priorities get put on the back burner. If Council says there is an emergency items can move up on the list and the Mayor's prerogative. Except for the Police force, staff hasn't increased a lot since he was elected but the population has increased dramatically and there is not endless staff time to work on additional items. He noted he is not against bring a request for agenda items back to the Council for approval.

Council Member Herbel commented the ordinance is set in place, and she doesn't mind bringing things up at the end of the agenda to be placed on a future agenda if there is a consensus. She advised of confidentiality problems when citizens bring things up to her and are afraid of being retaliated against, and sometimes she needs to approach another Council Member to place an item on the agenda without talking about the issue in public. She recommended keeping the ordinance as it stands.

Council Member Neeb stated he does not think a change in procedure will stop anything from going on the agenda, but it gives Council a little control over what is on the Agenda. He noted that once something is put on the agenda it is no longer a private item, and staff deals with citizen concerns all the time that don't come to the Council. He has no problem with honoring a Council's request for agenda items, but staff should be able to designate a level to the item as they can get to it.

Council Member Mayes commented that the City of 29 Palms discusses future agenda items on their agenda, noting the Mayor should be allowed to put anything on the agenda and that the Mayor's responsibility is to make sure the goals are being fulfilled. He suggested a formalized section on every agenda for Future Agenda Items with a motion, second and vote from Council place items on a future agenda. Moved to place an item on every agenda to establish agenda items, requiring a motion, second and vote. Council Member Luckino seconded. Council Member Mayes advised that this does not affect the Mayor or staff placing items on the agenda.

Council Member Herbel commented she still thinks that if a Council Member has a concern that has been brought to them by a citizen, they should have the right to go to another Council Member to put it on and provided a substitute motion to keep the ordinance as it is. Motion died for lack of a second.

Council Member Mayes advised that an individual Council Member can still can go the Mayor or Staff if they have a very important item. The Mayor can place an item on the agenda at will so this formalizes the issue to state that either the Mayor, staff, or a majority vote of the Council can place an item on the agenda. Council can request that the Town Clerk list an item under Future Agenda Items and a vote can be taken at the next Council Meeting.

Council Member Mayes moved to amend the existing Ordinance to place items on Future Agenda Items for a vote from Council whether or not to place the item on an agenda. Council Member Luckino seconded. Motion carried 4-1 on a voice vote with Council Member Herbel voting no.

PUBLIC COMMENT

Fritz Koenig, Yucca Valley, asked the Council to consider establishing a system of independent review of the Sheriff's Department.

STAFF REPORTS AND COMMENTS

Town Manager Takata reported that the Festival of Lights Parade is Saturday at 5:30, Snow Day is Saturday morning at the Community Center, Christmas tree disposal will begin on December 26th at the Community Center, and that the Draft Park Master Plan is on the website for review and the Facilities Master Plan will be on the next Council Agenda.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

27. Council Member Neeb

Thanked the Town staff for their hard work on the financial report.

Council Member Neeb advised that he and Council Member Luckino met with the Hospital Board, noting he believes that staff is going to coordinate with them to help them get out a little more public information.

28. Mayor Pro Tem Luckino

Thanked the special guests for coming to address the Council.

Congratulated and thanked the Coaches from Yucca Valley High School for their acts in saving a life, and commended them for their actions.

Commented that the Festival of Lights Parade will be a fun event.

Wished everyone a Merry Christmas

29. Council Member Mayes

Stated he is sorry Capt Williams is retiring noting he is one of us, is very professional and it is sad to see him and Chief Summers go.

Commended former Mayor Bill Neeb for the fantastic job he did last year.

Stated he is excited about our Old Town Specific Plan being accomplished.

30. Council Member Herbel

Congratulated Mayor Leone on being selected for his third term as Mayor, and congratulated former Mayor Neeb for his work last year.

Reported regarding attendance at a Homeless Summit put on by County Supervisor Gonzales, asking that we as a Town Council partnership with them and help them come up with a 10 year plan to alleviate chronic homelessness. She has asked the Town Manager to put together a resolution to come to the Council for our consideration.

Reported regarding attendance at the City of Twentynine Palms 20th Anniversary kick off.

Questioned if there is funding available to repair the goddess of flight in the rose garden.

Wished everyone a very merry Christmas and happy holidays. Displayed a White House Christmas ornament she received featuring Grover Cleveland.

31. Mayor Leone

Thanked Council for selecting him as Mayor, noting he will take the job seriously trying

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to bring together consensus from the Council.

Advised that each of the Council Members received the White House Ornament.

Congratulated Jim Williams on his retirement noting he has done a fine job for last 6 years.

Advised that Council always Assemblyman Cook and General Spies to keep us apprised of the issues.

Wished everyone a Merry Christmas and Happy Hanukkah.

Mayor Leone requested that staff arrange for he and Council Member Mayes to meet with Caltrans after the first of the year.

CLOSED SESSION

- 32. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9(b) 2 potential cases, Initiation of litigation pursuant to subdivision (c) of Section 54956.9(c), 1 case.

- 33. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION**
Subdivision (a) of Section 54956.9, Town of Apple Valley, et. al. vs. County of San Bernardino, Case # KC049711 "J", Superior Court of the State of California, County of Los Angeles East District.

Mayor Leone adjourned the meeting to closed session at 9:55 p.m. and returned to open session at 10:50 with no reportable action taken. There were no members of the public present.

ANNOUNCEMENTS

Next Town Council Meeting, Thursday, January 10, 2008, 6:00 p.m.

ADJOURNMENT

There being no further business, Mayor Leone adjourned the meeting at 10:50 p.m.

Respectfully submitted,

YUCCA VALLEY TOWN COUNCIL MINUTES

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Jamie Anderson,
Town Clerk