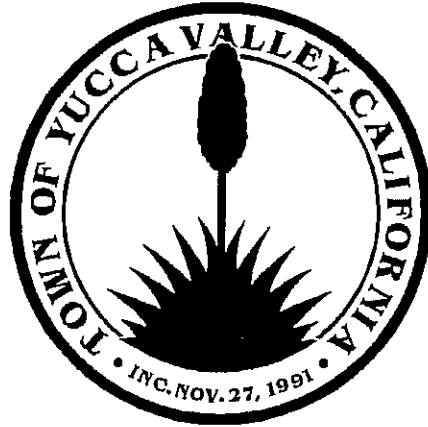


TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING



*The Mission of the Town of Yucca Valley is to  
provide a government that is responsive to its citizens  
to ensure a safe and secure environment  
while maintaining the highest quality of life.*

**TUESDAY, FEBRUARY 15, 2011  
TOWN COUNCIL: 6:00 p.m.  
YUCCA VALLEY COMMUNITY CENTER  
YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**CLOSED SESSIONS  
YUCCA VALLEY TOWN HALL CONFERENCE ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

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**TOWN COUNCIL**  
*George Huntington, Mayor  
Frank Luckino, Mayor Pro Tem  
Isaac Hagerman, Council Member  
Chad Mayes, Council Member  
Dawn Rowe, Council Member*

\*\*\*\*

**TOWN ADMINISTRATIVE OFFICE:  
760-369-7207  
[www.yucca-valley.org](http://www.yucca-valley.org)**

**AGENDA  
MEETING OF THE  
TOWN OF YUCCA VALLEY COUNCIL  
TUESDAY, FEBRUARY 15, 2011, 6:00 P.M.**

*The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.*

*If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.*

**(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)**

**OPENING CEREMONIES**

**CALL TO ORDER**

**ROLL CALL:** Council Members Hagerman, Luckino, Mayes, Rowe and Mayor Huntington.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**AGENCY REPORTS**

**Fire Department**

1. Monthly Report for January 2011

**APPROVAL OF AGENDA**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_

**CONSENT AGENDA**

- 1-10 2. Regular Town Council Meeting Minutes of February 1, 2011.

**Recommendation: Approve minutes as presented.**

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

**Recommendation: Waive further reading of all ordinances and read by title only.**

- 11-20 4. Amendment to Title 12, Adding Chapter 12.50, Vehicles and Traffic of the Municipal Code, Administrative Adjudication Procedures, Ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12, VEHICLES AND TRAFFIC OF THE MUNICIPAL CODE, ADDING CHAPTER 12.50, ADMINISTRATIVE ADJUDICATION PROCEDURES

**Recommendation: Adopt the Ordinance, amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures.**

- 21-23 5. AB 1234 Reporting Requirements

**Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for the month of January 2011.**

- 24-26 6. Sale of Town Assets – De-accession of Selected Museum Taxidermy Specimens.

**Recommendation: Ratify the sale of the identified list of taxidermy shorebird specimens to the Santa Maria Natural History Museum and designate the proceeds to be used for collections care and acquisitions.**

- 27-36 7. Warrant Register – February 15, 2011.

**Recommendation: Ratify the Warrant Registers total of \$682,963.93 for checks dated January 21, 2011 thru January 31, 2011.**

*All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.*

**Recommendation: Adopt Consent Agenda (items 2-7)(roll call vote)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Roll Call Vote \_\_\_\_\_

**PUBLIC HEARINGS**

- 37-42 8. Service Charge for Release of Stored or Impounded Vehicles.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION 04-38 BY ADDING VEHICLE IMPOUND RELEASE FEES FOR THE ADMINISTRATIVE SERVICES DIVISION

Staff Report

**Recommendation: Adopt the Resolution establishing a service charge for release of stored or impounded vehicles.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

**DEPARTMENT REPORTS**

- 43-51 9. Ordinance No. 169, Utility Undergrounding, Service Line/Drop Undergrounding, In-Fill Residential Development

Staff Report

**Recommendation: Discuss the policies contained in Ordinance No. 169 requiring the undergrounding of service lines/drops for in-fill residential development and provide direction to staff.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

- 52-59 10. Ordinance Amending the Town of Yucca Valley Municipal Code regarding Mayor and Town Council, Revising Commission Terms, and Disbanding Public Arts Advisory Committee, Traffic Commission and TEAM Yucca Valley Commission.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2 RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS, AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4 RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4 RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER

4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY COMMISSION

Staff Report

**Recommendation: Introduce the Ordinance, concerning Mayor and Council Policies and commission appointments, and appoint two Council Members to an Ad-hoc committee to review Council Rules and Procedures.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Roll Call Vote \_\_\_\_\_.

- 60-85 11. General Plan Update Authorization, Request for Qualifications/Request for Proposals (RFQ/RFP), Budget Amendment

Staff Report

**Recommendation: Authorize the General Plan Update, approve the Request for Qualifications/Request for Proposals, appropriate \$300,000 from the General Fund Undesignated Reserves for the first of three anticipated appropriations for the project, direct staff to schedule additional appropriations in the 2011-2012 and 2012-2013 fiscal years to complete the project, estimated at approximately \$1.0 million, and authorize the Town Manager to make non substantive and technical changes to the RFQ/RFP as deemed necessary.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

**POLICY DISCUSSION**

**FUTURE AGENDA ITEMS**

**PUBLIC COMMENTS**

*In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.*

**STAFF REPORTS AND COMMENTS**

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

12. Council Member Mayes
13. Council Member Hagerman
14. Council Member Rowe
15. Mayor Pro Tem Luckino
16. Mayor Huntington

#### **ANNOUNCEMENTS**

Time, date and place for the next Town Council meeting.

**Next Town Council Meeting, Tuesday, March 1, 2011, 6:00 p.m.**

#### **CLOSED SESSION**

#### **CLOSING ANNOUNCEMENTS**

#### **ADJOURNMENT**

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
FEBRUARY 1, 2011**

Mayor Huntington called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Hagerman, Luckino, Mayes Rowe and Mayor Huntington.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Town Attorney Laymon, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson

**PLEDGE OF ALLEGIANCE**

Led by Council Member Rowe

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. **Approve**, Regular Town Council Meeting Minutes of January 18, 2011, as presented.
2. **Waive**, further reading of all ordinances and read by title only.
3. **Adopt**, Ordinance No. 221, establishing procedures for the creation of utility undergrounding districts

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
CALIFORNIA, ESTABLISHING A PROCEDURE FOR THE CREATION OF  
UTILITY UNDERGROUNDING DISTRICTS AND REGULATIONS REGARDING  
SUCH DISTRICTS

4. **Approve**, FY 2011-12 Budget Preparation Calendar
5. **Adopt**, the US Bank Resolution of Authority updating the Town's authorized signatories concerning all Town accounts at US Bank and Trust; and **Adopt**, Town of Yucca Valley Resolution No. 11-05 updating the Town's authorized signatories at the Local Agency Investment Fund (LAIF)

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING  
DEPOSIT AND WITHDRAWAL IN THE STATE LOCAL AGENCY INVESTMENT  
FUND

7. **Receive and file**, Summary of Claims from 07-01-2010 through 12-31-2010.
8. **Approve**, the fourth amendment to the Waste Delivery Agreement between the County of San Bernardino and the Town of Yucca Valley.
9. **Adopt**, Resolution No. 11-06, in opposition to the Administration's proposal to abolish Redevelopment Agencies in California and direct staff to communicate its opposition to the appropriate parties

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
CALIFORNIA, IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO  
ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA

10. **Approve**, the lease agreement between the Town of Yucca Valley and High Desert BMX, Incorporated for use of specified Town property for bicycle motocross activities and events, subject to receipt of a certified record that the non-profit corporation is in good standing with the State of California.
11. **Adopt**, Resolution No. 11-07, approving a Revised Schedule of Parking Penalties.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
CALIFORNIA, ESTABLISHING PARKING PENALTIES

12. **Adopt**, Resolution No. 11-08, authorizing the submittal of a Bureau of Reclamation, WaterSMART Development of Feasibility Studies grant application under the Title XVI Water Reclamation and Reuse Program, and authorize the Town Manager to enter into all necessary agreements for program implementation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO  
THE BUREAU OF RECLAMATION

13. **Ratify**, the Warrant Registers total of \$195,344.26 for checks dated December 22, 2010. Ratify Payroll Registers total of \$303,188.26 dated December 10, 2010 to December 22, 2010.

Council Member Rowe requested to pull Item 6.



Council Member Luckino moved to adopt Consent Agenda Items 1-5 and 11-13. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

- AYES: Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington .
- NOES: None
- ABSTAIN: None
- ABSENT: None

**6. AB 1234 Reporting Requirements**

Council Member Rowe advised she pulled the item to report regarding her attendance along with Council Member Hagerman at the League of California Cities, New Mayor and Council Members Institute on January 19-21, 2011. They also met with the local Legislators.

Council Member Hagerman advised, in addition to the League Conference, he attended the Desert Mountain Division of the League of California Cities meeting in Ridgecrest on January 28<sup>th</sup> and the Mojave Desert Air Quality Management District Meeting in Victorville on January 24<sup>th</sup>.

Council Member Luckino moved to receive and file the AB 1234 Reporting Requirement Schedule for the month of November and December 2010. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

**DEPARTMENT REPORTS**

**14. Amendment to Title 12, Adding Chapter 12.50, Vehicles and Traffic of the Municipal Code, Administrative Adjudication Procedures, Ordinance.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12, VEHICLES AND TRAFFIC OF THE MUNICIPAL CODE, ADDING CHAPTER 12.50, ADMINISTRATIVE ADJUDICATION PROCEDURES

Mayor Huntington introduced the item and read the title of the Ordinance.

Code Enforcement Supervisor Ponder gave the background of AB 408 decriminalizing parking and other vehicle-related violations requiring cities to establish an administrative hearing procedure in place of the criminal court system. The Town adopted AB 408 Procedures in 1993 by Resolution and a Program Manual. The recommended action codifies the process within the Municipal Code.

Council Member Luckino moved to introduce the Ordinance amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**15. Sign Ordinance Enforcement, Temporary Signs, Banners & Flags for Commercial Enterprises.**

Associate Planner Kirschmann advised on January 19, 2010 Town Council approved the suspension of time period limitations for temporary signs for commercial and industrial establishments for a period of one year ending January 20, 2011. Based on prior Town Council action, a temporary sign permit application and fees are required to be submitted and approved. Staff recommends extending the suspension to February 1, 2012.

Council Member Luckino commented he supports the recommendation and requested that in addition to the suspension of the time limits, that the permit fees be waived. He noted the Council should focus on issues regarding health, safety and welfare, and temporary signs do not fall into that category.

Council Member Hagerman questioned what the fees are for a temporary sign permit. Associate Planner Kirschmann advised they are \$80.00 per year. Town Manager Nuaimi added that many people who have temporary banners to date haven't obtained a permit, so there is no need to suspend the fees. He noted that staff is looking at a comprehensive strategy to make sure businesses comply with the requirements and stated there are possible health and safety implications of signs along the highway.

Mayor Huntington advised he is against elimination of the fees, noting the Town has to be able to control the process. He has already noticed that several of the banners are in disrepair and looking shabby. He agrees with suspension of the time limits for another year, but keep fees in place.

Council Member Luckino stated his issue is the fact that he law abiding citizens are going to come in to pay the fees and are going to be penalized by paying the fees when others aren't, and there is no enforcement. Town Manager Nuaimi advised that staff doesn't have an answer today as to what enforcement will be on the highway, and will come back with a comprehensive program.

Council Member Hagerman commented regarding the need to make sure the banners are the right type and placed properly.

Council Member Mayes commented that he is starting to see some of the temporary banners get in the way of the fixed signs of businesses next to them. If the Town doesn't have a sign ordinance, signs will continue to keep getting larger and larger. There is a need for standards.

Council Member Luckino suggested the business community establish something similar to development CC&R's.

Council Member Rowe questioned if businesses would still be required to get a permit if the fee is suspended. Deputy Town Manager Stueckle advised they would, noting it is the tool the Town uses to determine compliance. Council Member Rowe advised she would like to see the fee waived to help jump start small businesses, as long as they still have to obtain permits.

Council Member Luckino moved to continue to suspend enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130(c), including suspension of the permit fee, for a period of one year ending on February 1, 2012. Council Member Rowe seconded.

Mayor Huntington commented that the fact that businesses have to come in to get permits will cost the Town money to enforce the requirements without funding to do so. Council Member Mayes questioned how many permits were pulled this last year. Associate Planner Kirschmann advised there were 15.

Mayor Huntington commented the Town is losing the right to enforce the ordinance and inviting blight by eliminating the fee.

Motion carried 4-1 on a voice vote with Mayor Huntington voting no.

Deputy Town Manager Stueckle advised the Council will be discussing other sections of the sign ordinance during the Development Code update.

Associate Planner Kirschmann advised of other sections of the Sign Code and its policies including freestanding signs, wall signs, landmark signs, design merit sign policy, billboards, non-conforming signs, and provision for sign programs.

Deputy Town Manager Stueckle commented the primary issues looked at by sign companies and business owners are the size, height and length, allowed for signage. Currently the Town's ratio of allowable wall signage is 1 to 1 which is liberal, however

other sections may be on the low end of what should be allowed and needs to be looked at.

Council Member Hagerman cited Hutchins Motor Sports as an example of issues with the sign code noting their maximum sign allowance is less than the standard logo signs provided by the manufactures, so they have to be specially made and are very small and hard to see.

Council Member Luckino commented he doesn't believe the sign ordinance needs to be so restrictive and does need to be reviewed in totality.

Council Member Mayes commented that much of the blight along the highway is due to non conforming signs, however, there is a need to develop an amortization schedule to give new business owners time to come into compliance when they buy an existing business, instead of requiring immediate compliance when the property is sold. The question of a sign ordinance is very difficult and trying to come up with standards everyone is going to agree with is doubtful.

Council Member Rowe objected to a small business having to pay more for a sign that is different than a standard logo that every other city allows.

Mayor Huntington commented this is the 3<sup>rd</sup> edition of the sign ordinance, which has been through thousands of hours of review. It is basically a sound ordinance that may have a few glitches in need of addressing. He suggested the Planning Commission hold a public hearing to get input from businesses to determine exactly what needs to be fixed. Town Manager Nuaimi requested the Council allow staff to look at current restrictions compared to market standards. Hopefully through marketing we can help people find what they need. He noted this will be part of the Development Code update

## **POLICY DISCUSSION**

### **16. Town Council Policy Discussions**

Town Manager Nuaimi gave the staff report pointing out that currently the Mayor/Mayor Pro Tem selection process rotates the Mayor based upon seniority but there are no provisions for failure of the nominee to secure majority support. Commissions and Boards are intended to be extensions of the Town Council, however, the current appointment process results in a lag between election of Council Members and their representation on the commissions. Also, a number of the commissions have not been active, or their responsibilities could be combined. Staff recommends elimination of Team Yucca Valley, Traffic Commission and the Public Arts Advisory Committee, and that the Council review the current appointment process for potential modification. With

regard to the current 2+2 committee structure, it was noted that standing committees are regulated by the Brown Act, but ad-hoc committees allow for less formal discussions. Staff recommends elimination of the current 2+2 committees and formation of ad-hoc committees as needed. Currently there is a need for a Senior Housing Design Ad Hoc Committee and a Sewer Financing Strategies Ad Hoc Committee.

**Ted Quinn**, President Morongo Basin Cultural Arts Council, encouraged Council to retain the Public Arts Advisory Committee.

**Margo Sturges**, Yucca Valley, spoke in opposition to eliminating the Public Arts Advisory Committee.

**Charles McHenry**, Yucca Valley, objected to eliminating any Commissions noting the Council should be using volunteers as a tool.

**Nancy McHenry**, Yucca Valley, spoke in opposition to elimination of the Public Arts Advisory Committee.

Council Member Mayes commented that rotation of Mayor/Mayor Pro Tem should not be in Ordinance form and should be following tradition as it was prior to adoption of the Ordinance.

Council Member Luckino suggested the current Council should remain as seated and a sunset placed on the ordinance after everyone on the current Council has served as Mayor.

Council Member Rowe questioned why this is in Ordinance form rather than Resolution. Town Manager Nuaimi commented that, based on Council direction, a lot will be taken out of the ordinance and placed into a different format.

Council Member Mayes suggested the rotation may not need to be in resolution form either and should be at the will of the Council.

Mayor Huntington advised that there hasn't been a formal structure for selecting the Chair of the Planning Commission and it has always worked well.

Council Member Luckino moved to eliminate the section regarding selection of Mayor/Mayor Pro Tem from the Ordinance, but to continue with the rotation as it currently exists. Council Member Rowe agreed.

Council Member Mayes seconded the motion for discussion, but questioned the need to have a formal motion at this time if staff is going to bring back a proposal. Town

Manager Nuaimi advised that staff will bring back an enabling ordinance and resolutions for future consideration.

Council Members Luckino and Mayes withdrew their motion and second.

Upon discussion regarding Commission terms, Council consensus was to change Commissioner terms to 4 years, coinciding with the terms of the appointing Council members. Terms should expire on January 31<sup>st</sup> to allow incoming Council Members time to interview potential candidates. Individual Council Members will still nominate appointees with affirmation of the entire Council. Once the new Ordinance is in effect, the entire Town Council would identify their appointment to Town Commissions. This would result in two members being appointed/re-appointed for the balance of Mayor Huntington and Councilmember Luckino's terms and three members being appointed/re-appointed for the balance of Councilmember Rowe, Hagerman, and Mayes' terms.

Council Consensus to disband the Public Arts Advisory Committee, and forward potential art purchases or donations to the Morongo Basin Arts Council for their input.

**Ted Quinn**, President Morongo Basin Arts Council, advised he would have to report back to the rest of the board to get their approval but he would be happy to represent the Arts Council.

Council consensus was to disband the Traffic Commission and the TEAM Yucca Valley Commission.

Council consensus to eliminate the 2+2 Committees and form a Senior Housing Design Ad-Hoc committee consisting of Mayor Huntington and Council Member Rowe, and a Sewer Financing Strategies Ad-Hoc Committee with Council Member Rowe and Council Member Hagerman.

Council Member Mayes discussed the need to clean up some of the items in the Council Ordinance such as Section 2.05.320 C. Council Member Statements.

Town Manager Nuaimi advised that there may be a need for an Ad-Hoc Committee for that duty and since that was not a recommendation for this meeting, staff will bring back appointment of the committee members to the next Council Meeting.

## FUTURE AGENDA ITEMS

None

**PUBLIC COMMENT**

**Hap Ames**, Yucca Valley, commented with regard to issues with the Business Registration program, noting there is a glitch in the audit sheets.

**STAFF REPORTS AND COMMENTS**

Administrative Services Director Yakimow advised that staff has been made aware of the issue that came up in the Business Registration program. The questions with regards to Mr. Ames issue have been answered and resolved.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**17. Council Member Mayes**

Commented regarding the business registration program and the fact that people pay \$40 per year without receiving any benefit. He suggested a review of the program might be in order in the next few months.

**18. Council Member Hagerman**

Commented regarding the Development Code Survey being conducted and expressed concern that it will be hijacked by groups outside of town. He feels the survey needs to be scientific.

**19. Council Member Rowe**

Commented regarding the survey noting that she has heard sentiment throughout the community questioning why it was not a telephone survey to Yucca Valley residents only.

**20. Mayor Pro Tem Luckino**

None

**21. Mayor Huntington**

Reported regarding attendance on the Marine Corps Air Ground Combat Center ribbon cutting for the Urban Warfare training facility. He noted it is the size of downtown San Diego and can accommodate training of 15,000 troops at one time.

Reported regarding attendance at Joshua Tree National Park's 75<sup>th</sup> Anniversary kick off party at the Bell Center

**ANNOUNCEMENTS**

The next Town Council Meeting is Tuesday, February 15, 2011 at 6:00 p.m.

**CLOSED SESSION**

- 22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Subsection (a) of Section 54956.9(a) Bagley, et al. vs. Town of Yucca Valley,  
Case No. CIVMS900133; Tim Todd vs. Town of Yucca Valley, Case No.  
CIVMS10000379.

Mayor Huntington adjourned the meeting to Closed Session at 7:59 p.m., reconvened to open session at 8:12 p.m. and advised there was no reportable action taken. There were no members of the public present.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Jamie Anderson, MMC  
Town Clerk



**ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12,  
VEHICLES AND TRAFFIC OF THE MUNICIPAL CODE, ADDING  
CHAPTER 12.50, ADMINISTRATIVE ADJUDICATION  
PROCEDURES**

The Town Council of the Town of Yucca Valley, California, ("Town") does ordain as follows:

**SECTION 1. CODE AMENDED.** Title 12 of the Town of Yucca Valley Municipal Code ("Municipal Code") is hereby amended to create Chapter 12.50, establishing Administrative Adjudication Procedures as follows:

**Chapter 12.50**

**ADMINISTRATIVE ADJUDICATION PROCEDURES**

- 12.50.010 Administrative Adjudication Procedure**
- 12.50.020 Administrative Review**
- 12.50.030 Administrative Hearing**
- 12.50.040 Judicial Review**
- 12.50.050 Copies of Citations**

**12.50.010 ADMINISTRATIVE ADJUDICATION PROCEDURE.**

(A) *Purpose.* The Yucca Valley Town Council has duly adopted the procedures of this subchapter on parking violation enforcement proceedings under the authority of, and for the purpose of implementing the requirements of Chapter 1244, Statutes of 1992 ("AB 408"), and Chapter 734, Statutes of 1995 ("AB 1228"). The purpose of the procedures specified herein is to provide a fair and thorough process for review of citations issued for parking or standing violations within the Town.

(B) *Application of time limitations.* Within this chapter there are various time limitations established for certain requests, including but not limited to:

- (1) Requests for administrative review;
- (2) Requests for administrative hearings; and
- (3) Requests for copies of documents.

For purposes of this subchapter on parking violation enforcement procedures, the specified time limitations are jurisdictional. Untimely requests will be rejected. Waivers will not be issued.

(C) *Summary of procedures.* This subchapter on parking violation enforcement procedures provides two stages of review for persons or entities wishing to contest citations:

- (1) Administrative review; and
- (2) Administrative hearing.

(D) *Definitions.* The following definitions pertain to terms utilized in this subchapter, regarding Administrative Adjudication Procedures, i.e., sections 12.50.010, *et seq.*, in order to provide clarity and consistency:

(1) **ADMINISTRATIVE HEARING.** A hearing process with respect to a citation, conducted in accord with the procedures of this subchapter on parking violation enforcement procedures, initiated by a timely written request of a contestant dissatisfied with the results of the administrative review.

(2) **ADMINISTRATIVE REVIEW.** The initial citation review process, initiated by a contestant's timely request, and conducted by the Reviewing Official.

(3) **APEAL.** The action taken by a contestant to request an administrative hearing.

(4) **CITATION.** Includes, but is not limited to notice of a stopping, standing, or parking violation, and notice of a delinquent violation.

(5) **CONTESTANT.** Any person or entity who is the registered owner, driver, rentee, bailee or lessee who is liable for parking penalties in accordance with the provisions of Sections 40200, *et seq.* of the California Vehicle Code, and who contests or disputes liability for the parking penalties.

(6) **DMV.** The state Department of Motor Vehicles.

(7) **HEARING OFFICIAL.** An independent and impartial hearing officer meeting the qualifications specified in Section 40215(c)(4) of the California Vehicle Code, appointed by or contracted with the Town or its agent to conduct administrative hearings.

(8) **ISSUING AGENCY.** The Town department, or its agent, including but not limited to the California Highway Patrol, which issues the parking citation.

(9) **PARKING PENALTY.** Includes the applicable civil penalty for the violation specified on the citation, the late payment penalty, and the Department of Motor Vehicle (DMV) lien fee, if applicable.

(10) **PARKING VIOLATION.** Any violation of any regulation governing the stopping, standing or parking of a vehicle under the Vehicle Code, under any federal or state statute or regulation, or under the Code of Yucca Valley.

(11) **REVIEWING OFFICIAL.** An enforcement official authorized by the Chief of Police to conduct administrative reviews.

#### **12.50.020 ADMINISTRATIVE REVIEW.**

(A) *Initiating administrative review.*

(1) *Timeliness.* A request for administrative review must be made within 21 days from the issuance of the notice of parking violation, or within 21 days from the mailing of the notice of delinquent parking violation.

(2) *Manner of making request.* The request for administrative review shall be made by written request, and must include the following:

(a) A written statement of reasons explaining why the contestant believes the citation was issued in error;

(b) Copies of any documents supporting contestant's claim;

(c) Original citation or reminder notice;

(d) Contestant's full name; and

(e) Contestant's mailing address.

(B) *Written statement of reason.* A contestant shall provide to Yucca Valley Code Compliance a written statement of the reasons for contesting the parking violation. If the statement of reasons is not timely provided by the contestant, within the time period specified in division (A)(1) of this section, the request for administrative review will be rejected, and the contestant shall have no further rights to administrative review, or to an administrative hearing.

(C) *Administrative review.* Upon the Reviewing Official's receipt of a timely request for administrative review and the required statement of reasons, the Reviewing Official will commence a review of the citation and the circumstances surrounding its issuance. The review shall consist of a determination of whether the citation contains all of the items required by Section 40202(a) of the

California Vehicle Code and shall focus on the reasons for the request as specified by the contestant.

(1) *Cancellation of citation.* If, based on the results of the review, the Reviewing Official is satisfied that the citation was not issued in accordance with Section 40202(a) of the California Vehicle Code, or, based on the contestant's statement of reasons, that the violation did not occur or the registered owner was not responsible for the violation, the Reviewing Official shall cancel the citation and shall specify in writing the reasons for canceling the citation.

(2) *Determination of validity.* If, based on the results of the investigation, the Reviewing Official is satisfied that the citation was issued in accordance with Section 40202(a) of the California Vehicle Code, and that the reasons specified by the contestant do not exist, or do not affect the validity of the citation, the Reviewing Official shall specify those findings in writing, and include the grounds for the findings.

(D) *Notification to contestant.* The results of the administrative review by the Reviewing Official will be mailed to the contestant, by first class mail. Service of the notice of result shall be complete upon placement of the notice of result in the United States mail, postage paid.

#### **12.50.030 ADMINISTRATIVE HEARING.**

(A) *Initiating appeal.*

(1) *Timeliness.* A contestant dissatisfied with the results of the administrative review may appeal. Any such appeal must be made within 21 days of mailing the results of the review.

(2) *Requirements for appeals.* The contestant's appeal shall be initiated by means of a written request, filed by the contestant with Yucca Valley Code Compliance within the time specified in division (A)(1) of this section. Any appeal shall comply with the following requirements:

(a) The contestant shall deposit with the Town of Yucca Valley, to the address shown on the notice issued by the Reviewing Official the full amount of the parking penalty.

(b) The contestant's appeal request shall indicate the contestant's preference for a hearing by mail or in person.

(c) The contestant shall specify in writing the reasons for contesting the citation.

(d) The contestant shall provide a copy of the citation or the notice issued by the Reviewing Official per 12.50.020(A)(2)(b).

(e) If different than the record address contained in the parking citation or Yucca Valley Code Compliance's records, the contestant shall provide the address of the contestant for purposes of mailing notices of hearing and other documents in connection with the appeal.

(f) In the event that the contestant fails to satisfy any one or more of the above requirements within the time specified in division (A)(1) of the section, the appeal shall be rejected as untimely filed.

(3) *Exceptions to parking penalty deposit requirement.*

(a) *Indigence.* Pursuant to Section 40215(b) of the California Vehicle Code, Yucca Valley Code Compliance or its agent shall provide a written procedure to allow a person to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due. Notice of this procedure shall be provided to all persons requesting an administrative hearing.

(B) *Notice of hearing.* Within 21 days from the filing with Yucca Valley Code Compliance of a contestant's timely appeal, Yucca Valley Code Compliance or its agent shall send a notice of hearing to the contestant via first class mail. The notice shall specify the date and time of the hearing, and the place where the hearing will occur. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Section 40200 *et seq.* of the California Vehicle Code or this chapter.

(C) *Continuances.*

(1) *Request made prior to date of hearing.* A contestant may, in writing, until 24 hours before the scheduled administrative hearing time, request that Yucca Valley Code Compliance reschedule the administrative hearing. Yucca Valley Code Compliance shall grant one continuance not to exceed 21 calendar days in accord with Section 40215(b) of the California Vehicle Code.

(D) *Administrative hearing procedures.*

(1) *Procedural matters.*

(a) *Appearances.* The officer issuing the citation shall not be required to appear at the hearing. The contestant shall appear at the hearing, unless a hearing by mail has been designated by the contestant in the appeal request form. If the contestant does not appear at the hearing, the appeal shall

be decided by the Hearing Official based on the citation, the record of the administrative review, and any other relevant material in the record, taking into account the reasons specified by the contestant on the appeal request form. Appearances by minors shall be governed by the provisions of Section 40215(c)(2) of the California Vehicle Code.

(b) *Hearing Officials.* The hearing shall be conducted by an independent and impartial Hearing Official meeting the qualifications specified in Section 40215(c)(4) of the California Vehicle Code, who shall have been appointed by, or contracted with, the Town to act in that capacity, pursuant to the procedures specified in Section 40215(c)(4) of the California Vehicle Code.

(c) *Hearing record.* The Hearing Official shall write pertinent information into the record during the in-person hearing. The hearing record and any supporting documentation will remain with the case file at the Town. If the contestant appeals the Hearing Official's decision to the Court, the entire case file will be forwarded to the Court. The hearing records for those cases not appealed to the Court will be retained by the Town for one year.

(d) *Representation.* The contestant may, in his or her discretion, be represented by an attorney in the appeal process, at the administrative hearing. Any such representation shall be at the sole and exclusive cost of the contestant. No contestant shall be entitled to representation at the expense of the Town, or any other public agency, irrespective of indigence status.

(2) *Conduct of the administrative hearing.*

(a) *Hearing Official duties.* At the time of the administrative hearing, the Hearing Official shall:

1. Make a pre-hearing statement, briefly explaining the nature of the civil proceedings, the manner of conducting the hearing and the limits on the introduction of evidence, the process of rendering a decision, the effects of the decision in terms of collection remedies available to Yucca Valley Code Compliance, the right of the contestant to appeal to the Court for a de novo hearing, and any other matters in the Hearing Official's discretion;
2. Read the citation into the record;
3. Administer an oath to the contestant and any prospective witnesses;
4. Record the name and address of the contestant; and
5. Write the registered owner's name and address; and the contestant's relationship to the registered owner, if applicable.

(b) *Proof requirements; validity of citation.*

1. *Burden of proof.* The issuing agency bears the burden of proof, by a preponderance of the evidence, that the citation meets statutory requirements for validity.

2. *Prima facie case.* Where the citation, or copy thereof, contains all of the items specified in Section 40202(a) of the California Vehicle Code, the issuing agency shall not be required to produce any evidence other than the notice of the parking violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

3. *Rebuttal.* The contestant may introduce relevant evidence relating to the validity of the citation.

(c) *Proof requirements; contestant defenses.*

1. *Burden of proof; defenses.* The contestant bears the burden of proof, by the preponderance of the evidence, that although the citation is facially valid, a viable defense exists which would preclude the contestant's liability for the parking penalty, or that a viable defense exists which would limit the contestant's liability for late payment penalties.

2. *Defense; late payment penalties.* Nonreceipt of the notice of violation itself, if based on sufficient evidence, may constitute a defense to the late payment penalties based on nonpayment of the notice of violation, however, is not a defense to late response to the notice of delinquent parking violation. The defense of nonreceipt of the notice of violation is not available to the registered vehicle owner, where the person operating the vehicle at the time of the citation was not the registered vehicle owner. Clear proof of timely payment of the citation is a defense to late payment penalties.

3. *Defense; merits of citation.* Defenses relating to the merits of the citation must be established by the contestant by sufficient evidence. Such defenses may include, but are not limited to:

- a. Signage matters (missing, obscured or defaced signs);
- b. Impossibility of knowledge of the applicable parking restrictions (where the contestant demonstrates that it was impossible for him or her to become aware of the applicable parking restrictions);
- c. Malfunctioning parking meters;
- d. Recent loss of parking permit or placard;

e. Mechanical breakdown of the vehicle (where the vehicle was not illegally parked prior to the breakdown, the violation in fact results from the breakdown and reasonable steps were taken to remove the vehicle prior to the occurrence of the violation).

4. Personal reasons, inconveniences, lack of funds, forgetfulness, failure to observe signs, lack of available parking elsewhere, lack of knowledge of the applicable restrictions, and similar or related matters are not under any circumstances a defense to liability for the parking penalties. Failure to list a defense in the statement of reasons contained in the contestant's appeal request precludes the contestant from utilizing that defense at the time of the appeal hearing.

(d) *Evidence.*

1. *Rules of evidence.* The rules of evidence for Civil Court procedures shall not apply in administrative hearings conducted pursuant to the procedure. Evidence relevant to the issues raised by the contestant's statement of reasons, and to the validity of the citation itself under Section 40202 of the California Vehicle Code, will be received. Weight and reliability of the evidence provided will be determined by of the hearing officer.

2. *Form of evidence.* Other than the citation and the DMV information, the Hearing Official shall receive into the record the Reviewing Official's record from the administrative review, together with relevant testimony, documentation and other material which is submitted by either party. Weight and reliability determinations, shall be made by the Hearing Official. The Hearing Official may, but is not required to, admit evidence in the form of declarations of witnesses, submitted by the contestant. Such declarations shall not be admitted unless presented in the form required for declarations under California Section 2015.5 of the California Code of Civil Procedure, and shall contain the statements required by Sections 2015.5(a) and 2015.5(b) of the California Code of Civil Procedure.

(e) *Witnesses.*

1. The contestant may present witness testimony as evidence at the discretion of the Hearing Official. The Hearing Official, after conducting the initial procedures of the hearing, may exclude witnesses until their turn to testify. The Hearing Official may limit the number of witnesses to prevent repetitive testimony in the interest of efficiency

2. Cross-examination by Hearing Official. The Hearing Official may conduct such cross-examination of the contestant or any witness presented at his or her discretion.



(3) *Determination of appeal.*

(a) *Basis for determination.* The Hearing Official shall make a written decision on liability for the parking penalties based on the testimony and other evidence in the record.

(b) *Disposition.* The Hearing Official shall enter the disposition and the total amount of parking penalties on the hearing record. The decision, including the rationale thereof, shall be placed in written form.

(c) *Delivery of decision to contestant.* Although the Hearing Official's decision may be personally delivered to the contestant following the completion of the hearing, the written decision shall be sent to the contestant, to the address listed on the contestant's appeal form, via first class mail.

(d) *Deferred payment.* Following a determination by the Hearing Official that a person has committed the violation, the Hearing Official may in his or her discretion, may allow for deferred payment of the parking penalty, if the person provides evidence satisfactory to the Hearing Official, of an inability to pay the parking penalty in full.

(e) *Finality.* The Hearing Official's decision shall be the final decision of Yucca Valley Code Compliance. The decision shall set forth the time limits for the contestant to file for judicial review in the Court, and a notice that if no such review is sought within the applicable time limitations, the decision shall be final for all purposes.

**12.50.040 JUDICIAL REVIEW.**

Within 30 days after the mailing or personal delivery of the final decision described in 12.50.030(D)(3)(e), the contestant may seek review by filing an appeal with the Court. Such review will be conducted in accordance with the provisions of Section 40230 of the California Vehicle Code.

**12.50.050 COPIES OF CITATIONS.**

Upon request by mail or in person, Yucca Valley Code Compliance will provide a copy of a citation to any person who has received a notice of delinquent parking violation, or to his or her agent. The copy will be provided within 15 days of the request, upon payment of the fee established by Yucca Valley Code Compliance. The copy can be produced by any reasonable means available to Yucca Valley Code Compliance, including printed representation of computer information.

**SECTION 2. NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance

and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

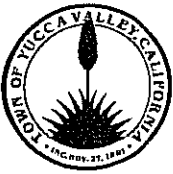
\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ATTORNEY



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Director of Administrative Services  
**Date:** February 7, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** AB1234 Reporting Requirements

**Prior Council Review:** Current reimbursement policy for Council members and Redevelopment Agency members reviewed and approved by Council August 2006.

**Recommendation:** Receive and file the AB1234 Reporting Requirement Schedule for the month of January 2011.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote

**Discussion:** AB1234 requires members of a legislative body to report on "meetings" attended at public expense at the next meeting of the legislative body. "Meetings" for purpose of this section are tied to the Brown Act meaning of the term: *any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.* Qualifying expenses include reimbursement to the member related to meals, lodging, and travel.

An example of when a report is required is when a Town Council member represents his or her agency on a joint powers agency board and the Town pays for the official's expenses in serving in that representative capacity. Additionally, in the spirit of AB1234, the Yucca Valley Town Council also reports all travel related to conference and training attended at public expense.

Although the AB1234 report can be either written or oral, this report must be made at the next meeting of the legislative body that paid for its member to attend the meeting.

Reviewed By:

  
 Town Manager

\_\_\_\_\_  
 Town Attorney

\_\_\_\_\_  
 Admin Services

\_\_\_\_\_  
 Dept Head

\_\_\_\_ Department Report  
 Consent

\_\_\_\_ Ordinance Action  
 \_\_\_\_ Minute Action

\_\_\_\_ Resolution Action  
 Receive and File

\_\_\_\_ Public Hearing  
 \_\_\_\_ Study Session

**Alternatives:** None.

**Fiscal impact:** There is no anticipated financial impact associated with the recommended approval of AB1234 reporting requirements.

**Attachments:** **AB1234 Reporting Requirement Schedule**

# Town of Yucca Valley

## Councilmember AB1234 Meetings Schedule Month of January 2011

<b>Date of Travel</b>	<b>Organization</b>	<b>Description</b>	<b>Location</b>
<b>Mayor Huntington</b>	No Reportable Meetings		
<b>Mayor Pro Tem Luckino</b>	No Reportable Meetings		
<b>Councilmember Hagerman</b>	League of CA Cities	New Mayor & Council members	Sacramento
<b>Councilmember Mayes</b>	No Reportable Meetings		
<b>Councilmember Rowe</b>	League of CA Cities	New Mayor & Council members	Sacramento

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Jim Schooler, Community Services Director  
**Date:** February 8, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** Sale of Town Assets – De-accession of Selected Museum Taxidermy Specimens

**Prior Council Review:** None

**Recommendation:** Move to ratify the sale of the identified list of taxidermy shorebird specimens to the Santa Maria Natural History Museum and designate the proceeds to be used for collections care and acquisitions

**Summary:** The Hi-Desert Nature Museum's Collection Policy provides for the de-accessioning of objects that no longer fulfill the museum's mission. The taxidermy shorebirds on display in the Diorama Room are not relevant to the museum's exhibits and programs and have been identified by staff as appropriate for de-accession. The Santa Maria Natural History Museum has offered to purchase the birds and utilize them in their permanent exhibitions for educational purposes. Collection policy requires that all museum de-accessions valued at \$2,000 or more be approved by Town Council.


**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote-Consent Agenda Item)

**Discussion:** The Hi Desert Nature Museum's Collection Policy provides for the de-accessioning of objects that no longer fulfill the museum's mission. In 2007, the museum completed a renovation plan for the permanent exhibitions which included the removal of taxidermy specimens not native to the local desert environment and updating the dioramas with desert animals. The display of shorebirds is unrelated to the museum's mission and staff recommends the de-accession of these taxidermy specimens from the permanent collection. The museum's collection includes taxidermy examples of bobcat, fox, tortoise, and other local animals which will be installed in the

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Reviewed By:



Town Manager

Town Attorney

Mgmt Services

Dept Head

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Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

display case once the shorebirds are removed.

The following list of the shorebirds to be de-accessioned occupied a single display case in the Diorama Room:

- 2 Greater Scaup (*Aythya marila*)
- 1 Glaucous-Winged Gull (*Larus glaucescens*)
- 2 Double-crested Cormorant (*Phalacrocorax auritus*)
- 3 Common Goldeneye (*Bucephala clangula*)
- 3 Bufflehead (*Bucephala albeola*)
- 2 Willet (*Catoptrophorus semipalmatus*)
- 3 Surf Scoter (*Melanitta perspicillata*)
- 2 Northern Pintail duck (*Anas acuta*)
- 2 Black-footed Albatross (*Diomedea nigripes*)
- 1 Sea Perch
- 4 Sandpipers
- 1 Blue Heron (*Ardea herodias*)

The collection policy provides for disposition of de-accessioned objects through various means. Since museums maintain their collections as a public trust, the preferred method of disposition is through donation or sale to a non-profit, educational organization. Virginia Souza, with the Santa Maria Natural History Museum, offered to purchase the collection of shorebirds, along with the museum's blue heron (not currently on display), for \$4,000. Their grant funding is sufficient to cover the purchase of the taxidermy specimens and the renovation of the exhibits to display them properly. The shorebirds are native to the Santa Maria area and can be used in support of their mission for educational programs.

The shorebirds were appraised at \$6,000, but staff recommends accepting the Santa Maria Natural History Museum's offer of \$4,000 to ensure an intact display of the birds for interpretive purposes, a preferable alternative to breaking up the diorama and selling the birds individually. Because some of the birds are protected species, staff confirmed with Mona Ianelli, U.S. Fish & Wildlife Service, that the museum can sell the specimens to another educational organization. It was also confirmed that the Santa Maria Natural History Museum has the necessary migratory bird permit to purchase and display the birds.

The American Association of Museums' code of ethics states that proceeds from the sale of collections are to be used consistent with the established standards of the museum's discipline, and not used for anything other than acquisition or direct care of collections. Accordingly, staff recommends that the \$4,000 received from the sale of the shorebirds to the Santa Maria Natural History Museum be designated for museum

collections care and acquisitions.

The Parks, Recreation and Cultural Commission moved to approve the de-accession and sale of the shorebirds during their July 13, 2010 meeting. The final ratification of the sale of town assets was delayed until the Santa Maria Natural History Museum secured the required grant funding to purchase the birds and display them properly. Transportation costs are also covered by the Santa Maria Natural History Museum.

**Alternatives:** None recommended by staff

**Fiscal Impact:** Revenue of \$4,000

**Attachments:** None



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Administrative Services Director  
**Date:** February 8, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** Warrant Register February 15, 2011

**Recommendation:**

Ratify the Warrant Registers total of \$ 682,963.93 for checks dated January 21, 2011 thru January 31, 2011.

**Order of Procedure:**

- Department Report
- Request Staff Report
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call)

**Attachments:**

- Warrant Register No. 31 dated January 21, 2011 total of \$ 131,369.16
- Warrant Register No. 33 dated January 27-31, 2011 total of \$ 551,594.77

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Reviewed By:

                      
Town Manager

                      
Admin. Services

                      
Town Attorney

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Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

**WARRANT REGISTER # 31**  
**CHECK DATE - JANUARY 21, 2011**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 33566 to # 33614 are valid

Checks # 33585, # 33589, # 33602, # 33604 are included in RDA Warrant #31

GENERAL FUND # 001	\$117,422.04
CENTRAL SUPPLIES FUND # 100	\$2,182.99
CUP DEPOSITS FUND # 200	\$1,010.37
COPS-SLESF FUND # 509	\$95.02
AB2928-STATE CONSTRUCTION FUND # 513	\$427.50
STREET MAINTENANCE FUND # 515	\$2,150.25
LTF FUND # 516	\$855.00
MEASURE I MAJOR ARTERIAL FUND # 522	\$437.50
MEASURE I LOCAL ROADS FUND # 523	\$617.50
MEASURE I 2010-2040 FUND # 524	\$5,220.99
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$736.25
PROP 1B FUND # 528	\$47.50
CMAQ FUND # 542	\$166.25
<b>GRAND TOTAL</b>	<b><u><u>\$131,369.16</u></u></b>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager 

Reviewed by: Curtis Yakimow, Admin Svc. Dir. \_\_\_\_\_

**Town of Yucca Valley****Warrant Register**

January 21, 2011

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
001	GENERAL FUND		
	33566 Arrowhead Mountain Water	Office Supplies	\$60.12
	33567 AT & T Mobility	Wireless Service	424.49
	33568 Hazel Bader	Contract Instructor	102.20
	33569 Crystal Bossolono	Recreation Program Refund	63.00
	33570 Kristine Bost	Contract Instructor	23.80
	33571 Carol Boyer	Contract Instructor	28.00
	33572 Jeff Brady	Sports Referee	48.00
	33573 Brian's Lockshop	PD Security Locks	7,342.84
	33574 C & S Electric	Service Call Balance	54.00
	33575 Chevron & Texaco Card Services	Vehicle Fuel	15.60
	33576 Clark Construc/Hal Scott Clark	Storm Clean Up 12/10	43,700.00
	33577 Companion Animal Clinic	Veterinary Supplies	2,172.50
	33578 Cowboy Corral	Shelter Supplies	14.99
	33579 J.W. Craig	Contract Instructor	35.00
	33580 June Drane	Contract Instructor	40.60
	33582 Ficara Paving Co., Inc.	Storm Clean Up 12/10	11,861.25
	33583 Mae Fox	Contract Instructor	49.00
	33584 G & K Propane	Propane Service	911.26
	33585 Duane Gasaway	Engineering Services	2,161.25
	33587 Joy Groves	Contract Instructor	277.20
	33588 Art Gutierrez	Sports Referee	48.00
	33589 Hi-Desert Water	Water Service	4,763.69
	33590 Anja Homburg	Contract Instructor	56.70
	33591 Susan Jordan	Contract Instructor	154.00
	33592 Heather Kaczmarczk	Contract Instructor	59.50
	33593 Roger Keezer	Contract Instructor	23.80
	33594 Mona Kirk	Contract Instructor	54.71
	33595 MM Internet, Inc.	ISP Service	191.54
	33596 Viva Nelson	Contract Instructor	8.40
	33597 NRO Engineering	Engineering Services	6,095.00
	33598 Oasis Office Supply	Copy Paper	201.13
	33599 Pacific Telemanagement Svcs.	Public Phone Service	82.64
	33600 Petty Cash-Maureen Randall	Miscellaneous Supplies	239.53
	33601 SBCO Fire Protection District	Senior Center Permit	244.00
	33602 SCE	Electric Service	4,350.04
	33603 James A. Shirley Construction, Inc.	Storm Clean Up 12/10	10,972.50
	33604 So. Cal. Gas Co.	Natural Gas Service	2,690.18
	33605 Sprint	Phone Charges	5.06
	33606 Tammy Stiles	Recreation Program Refund	53.00
	33607 Tease Shirts	Recreation Staff Uniforms	5,452.80
	33608 USA Mobility Wireless, Inc.	Pager Service	85.06
	33609 VCA Yucca Valley Animal Hospital	Veterinary Services	779.80
	33610 Verizon	Phone Service	2,207.72
	33611 Verizon	Phone Service	221.18
	33613 Mike Volcic Trucking	Storm Clean Up 12/10	2,340.00
	EFT First Bankcard	Meeting & Travel Expense	5,185.61
	EFT Home Depot	Maintenance Supplies	1,471.35
<b>Total 001 GENERAL FUND</b>			<b>\$117,422.04</b>

**Town of Yucca Valley**

**Warrant Register**

January 21, 2011

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
100 CENTRAL SUPPLIES FUND			
	33586 GE Capital Corporation	Copier Leases	\$2,182.99
<b>Total 100 CENTRAL SUPPLIES FUND</b>			<b>\$2,182.99</b>
200 DEPOSITS FUND			
	33581 FedEx	Delivery Service	\$35.37
	33585 Duane Gasaway	Engineering Services	475.00
	33597 NRO Engineering	Engineering Services	500.00
<b>Total 200 DEPOSITS FUND</b>			<b>\$1,010.37</b>
509 COPS-SLESF FUND			
	33612 Verizon Wireless	Phone Service	\$95.02
<b>Total 509 COPS-SLESF FUND</b>			<b>\$95.02</b>
513 AB2928-STATE CONSTRUCTION GRANT FUND			
	33585 Duane Gasaway	Engineering Services	\$427.50
<b>Total 513 AB2928-STATE CONSTRUCTION GRANT FUND</b>			<b>\$427.50</b>
515 GAS TAX FUND			
	33589 Hi-Desert Water	Water Service	\$139.92
	33602 SCE	Electric Service	148.28
	33614 Woods Auto Repair	Streets Vehicles Svs.	1,862.05
<b>Total 515 GAS TAX FUND</b>			<b>\$2,150.25</b>
516 LTF FUND			
	33585 Duane Gasaway	Engineering Services	\$855.00
<b>Total 516 LTF FUND</b>			<b>\$855.00</b>
522 MEASURE I - MAJOR ARTERIAL FUND			
	33585 Duane Gasaway	Engineering Services	\$380.00
	33597 NRO Engineering	Engineering Services	57.50
<b>Total 522 MEASURE I - MAJOR ARTERIAL FUND</b>			<b>\$437.50</b>
523 MEASURE I - LOCAL ROADS FUND			
	33585 Duane Gasaway	Engineering Services	\$617.50
<b>Total 523 MEASURE I - LOCAL ROADS FUND</b>			<b>\$617.50</b>
524 MEASURE I - 2010-2040 FUND			
	33581 FedEx	Delivery Service	\$23.10
	33585 Duane Gasaway	Engineering Services	1,211.25
	33602 SCE	Electric Service	3,986.64
<b>Total 524 MEASURE I - 2010-2040 FUND</b>			<b>\$5,220.99</b>
527 PUBLIC LANDS FEDERAL GRANT FUND			
	33585 Duane Gasaway	Engineering Services	\$736.25
<b>Total 527 PUBLIC LANDS FEDERAL GRANT FUND</b>			<b>\$736.25</b>

**Town of Yucca Valley**  
**Warrant Register**  
 January 21, 2011

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
528 PROP 1B FUND			
	33585 Duane Gasaway	Engineering Services	\$47.50
<b>Total 528 PROP 1B FUND</b>			<b>\$47.50</b>
542 CMAQ FUND			
	33585 Duane Gasaway	Engineering Services	\$166.25
<b>Total 542 CMAQ FUND</b>			<b>\$166.25</b>
<b>***</b>	<b>Report Total</b>		<b>\$131,369.16</b>



**WARRANT REGISTER # 33**  
**CHECK DATE JANUARY 27-31, 2011**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 33615 to # 33744 are valid:

Checks # 33617, # 33658, # 33698, # 33709, # 33715, # 33734 are included in RDA # 33

GENERAL FUND # 001	\$417,371.53
CENTRAL SUPPLIES FUND # 100	\$461.35
CUP DEPOSITS FUND # 200	\$24.00
AB 2928 STATE CONSTRUCTION FUND # 513	\$30,792.75
STREET MAINTENANCE FUND # 515	\$8,181.02
MEASURE I MAJOR ARTERIAL FUND # 522	\$42,630.08
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$25,575.24
HUD JERRY LEWIS PARK FUND # 551	\$26,558.80
<b>GRAND TOTAL</b>	<b><u>\$551,594.77</u></b>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager   
Reviewed by: Curtis Yakimow, Admin Svc. Dir. \_\_\_\_\_

**Town of Yucca Valley**

**Warrant Register**

January 27-31, 2011

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
001	GENERAL FUND		
	33615 Ace Alternators	Fleet Vehicle Maintenance	\$54.32
	33616 Action Pumping, Inc.	Septic Service	610.00
	33618 Alliant Insurance Services	Liability Insurance	827.14
	33619 Alsc0/American Linen, Inc.	Facilities Maintenance Supplie	341.10
	33620 American Planning Assoc.	Membership Dues	358.00
	33621 Arrowhead Mountain Water	Office Supplies	110.68
	33622 Avalon Urgent Care	Employee Physicals	255.00
	33623 Barr Lumber, Inc.	Parks Maintenance	24.14
	33624 Beam, Brobeck, West, Borges & Rosa	Green Litigation Service	6,190.90
	33625 Big 5 Corp.	Recreation Program Supplies	381.61
	33626 BNI Building News	Reference Materials	197.77
	33627 Joseph E. Bonadiman & Assoc, Inc.	Green Litigation Expense	125.00
	33628 Jeff Brady	Sports Referral	48.00
	33629 Brian's Lockshop	Facility Maintenance	49.14
	33630 Steve Brown	Museum Program Expense	200.00
	33631 BSN Sports	Recreation Program Expense	631.44
	33632 Ronnie Burnette	Sports Referee	44.00
	33633 National Institute of Business Mang	Membership Renewal	89.00
	33634 California Building Standards Com.	Building & Safety Permits	29.70
	33635 California Chamber of Commerce	Reference Materials	473.06
	33636 California Assoc of Museums	Membership Renewal	150.00
	33637 Cabela's, Inc.	2 Stealth Cam Prowler Cameras	589.93
	33638 Ron Cain	Sports Referee	120.00
	33639 Carquest Auto Parts	Vehicle Maintenance	133.00
	33640 CDW Government, Inc.	Technology Equipment	59.27
	33641 Charles Abbott & Assoc, Inc.	Permit Services	50,722.10
	33642 Checkered Flag Auto Spa	Vehicle Maintenance	12.95
	33643 Companion Animal Clinic	Veterinary Supplies	158.00
	33644 Copper Mountain Broadcasting	Fall Clean Up Advertising	180.00
	33645 Corelogics Information Solutions	Online Property Information	2,500.00
	33646 Cowboy Corral	Shelter Supplies	387.15
	33647 CSMFO	Membership Renewal	220.00
	33648 D & D Disposal, Inc.	Shelter Disposal Services	5,340.00
	33649 Daley & Heft LLP	Professional Services	715.00
	33650 Deluxe Business Checks	Deposit Slip Printing	67.14
	33651 Department of Conservation	SMIP Fees	81.68
	33652 Desert Pacific Exterminators	Exterminator Services	229.00
	33653 Dept of Justice	Live Scan Services	297.00
	33654 Drs. Foster & Smith	Shelter Supplies	63.96
	33655 Jeffrey Dufour	Candidate Statement Refund	128.00
	33656 Ed Escalante	Sports Referee	88.00
	33657 Farmer Bros. Co.	Office Supplies	115.68
	33658 FedEx	Delivery Service	62.76
	33659 Four Winds Trading Company	Museum Shop Merchandise	28.44
	33660 Fred's Tires	Fleet Tire Maintenance	105.00
	33661 Graphic Penguin	Web Site Maintenance	590.00
	33663 Isaac Hagerman	Candidate Statement Refund	221.92
	33664 Hajoca Corporation	Plumbing Supplies	338.75

**Town of Yucca Valley**

**Warrant Register**

January 27-31, 2011

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	33665	Lori Herbel	Candidate Statement Refund	128.00
	33666	Hi-Desert Publishing	Ordinance Advertising	813.87
	33667	Hi-Desert Publishing	Facility Rental Refund	850.00
	33668	Hi-Way Safety Inc.	Festival of Lights Expense	2,120.00
	33669	Hutchins Motor Sports	OHV Maintenance	207.00
	33670	Innovative Federal Strategies, LLC	12/10 Professional Services	3,931.00
	33671	Intervet, Inc.	Shelter Adoption Supplies	292.54
	33672	Jimmy's Equipment & Turf Supply	Parks Maintenance Supplies	37.50
	33674	KCDZ-FM	Advertising Expense	214.00
	33675	Paul Martini	Museum Exhibit Rental	2,100.00
	33676	Chad Mayes	Candidate Statement Refund	128.00
	33677	MB Station Volunteers	Installation Dinner Event	100.00
	33678	Morongo Basin Adult Health Servs.	Partnership Agreement	5,000.00
	33679	Morongo Basin Unity Home	Partnership Agreement	3,000.00
	33680	MM Internet, Inc.	ISP Service	287.52
	33681	Morongo Unified School District	YVHS Pool Utilities	1,463.40
	33682	National Notary Association	Errors & Omissions Insurance	33.00
	33683	Oasis Office Supply	Office Supplies	349.43
	33684	Oriental Trading Co. Inc.	Recreation Program Expense	84.88
	33686	Public Agency Retirement Services	Trust Administrator	300.00
	33687	Pool & Spa Center	YVHS Pool Expense	43.50
	33688	Vanessa Pourtemour	Museum Program Expense	150.00
	33689	Pro Security	Building Maintenance	510.00
	33690	Pro Pet Distributors	Shelter Supplies	236.90
	33691	Pro Video	Town Council Taping	200.00
	33693	Quick Scores	Recreation Program Expense	216.00
	33695	Reach Out Morongo Basin	Partnership Agreement	7,000.00
	33697	Sidney Richardson	Sports Referee	36.00
	33699	Dawn Rowe	Seminar Expense	311.68
	33701	SBCO-Office of the Assessor	Assessor's Disk	429.36
	33702	SBCO - Hazardous Material Div	01-03/11 Household Hazardous	6,743.50
	33703	SBCO - Information Services	11/10 Radio Access	4,074.00
	33704	SBCO Animal Care & Control	License Pass Through	3,046.15
	33706	SBCO Sheriff's Dept	01/11 Professional Services	260,738.00
	33707	SBCO Library-Yucca Valley Branch	10/11 Community Partnership	3,000.00
	33708	Office of the County Recorder	Filing Fee	15.00
	33710	SCE	Electric Service	5,236.23
	33711	SCMAF	Recreation Program Expense	340.00
	33712	SCMAF	Recreation Program Expense	525.00
	33713	SESAC	License Fee Balance	14.00
	33714	Signs by Wanda	Museum Program Expense	27.18
	33715	So. Cal. Gas Co.	Natural Gas Service	3,951.02
	33716	Southwest Networks, Inc.	Technology Support	10,812.80
	33717	State Humane Association of CA	Reference Materials & Dues	316.00
	33718	Stater Bros	Recreation Program Expense	37.07
	33718	Stater Bros	Museum Program Expense	278.81
	33719	Sterling Codifiers, Inc.	Professional Services	500.00
	33720	The Sun Runner	Museum Advertising	100.00
	33721	MarilynTarbutton	Professional Services	150.00



**Town of Yucca Valley**

**Warrant Register**

January 27-31, 2011

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	33722	The Plaque Shop	Council Badge Plaques	165.00
	33724	Trophy Express	Employee Name Badges	38.06
	33725	Angelica Trujillo	Museum Program Expense	150.00
	33727	United States Postal Service	Postage	1,000.00
	33728	VCA Yucca Valley Animal Hospital	Veterinary Services	1,322.00
	33729	Valley Independent	Code Enforcement Printing	285.30
	33730	Voyager Fleet Systems, Inc	Vehicle Fuel	88.96
	33731	Walmart Community	Shelter Supplies	864.41
	33732	Melissa Weaver	Facility Rental Refund	300.00
	33733	Western Self Storage	2-5/11 Storage Unit Rental	273.00
	33735	Woods Auto Repair	Fleet Vehicle Maintenance	1,356.73
	33736	Curtis Yakimow	Mileage Expense	317.66
	33737	Yellowmart	Recreation Program Expense	154.10
	33738	Yucca Rentals	Equipment Rental	49.50
	33739	Yucca Valley Quick Lube	Fleet Maintenance	75.52
	33740	Chevron	Vehicle Fuel	1,086.13
	33742	Petty Cash	Miscellaneous Supplies	594.77
	33744	Superior Mobile Live Scan Svs	Fingerprinting Svs.	180.00
	EFT	First Bankcard	Supplies & Meeting Expense	3,433.40
	EFT	Home Depot	Maintenance Supplies	413.92
<b>Total 001</b>	<b>GENERAL FUND</b>			<b>\$417,371.53</b>
100 CENTRAL SUPPLIES FUND				
	33729	Valley Independent	Envelopes	\$461.35
<b>Total 100</b>	<b>CENTRAL SUPPLIES FUND</b>			<b>\$461.35</b>
200 DEPOSITS FUND				
	33705	SBCO Auditor-Recorder	Recording Fee	\$24.00
<b>Total 200</b>	<b>DEPOSITS FUND</b>			<b>\$24.00</b>
513 AB2928-STATE CONSTRUCTION GRANT FUND				
	33685	Overland Pacific & Cutler, Inc.	Right of Way Acquisition	\$274.75
	33734	Willdan Associates	SR 62 TCRP Project	30,518.00
<b>Total 513</b>	<b>AB2928-STATE CONSTRUCTION GRANT FUND</b>			<b>\$30,792.75</b>
515 GAS TAX FUND				
	33619	Alsco/American Linen, Inc.	Streets Uniform Maintenance	\$80.85
	33639	Carquest Auto Parts	Streets Maintenance	219.09
	33662	Great West Equipment, Inc.	Street Paver Maintenance	1,892.97
	33673	Johnson Power Systems	Streets Tractor Supplies	30.25
	33692	Quality Street Services, Inc.	Street Sweeping Service	4,400.00
	33700	SBCO-Vehicle Services	Streets Vehicles Service	535.00
	33710	SCE	Electric Service	885.86
	33723	Traffic Control Service, Inc.	Street Signs	50.00
	33726	UPS	Delivery Service	87.00
<b>Total 515</b>	<b>GAS TAX FUND</b>			<b>\$8,181.02</b>

**Town of Yucca Valley**  
**Warrant Register**  
**January 27-31, 2011**

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
522 MEASURE I MAJOR ARTERIAL FUND			
	33694 RBF Consulting	SR 62 Sage to Airway Project	\$42,630.08
<b>Total 522 MEASURE I MAJOR ARTERIAL FUND</b>			<b>\$42,630.08</b>
527 PUBLIC LANDS FEDERAL GRANT FUND			
	33741 Overland Pacific & Cutler, Inc.	SR 62 PLHD Project	\$46.25
	33743 RBF Consulting	SR 62 PLHD Project	25,528.99
<b>Total 527 PUBLIC LANDS FEDERAL GRANT FUND</b>			<b>\$25,575.24</b>
551 HUD- JERRY LEWIS PARK FUND			
	33694 RBF Consulting	SR 62 PLHD-Apache to Palm	\$5,893.00
	33696 RHA Landscape Architect	Southside Neighborhood Park	20,665.80
<b>Total 551 HUD- JERRY LEWIS PARK FUND</b>			<b>\$26,558.80</b>
<b>*** Report Total</b>			<b><u>\$551,594.77</u></b>



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Director of Administrative Services  
**Date:** January 7, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** Service charge for release of stored or impounded vehicles

**Prior Council Review:** None.

**Recommendation:** That the Town Council adopt the Resolution establishing a service charge for release of stored or impounded vehicles.

**Executive Summary:** The Town's FY 2010-11 Amended Budget includes a public safety budget in excess of \$3.3 million, the majority of which is expended on the Town's contract with the San Bernardino County Sheriff's Department for police services. In the performance of these duties, the Sheriff's Department must occasionally impound vehicles for various reasons. Currently the Town absorbs the entire cost of this operation. California Vehicle Code provides for municipalities to recover this cost through the adoption of a resolution establishing procedures for the imposition of a charge equal to its administrative costs relating to the impound process. The resolution as proposed by staff would impose an impound release fee of \$100 to be collected in accordance with the provisions of the California Vehicle Code.

**Order of Procedure:**

- Request Staff Report
- Open Public Hearing
- Close Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

**Discussion:** Pursuant to the laws of the State of California as written in section 22850.5 of the Vehicle Code, the Town of Yucca Valley is authorized to adopt and implement rates, fees and charges for municipal services; provided however, that such rates, fees and/or charges do not exceed the estimated reasonable cost of providing such services.

In the past, the Town Council has approved changes to various fees in an effort to be consistent with the Town's fiscal policy to charge fees for services which reflect the cost of

Reviewed By:

Town Manager

Town Attorney

Mgmt Services

Dept Head

Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

providing such services.

Currently vehicles that are impounded/stored, from within the Town of Yucca Valley are not charged a vehicle release fee. Pursuant to the Town's Law Enforcement Services contract, the San Bernardino County Sheriff's Department incurs certain costs for impounding these vehicles. These costs are then passed-through to the Town, decreasing the time available for routine patrol, enforcement and other proactive activities.

The Sheriff's Department impounds and/or stores vehicles for various reasons under the authority of California Vehicle Code Sections 22651 through 34506.4. Vehicles that are impounded and/or stored include, but are not limited to, the following:

- Vehicle has been abandoned
- Vehicle has been involved in an accident, and the owner cannot make an informed decision
- Vehicle is creating a hazard
- Vehicle is blocking a driveway and there was no other immediate remedy available
- There are more than five (5) outstanding parking tickets against the vehicle
- Vehicle is being operated by an unlicensed driver
- The owner/operator was arrested and it was not practical to legally park and lock the vehicle

#### **Staff Analysis:**

The administration of the program would be a joint effort with the Sheriff's Department. All initial reports, release forms and collection of fees would be handled by the Sheriff's Department. The Town would be able to accept the impound release fee during working hours as well. Fees would be collected before release of vehicle. The Sheriff's Department would deliver the funds to the Town of Yucca Valley's Finance Department with a log indicating the total amount deposited. The Town of Yucca Valley's Administrative Services Department will process the cash receipts, deposit the funds, and monitor the process.

Fees would not be charged for the recovery of stolen vehicles. Between January 2009 and

October 2010, 352 vehicles were towed in the Town of Yucca Valley.

The Town will be responsible for the processing and reconciliation of fees collected. Only cash will be accepted as payment of vehicle release fee.

As a point of reference, the City of Twenty-nine Palms charges \$48 and the City of Palm Springs charges \$125 as a service charge for the release of impounded vehicles.

Staff met with Captain Miller of the San Bernardino County Sheriff's Department to discuss the procedures and staff time that go into processing vehicle release forms for the Town of Yucca Valley. It takes an average of sixty (60) minutes for a Deputy to complete the necessary response, including notifying San Bernardino Sheriff's station personnel of impound/storage. Under the Town's Law Enforcement contract, the Town incurs cost per hour for the Deputy impounding/storing the vehicle as well as station personnel. Based on the figure of sixty (60) minutes per vehicle at an average deputy/support staff rate of \$100/hour, staff proposes a service charge of \$100.00 for the release of impounded/stored vehicles. The fee is based upon the cost and current rates for impounding/storing vehicles and the expenses incurred by the Town for administering the program.

**Alternatives:** Staff recommends no alternative action.

**Fiscal impact:** Historical data indicates approximately 176 impounds per year over the past two years. Based on the proposed impound release fee of \$100 per release, the Town would receive approximately \$17,600 as reimbursement against the Town's annual public safety expenditures of \$3.3 million.

**Attachments:** Resolution

## RESOLUTION NO. 11

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION 04-38 BY ADDING VEHICLE IMPOUND RELEASE FEES FOR THE ADMINISTRATIVE SERVICES DIVISION**

WHEREAS, pursuant to the provisions of the California Constitution and laws of the State of California, including Vehicle Code Section 22850.1, the Town of Yucca Valley is authorized to adopt and implement rates, fees and charges for municipal services; provided, however, that such rates, fees and/or charges do not exceed the estimated reasonable cost of providing such services; and,

WHEREAS, California Government Code Section 66018 requires notice to be published in accordance with California Government Code Section 6062a and data made available concerning rates, fees and charges prior to conducting a public hearing with respect to the adopting of increases in rates, fee and charges or the adoption of new rates, fees and charges for which no other procedures is provided by law; and,

WHEREAS, the Town Council of the Town of Yucca Valley has established various schedules of rates, fees, and charges, including, but not limited to, rates, fees and charges for the processing of applications, issuance of permits and related public services; and,

WHEREAS, the Town has completed an analysis to determine the reasonable cost incurred by the Town to provide these services; the fees established by this resolution represent reasonable average costs of said services and do not exceed the actual cost to provide such service based on past experience of the Town staff; and,

WHEREAS, vehicles are impounded/stored include, but not limited to, the vehicle being abandoned, found on the street and not registered, creating a hazard, blocking a driveway, being operated by an unlicensed driver, having five outstanding parking tickets and/or owner/operator was arrested and it was not practical to legally park and lock the vehicle; and,

WHEREAS, a public notice was published in the Hi-Desert Star at least 10 days prior regarding the proposed fees and charges for services, and notifying interested parties of the date, time, and location of the public hearing; and,

WHEREAS, on February 15, 2011, the Yucca Valley Town Council held a public hearing to receive testimony relative to the proposed fees for the release of stored and/or impounded vehicles; and

WHEREAS, the Town Council has considered all testimony presented to make the following determination.

NOW THEREFORE THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY RESOLVES AS FOLLOWS.

**Section 1.** The Town Council hereby finds and determines, APPROVAL of a service charge for release of stored and/or impounded vehicles. Such fee would not be charged in the recovery of stolen vehicles, or for vehicles impounded for evidence.

**Section 2** The Town Council hereby establishes \$100 as a service charge for the release of stored and/or impounded vehicles. The fee is based upon the administrative cost and current rates incurred by the Town to pay County Sherriff staff for impounding and storing vehicles and the expenses incurred by the Town for administering the program. The amount of the fee is further supported by the following factual findings:

- (a) It takes an average of sixty (60) minutes for a Deputy to complete the necessary response, including notifying San Bernardino Sheriff's station personnel of impound/storage.
- (b) Under the Town's Law Enforcement contract, the Town incurs cost per hour for the Deputy impounding/storing the vehicle as well as station personnel.
- (c) Based on the figure of sixty (60) minutes per vehicle at a combined average deputy and support staff rate of \$100/hour, staff proposes a service charge of \$100.00 for the release of impounded/stored vehicles.

**Section 3** This resolution shall take effect on and after March 1, 2011. The Town Clerk shall certify as to the adoption of the Resolution and shall cause the same to be processed in the manner required by law.

**Section 4** Pursuant to California Vehicle Code Section 22850.5, the following apply to any charges imposed for administrative costs pursuant to this resolution:

- (a) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Vehicle Code Sections 3068.1 to 3074, inclusive, of, and Vehicle Code Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.
- (b) Any charges shall be collected by the Town only from the registered owner or an agent of the registered owner.
- (c) The charges shall be in addition to any other charges authorized or imposed by the Town or pursuant to the Vehicle Code.

(d) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

**Section 5** If any section, subsection, subdivision, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have adopted this resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences clauses, phrases or portions thereof be declared invalid or unconstitutional.

APPROVED AND ADOPTED THIS 15<sup>th</sup> day of February, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** January 31, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** Ordinance No. 169  
Utility Undergrounding  
Service Line/Drop Undergrounding, In-Fill Residential Development

**Prior Council Review:** There has been no prior review of this matter by the Town Council.

**Recommendation:** That the Town Council discusses the policies contained in Ordinance No. 169 requiring the undergrounding of service lines/drops for in-fill residential development and provide direction to staff.

**Executive Summary:** The Town adopted Ordinance No. 169, Utility Undergrounding, on May 12, 2005. There have been no amendments to the Ordinance since its adoption.

The Town Council requested that this matter be brought forward for policy discussion at its meeting of January 18, 2011.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** The Town adopted Ordinance No. 169 on May 12, 2005. While there are several sections of applicability within the Ordinance, the Town Council requested to discuss those provisions specific to in-fill development.

**RESIDENTIAL INFILL:** The following language establishes the standards for undergrounding for infill residential development.

87.1130

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      SRS  
                         Town Manager      Town Attorney      Mgmt Services      Dept Head

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Department Report      \_\_\_\_\_ Ordinance Action      \_\_\_\_\_ Resolution Action      \_\_\_\_\_ Public Hearing  
\_\_\_\_\_ Consent       Minute Action      \_\_\_\_\_ Receive and File      \_\_\_\_\_ Study Session

*Except as otherwise provided in this chapter, all new Service, Distribution, and Transmission lines shall be constructed underground.*

*(a) New In-fill Single Family and Multi-Family (duplex, triplex) Residential Development.*

- 1. Existing overhead Distribution lines may be permitted to remain in areas where these Distribution lines have existing overhead Service lines servicing adjacent lots. However, any new Service lines are required to be placed underground.*
- 2. All service and Distribution lines which are being relocated as a result of a project shall be placed underground.*

Based upon the above language, undergrounding is required for new service lines/drops to the residential meter and for those Distribution and services lines which must be relocated as a result of a project. Distribution lines which are not being relocated as a result of the project are allowed to remain in place. All of the above provisions are specific only to residential in-fill.

If the Council desires to eliminate the requirement to underground services lines/drops for in-fill residential development, Section 87.1130 would be modified as follows.

*Except as otherwise provided in this chapter, all new Service, Distribution, and Transmission lines shall be constructed underground.*

*(b) New In-fill Single Family and Multi-Family (duplex, triplex) Residential Development.*

- ~~*1. Existing overhead Distribution lines may be permitted to remain in areas where these Distribution lines have existing overhead Service lines servicing adjacent lots. However, any new Service lines are required to be placed underground.*~~
- 2. All service and Distribution lines which are being relocated as a result of a project shall be placed underground.*

While not identified specifically as "in-fill development", issues and concerns have been expressed regarding the sections of the Ordinance which require undergrounding or the payment of an in-lieu fee for in-fill commercial and industrial development. The following language identifies the standards from the Ordinance for commercial and industrial projects.

(b) ***Parcel Maps, Tract Maps, Multi-Family Residential (4 or more units), Commercial, Industrial and Institutional Use Projects***

1. *All new Service and Distribution lines that provide direct service to the property being developed shall be placed underground.*
2. *Existing Service and Distribution lines that are located within the boundaries being developed that provide direct service shall be placed underground.*
3. *Existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed that provide direct service shall be placed underground.*
4. *Existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service shall be placed underground.*
5. *Existing Service and Distribution lines being relocated as a result of a project shall be placed underground.*

The ordinance requires that all new commercial and industrial development underground existing overhead utilities that satisfy the above criteria, or that an in-lieu fee is paid if the length of the distribution line is less than 200' in length.

Based upon Council direction, staff will return with an amended ordinance for Town Council consideration.

**Alternatives:** The Town Council may elect to retain the current language, or the Town Council may elect to provide direction to staff on the desired amendments to the Code.

**Fiscal impact:** NA

**Attachments:** Ordinance No. 169

**ORDINANCE NO. 169**

**AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF YUCCA VALLEY, CALIFORNIA,  
AMENDING TITLE 8, DIVISION 7, OF THE SAN  
BERNARDINO COUNTY CODE AS ADOPTED AND  
AMENDED BY THE TOWN OF YUCCA VALLEY  
BY ADDING CHAPTER 11 RELATING TO UTILITY  
UNDERGROUNDING (DCA-02-04).**

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

**SECTION 1. Code Amended**

Title 8, Division 7 of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is amended by adding thereto a new Chapter 11 to read as follows:

**“CHAPTER 11  
UTILITY UNDERGROUNDING**

Sections	87.1110	Intent
	87.1120	Definitions
	87.1130	When Undergrounding Installation Required
	87.1140	Expansion
	87.1150	Exceptions
	87.1160	Reviewing Authority
	87.1170	Waiver
	87.1180	Nonconforming

**87.1110 Intent.**

It is the purpose and intent of this ordinance to serve the public health, safety and welfare by requiring the undergrounding of overhead utilities and to specifically achieve the following objectives:

- (a) Provide for the orderly construction of new underground facilities Town wide and the undergrounding of existing overhead lines in all land use districts to avoid or eliminate the over concentration of overhead facilities along the street and road ways and the service lines which extend from these distribution lines;
- (b) Eliminate potential hazards to life and property in the event of emergencies or disasters such as earthquakes, fires, floods, hazardous or toxic waste releases, and rains;
- (c) Facilitate the delivery of emergency services to persons and property located adjacent to the public right of way;
- (d) Improve or increase the utility of the public right of way for such public uses as pedestrian travel, ease of deliveries to adjacent property, and landscaping treatments;

- (e) Improve or increase the visibility of persons operating motor vehicles on public and private streets and thereby promote the safety of the pedestrian and vehicle operators.

**87.1120 Definitions**

- (a) **Service Line:** defined for the purposes of this chapter as those electrical, telephone, cable, or other utility conductors that extend from the Distribution Line to the building, structure, or improvement which consume or uses the utility service.
- (b) **Distribution Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized at 34,500 volts or less, telephone, cable, or other line that supply utility product to the Service Line.
- (c) **Transmission Line:** defined for the purposes of this Chapter as those electrical utility conductors which are energized above 34,500 volts, telephone, cable, or other line that supply utility product to the Distribution Line.

**87.1130 When Undergrounding Installation Required.** The undergrounding of all such utility facilities shall be performed by the owner or developer of the property seeking its development or improvement, or any construction thereon, at the owner's or developer's sole expense. The owner or developer shall arrange for the placement of said utilities underground with the appropriate utility or communication company including the processing of any application, payment of any fees or expenses, the submission and approval of any plans and the coordination of said undergrounding with the Town Engineer. This requirement to underground shall not abrogate and rights offsets, or claims, which the owner or developer may have as to any utility or communication company.

No certificate of occupancy shall be issued for any property whose development or improvement requires the undergrounding of the utility facilities unless and until compliance with this Chapter shall have been accomplished to the satisfaction of the Town Engineer. Where an owner or developer has entered into a written agreement with the applicable utility company to underground utilities and has paid the required costs, a certificate of occupancy may be issued upon proof thereof.

Except as otherwise provided in this chapter, all new Service, Distribution, and Transmission lines shall be constructed underground.

- (a) **New In-fill Single Family and Multi-Family (duplex, triplex) Residential Development**
  - 1. Existing overhead Distribution lines may be permitted to remain in areas where these Distribution lines have existing overhead Service lines serving adjacent lots. However, any new Service lines are required to be placed underground.
  - 2. All Service and Distribution lines which are being relocated as a result of a project shall be placed underground.
- (b) **Parcel Maps, Tract Maps, Multi-Family Residential (4 or more units), Commercial, Industrial and Institutional Use Projects**
  - 1. All new Service and Distribution lines that provide direct service to the property being developed shall be placed underground.

2. Existing Service and Distribution lines that are located within the boundaries being developed that provide direct service shall be placed underground.
3. Existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed that provide direct service shall be placed underground.
4. Existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service shall be placed underground.
5. Existing Service and Distribution lines being relocated as a result of a project shall be placed underground.

**87.1140 Expansions.** When the building or structures are enlarged, altered or expanded which result in the installation of new Service or Distribution lines or when the existing electrical capacity to the building or structure requires the existing Service line and/or Distribution line to be replaced or relocated, the Service line and/or Distribution line shall be placed underground.

**87.1150 Exceptions.** The following exceptions shall apply:

- (a) Utility facilities approved by Building & Safety Division which are to be installed and maintained for a period not to exceed thirty (30) days in order to provide emergency service;
- (b) Temporary utility facilities used, or to be used, in conjunction with construction projects with an active building permit;
- (c) Utility facilities used for the transmission of electric energy at voltage in excess of thirty-three thousand five hundred volts;
- (d) Equipment applicable to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and concealed ducts;
- (e) Wires and enclosures attached to the exterior walls of a building for the purpose of interconnecting communication functions within the building;
- (f) Utility facilities which are prohibited from being placed underground by rules and regulations of the Public Utility Commission.
- (g) Street construction and widening projects, street lights and traffic signal projects.
- (h) Utility facilities are operated at voltage in excess of thirty-three thousand five hundred volts.
- (i) To the extent a utility company is required to perform maintenance, upgrade or redesign under their provisions of their franchise agreement.

- (j) Whenever the owner or developer of a subject commercial property is required to underground existing distribution lines under this chapter but the distance over which the distribution line that is required to be placed underground is less than two hundred (200) feet, the Town Engineer may allow the owner or developer to pay a fee to the Town that is equal to the unit cost of placing said distribution line underground multiplied by the distance over which the undergrounding is required, not to exceed two hundred feet, in lieu of such undergrounding. The unit price for undergrounding any existing distribution line shall be based upon the most recent unit price for undergrounding any distribution line over a distance of greater than thirteen hundred feet as established by the utility company that would otherwise be responsible for the undergrounding of said distribution lines. The owner or developer shall obtain a written statement of the unit price for undergrounding the existing distribution lines from the utility company servicing the subject property and submit it to the Town Engineer for determination of the amount of the in lieu fee.
- (k) Nonprofit agencies identified as institutional land use activities, subject to Planning Commission and Town Council approval.
- (l) Town and the Redevelopment Agency sponsored projects, specifically within Redevelopment Project Area #1.

**87.1160 Reviewing Authority.** Where the Town Engineer has authority to issue a permit for the development or improvement of any property within the Town, said official shall condition the permit upon the placement of specified utility facilities underground. For other development approvals, the Town Engineer shall recommend to the Planning Commission or the Town Council which utility facilities shall be placed underground and which utility facilities, developments or improvements are exempt from this chapter. Thereafter, the Planning Commission or Town Council shall determine which utility facilities shall be placed underground or exempted pursuant to this chapter.

**87.1170 Waiver.** The Planning Commission may waive the requirements of Section 87.1130 *Undergrounding of New Facilities* if the utility undergrounding is not feasible due to geologic, soil, or topographic conditions. The applicant shall provide to the Town Engineer technical reports and/or information, including but not limited to soils report, geotechnical report or cost comparison analysis illustrating the cost variation of undergrounding verses overhead for review. The Town Engineer shall review and forward a report to the Planning Commission for review.

- (a) Any waiver of the requirements of this Chapter shall be based on the findings as follows:
  1. That waiver will not adversely affect the public health and safety.
  2. That the improvement being waived is a necessary to allow the development of the surrounding area.
  3. That due to soils, geological, and topographic conditions, the utility undergrounding requirement is economically infeasible.

4. The Planning Commission shall consider requests for waiver for structures 3,500 square-feet or smaller in size.

(b) Any decision of the Planning Commission pertaining to a request to waive the utility undergrounding requirement may be appealed to the Town Council.

**87.1180 Nonconforming Structures.** Buildings and structures which do not meet these regulations because of aboveground Service lines or Distribution lines shall be considered conforming.”

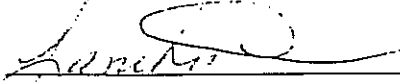
**SECTION 2: NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

**SECTION 3. EFFECTIVE DATE:** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

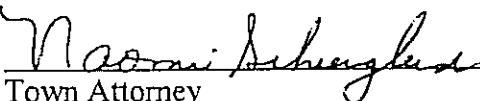
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 12<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
MAYOR


ATTEST:

  
\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Town Manager



STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 169 as duly and regularly introduced at a meeting of the Town Council on the 28<sup>th</sup> day of April, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 12<sup>th</sup> day of May, 2005, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Neeb and Mayor Mayes

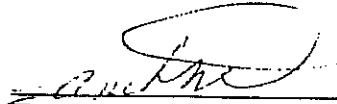
Noes: None

Abstain: Council Member Cook

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 20<sup>th</sup> day of May, 2005.

(SEAL)

  
\_\_\_\_\_  
Town Clerk of the Town of  
Yucca Valley

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Mark Nuaimi, Town Manager  
**Date:** February 10, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** Ordinance Amending the Town of Yucca Valley Municipal Code regarding Mayor and Town Council, Revising Commission Terms, and Disbanding Public Arts Advisory Committee, Traffic Commission and TEAM Yucca Valley

**Prior Council Review:** The Town Council adopted Ordinance 148 on January 15, 2004 establishing many of the current policies for conducting Town business. Ordinance 205 was adopted on September 1, 2009 establishing the process for selection of Mayor & Mayor Pro-Tempore. Resolution 05-42 was adopted on August 11, 2005 establishing the procedures for appointment of commissioners and board members to Town of Yucca Valley commissions and boards. The Town Council reviewed the matter at the February 1, 2011 and provided direction to Town staff.

**Recommendation:** That the Town Council introduces the Ordinance, concerning Mayor and Council policies and commission appointments, and appoint two Council Members to an Ad-Hoc Committee to review Council Rules and Procedures.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2, RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS, AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4, RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4, RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER 4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY COMMISSION

**Order of Procedure:**

Request Staff Report  
Request Public Comment  
Council Discussion/Questions of Staff  
Motion/Second

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                            Town Manager      Town Attorney      Admin Services      Dept Head

Department Report       Ordinance Action       Resolution Action       Public Hearing  
 Consent       Minute Action       Receive and File       Study Session

Discussion on Motion  
Call the Question (Roll Call Vote)

**Executive Summary:** Town Council recommended changes to Chapter 2.05 of Title 2 of the Municipal Code, relating to Mayor and Town Council organization. Town Council also recommended changes to the formation and appointment of Commissions as defined in Title 4 of the Municipal Code.

**Discussion:** Chapter 2.05 of the Municipal Code of the Town of Yucca Valley addresses procedures associated with the Mayor and Town Council. At the meeting of February 1, 2011, Town Council directed staff to bring forth changes to the Municipal Code. Specifically, staff has eliminated from code the process of Mayor and Mayor Pro-Tempore selection. Staff has further amended Chapter 2.05 by stripping out much of the details associated with the Rules and Procedures for Council Meetings. Chapter 2.05.060 specifies that Rules and Procedures for Council meetings and other related functions and activities shall be adopted by Resolution of the Town Council.

Town Staff is requesting that Council appoint an Ad-Hoc committee of the Council to work with Staff in updating the "Rules and Procedures" for future consideration by the Town Council.

Concerning the formation and appointment of Commissions, the Ordinance repeals the Public Arts Advisory Committee, the Traffic Commission, and the TEAM Yucca Valley Commission as directed by the Town Council. The ordinance further revises the appointment process for the Planning Commission and Parks, Recreation, and Cultural Commission. Commissioners will be appointed to four year terms to coincide with the terms of the appointing Town Council member.

**Alternatives:** None

**Fiscal impact:** None

**Attachments:** Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2, RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS , AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4, RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4, RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER 4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY COMMISSION

The Town Council of the Town of Yucca Valley does hereby ordain as follows:

**SECTION 1. MUNICIPAL CODE AMENDED**

- 1.1 Chapter 2.05 of the Town of Yucca Valley Municipal Code is hereby repealed, the repeal to be effective only upon the effective date of the reenactment of said chapter as set forth in Section 2 of this Ordinance.
- 1.2 Chapter 4.02 of the Town of Yucca Valley Municipal Code is hereby repealed, the repeal to be effective only upon the effective date of the reenactment of said chapter as set forth in Section 3 of this Ordinance.
- 1.3 Section 4.04.010 of Chapter 4.04 of the Town of Yucca Valley Municipal Code is hereby amended as set forth in Section 4 of this Ordinance.
- 1.4 Section 4.10.030 of Chapter 4.10 of the Town of Yucca Valley Municipal Code is hereby amended as set forth in Section 5 of this Ordinance.
- 1.5 Chapter 4.11 of Title 4, of the Town of Yucca Valley Municipal Code is hereby repealed in its entirety.
- 1.6 Chapter 4.14 of Title 4 of the Town of Yucca Valley Municipal Code is hereby repealed in its entirety.
- 1.7 Chapter 4.16 of Title 4 of the Town of Yucca Valley Municipal Code is hereby repealed in its entirety.

**SECTION 2. REENACTMENT OF CHAPTER 2.05.** Chapter 2.05 of the Town of Yucca Valley Municipal Code is hereby reenacted in its entirety to read as follows:

“Chapter 2.05

MAYOR AND TOWN COUNCIL

Sections:

Part I. General Provisions

- 2.05.010 Salary of Council Members
- 2.05.020 Administrative Services of the Town
- 2.05.030 Appointment as Redevelopment Agency
- 2.05.040 Salary of Redevelopment Agency Members
- 2.05.050 Eligibility of Council Members
- 2.05.060 Adoption of Rules and Procedures for Council Meetings and Other Related Functions and Activities

Part II. Elections

- 2.05.070 Filing Fee Required
- 2.05.080 Payment of Fee
- 2.05.090 Elections to be Held in Even Numbered Years

PART I. GENERAL PROVISIONS

- 2.05.010 SALARY OF COUNCIL MEMBERS:
  - A. Pursuant to California Government Code Section 36516, compensation shall be paid to each member of the Town Council in the amount set forth in the schedule of such section. More particularly, the amount of compensation to be paid to each member of the Town Council shall be the sum of four hundred eighty eight dollars and sixty three cents (\$488.63), in accordance with California Government Code Section 36516. The compensation prescribed herein is and shall be exclusive of any amounts payable to each member of the Town Council as reimbursement for actual and necessary expenses incurred in the performance of official duties for the Town; and, accordingly, each member of the Town Council shall receive reimbursement to such actual and necessary expenses incurred in the performance of official duties of the Town, pursuant to the provisions of California Government Code Section 36514.5. Such reimbursement shall be as established by policy resolution adopted by the Town Council.
  - B. Members of the Town Council are entitled to those same benefits that are available, and paid by the Town, for its employees in accordance with California Government Code Section 36515(d).

2.05.020 ADMINISTRATIVE SERVICES OF THE TOWN:

- A. The Town Council and its members shall deal with the administrative services of the Town only through the Town Manager, except for the purpose of inquiry, and neither the Council nor any members thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.
- B. Neither the Council nor any of its Commissions or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the Town Manager or in any manner interfere with the Town Manager or prevent him/her from exercising his/her own judgment in the appointment of officers and employees in the administrative service.

2.05.030 APPOINTMENT AS REDEVELOPMENT AGENCY: The Town Council finds and declares there is a need for a Redevelopment Agency to function in the Town pursuant to the provisions of the Community Redevelopment Law (Section 33000 et. seq., of the Health and Safety Code). The Town Council declares itself to be the Redevelopment Agency of the Town.

2.05.040 SALARY OF REDEVELOPMENT AGENCY MEMBERS: Pursuant to California Health and Safety Code Section 33114, compensation shall be paid to each member of the Redevelopment Agency in the amount set forth in the schedule of such section. More particularly, the amount of compensation to be paid to each Member of the Redevelopment Agency shall be the sum of thirty dollars (\$30.00) per Agency meeting attended by the member, in accordance with California Health and Safety Code Section 33114.5. No member shall receive compensation for attending more than four (4) meetings of the agency per month. The compensation prescribed herein is and shall be exclusive of any amounts payable to each Member of the Redevelopment Agency as reimbursement for actual and necessary expenses incurred by him/her in the performance of official duties for the Agency; and accordingly, each Member of the Agency shall receive reimbursement for such actual and necessary expenses incurred in the performance of official duties of the Agency. Such reimbursement shall be as established by a policy resolution adopted by the Town Council.

2.05.050 ELIGIBILITY OF COUNCIL MEMBERS: No member of the Town Council shall be eligible for appointment to any authorized position, contract employment position or town lobbyist until one year has elapsed after such Council Member has ceased to be a member of the Town Council.

2.05.060 ADOPTION OF RULES AND PROCEDURES FOR COUNCIL MEETINGS AND OTHER RELATED FUNCTIONS AND ACTIVITIES:

Rules and procedures for Council meetings and other related functions and activities shall be adopted by Resolution of the Town Council.

PART II. ELECTIONS

2.05.070 FILING FEE REQUIRED: A filing fee of twenty five dollars (\$25.00) is established for candidates' nomination papers for elective offices at municipal elections held in the Town.

2.05.080 PAYMENT OF FEE: The filing fee required by Section 2.05.070 of this Chapter shall be paid to the Town Clerk by each candidate for elective office at the time the candidate's nomination paper is filed with the Clerk. All fees collected in accordance with this section shall be deposited in the General Fund of the Town of Yucca Valley.

2.05.090 ELECTIONS TO BE HELD IN EVEN NUMBERED YEARS: General municipal elections for the Town shall be held on the same day as the statewide general election (i.e. the first Tuesday after the first Monday of November in each even numbered year).

SECTION 3. REENACTMENT OF CHAPTER 4.02. Chapter 4.02 of the Town of Yucca Valley Municipal Code is hereby reenacted in its entirety to read as follows:

“Chapter 4.02

BOARD AND COMMISSION MEMBERS

Sections:

- 4.02.010 Appointments
- 4.02.020 Residency Requirements
- 4.02.030 Officers

4.02.010 APPOINTMENTS:

- A. Town Council to Appoint: Unless otherwise specifically provided in this code or by state law, all Town board and commission appointments, except for ex officio members where applicable, shall be made by the Town Council.
- B. Terms: Unless otherwise provided by law, or by ordinance or resolution, or unless by the very nature of a situation the provisions hereof may not be made applicable, all members of boards and commissions of the Town shall be appointed by the Town Council for four (4) year terms commencing on February 1 of the year of appointment; provided, that interim vacancies shall be filled by appointment for the unexpired term of the member replaced. The term shall coincide with the term of the Council Member nominating the Commission Member. This rule shall not, however, apply in regard to a newly established board or commission to which initial appointments are made on a staggered-term basis, provided that the longest such term shall not exceed the term of the Council Member nominating the appointee.

C. Removal; Vacancies: Any member of a Board or Commission of this Town may be removed from office at any time, with or without cause, by a majority vote of the Town Council, except in cases where the Mayor or Town Council is not the appointing authority, in which case such regular appointing authority may exercise the power of removal. If a member absents himself without advance permission of the Board or Commission or of his/her appointing authority, from three (3) consecutive regular meetings or from twenty five percent (25%) of the duly scheduled meetings of the Board or Commission within any fiscal year, his/her office thereupon becomes vacant and shall be filled as any other vacancy. If a member absents him/herself from three (3) consecutive regular meetings or twenty five percent (25%) of the duly scheduled meetings of the Board or Commission, with or without permission of the Board, the Chairperson shall forward the member's absence record to the appointing authority.

4.02.020 RESIDENCY REQUIREMENTS: Unless otherwise provided by law or by Ordinance or Resolution of the Town Council, all members of any Board or Commission of the Town appointed by the Town Council shall be, initially and during their incumbencies, bona fide residents of the Town.

4.02.030 OFFICERS: Unless otherwise provided by law or by Ordinance or Resolution, each Board and Commission of the Town shall, annually, choose one of its members as Chairperson and one as Vice Chairperson. Each Chairperson and Vice Chairperson shall have authority and perform such duties as are commonly associated with their respective titles, or as may be specially prescribed by law or by the bylaws or other rules of the Board or Commission. Vacancies in either such position may be filled as in the first instance, and a new Chairperson or Vice Chairperson may be chosen at any time by majority vote of the members of the Board or Commission.

SECTION 4. AMENDMENT OF SECTION 4.04.010 OF CHAPTER 4.04. Section 4.04.010 of Chapter 4.04 of the Town of Yucca Valley Municipal Code regarding Planning Commission is hereby amended to read as follows:

"4.04.010 PLANNING COMMISSION CREATED: There is created a Planning Commission for the Town. It shall consist of five (5) members, appointed by the Town Council; the members shall be appointed for four (4) year terms commencing on February 1 of the year of appointment; provided, that interim vacancies shall be filled by appointment for the unexpired term of the member replaced. The term shall coincide with the term of the Council Member nominating the Commission Member. There is no maximum number of terms that may be served by any individual Planning Commissioner. The Town Council may, by majority vote, remove any Planning Commissioner from office at any time without cause."

SECTION 5. AMENDMENT OF SECTION 4.10.030 OF CHAPTER 4.10. Section 4.10.030 of Chapter 4.10 of the Town of Yucca Valley Municipal Code regarding Parks, Recreation and Cultural Commission, is hereby amended to read as follows:

"4.10.030 TERMS OF OFFICE AND VACANCIES: Members of the Commission shall serve a period of four (4) years commencing on February 1 of the year of appointment; provided



that interim vacancies shall be filled by appointment for the unexpired term of the member replaced. The term shall coincide with the term of the Council Member nominating the Commission Member. There is no maximum number of terms that may be served by any individual Commissioner. The Town Council may, by majority vote, remove any Parks, Recreation and Cultural Commissioner from office at any time without cause.”

SECTION 6. REPEAL OF CHAPTER 4.11 OF TITLE 4. Chapter 4.11 of Title 4 of the Town of Yucca Valley Municipal Code regarding Public Arts Advisory Committee is hereby repealed in its entirety.

SECTION 7. REPEAL OF CHAPTER 4.14 OF TITLE 4. Chapter 4.14 of Title 4 of the Town of Yucca Valley Municipal Code regarding Traffic Commission is hereby repealed in its entirety.

SECTION 8. REPEAL OF CHAPTER 4.16 OF TITLE 4. Chapter 4.16 of Title 4 of the Town of Yucca Valley Municipal Code regarding TEAM Yucca Valley Commission is hereby repealed in its entirety.

SECTION 9. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the Council and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council, signed by the Mayor, and attested by the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ATTORNEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** February 7, 2011  
**For Council Meeting:** February 15, 2011

**Subject:** General Plan Update Authorization  
Request for Qualifications/Request for Proposals (RFQ/RFP)  
Budget Amendment

**Prior Council Review:** The Town Council has had no prior formal review of this item. The Town Council discussed the need for the General Plan update during the recent Strategic Planning session. The General Plan update is a key element of the Strategic Plan.

**Recommendation:** That the Town Council authorizes the General Plan Update, approves the Request for Qualifications/Request for Proposals, appropriates \$300,000 from the General Fund Undesignated Reserves for the first of three anticipated appropriations for the project, directs staff to schedule additional appropriations in the 2011-2012 and 2012-2013 fiscal years to complete the project, estimated at approximately \$1.0 million, and authorizes the Town Manager to make non-substantive and technical changes to the RFQ/RFP as deemed necessary.

**Executive Summary:** The Town's General Plan was adopted in 1995. There have been no updates or major amendments to the General Plan since its adoption, less the mandatory housing element updates.

A general plan update is a commonly 24 to 30 month process, and costs for complete general plan updates are estimated at approximately \$1.0 million.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** Attached to this Staff Report is the Request for Qualifications/Proposals for the Yucca Valley General Plan update. The RFQ/RFP establishes the scope, content, and timeline for completion of the update.

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Reviewed By:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Mgmt Services

\_\_\_\_\_  
Dept Head

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\_\_\_ Department Report

\_\_\_ Ordinance Action

\_\_\_ Resolution Action

\_\_\_ Public Hearing

\_\_\_ Consent

\_\_\_ Minute Action

\_\_\_ Receive and File

\_\_\_ Study Session

The project includes broad based public participation throughout the process. The first activity associated with the project is a comprehensive Visioning process, that will include considerable outreach, surveys, and consensus building. The primary focus of the update is the Land Use Plan and Element, which are the basis for update. The focus areas of Old Town, East End, and Mid-Town are identified for specific evaluations and recommendations in this process. Additionally, the Town's industrial land use designations are identified for analysis and recommendations for potential land use changes.

A general plan advisory committee is recommended to be formed following identification of the preferred land use plan (year 2 of the project). The general plan advisory committee will review the draft plan and its elements and forward recommendations to the Planning Commission for consideration.

The RFQ/RFP also identifies the need to develop the General Plan update based upon the seven mandatory elements. In contrast, the Town's existing General Plan has numerous elements which reach far beyond mandatory requirements. The project also includes all necessary environmental documentation, which is anticipated to include an environmental impact report.

The RFP/RFQ identifies the desire to complete the process in two years or less.

**Alternatives:** Staff recommends no alternative actions.

**Fiscal impact:** General Plan updates and accompanying environmental documentation are estimated at approximately \$1.0 million. As the project is anticipated to occur over three fiscal years, appropriations in each of those three fiscal years will be necessary. At time of contract award, staff will present to the Town Council a complete financing plan for the General Plan amendment, including allocation of costs to the Redevelopment Agency.

**Attachments:** Draft RFQ/RFP

TOWN OF YUCCA VALLEY  
REQUEST FOR QUALIFICATIONS/PROPOSALS

PLANNING SERVICES  
FOR  
YUCCA VALLEY GENERAL PLAN UPDATE

COMMUNITY DEVELOPMENT DEPARTMENT  
58928 BUSINESS CENTER DRIVE  
YUCCA VALLEY, CA 92284

DRAFT

TOWN OF YUCCA VALLEY- REQUEST FOR QUALIFICATIONS/PROPOSALS  
PLANNING SERVICES  
YUCCA VALLEY GENERAL PLAN UPDATE

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ATTACHMENTS

ATTACHMENT A - SAMPLE PROFESSIONAL SERVICES AGREEMENT

**PROPOSALS DUE BY 4:00 PM, April 9 2011**

Deliver to: Jamie Anderson, Town Clerk  
Town of Yucca Valley  
57090 29 Palms Highway  
Yucca Valley, CA 92284

**MANDATORY PRE-PROPOSAL CONFERENCE:**

A **mandatory** pre-proposal conference will be held on March 4, 2011, at: 10:00 AM.

Town of Yucca Valley  
Community Development/Public Works Departments  
58928 Business Center Drive  
Yucca Valley, California  
92284

**QUESTIONS:**

All questions should be directed to Mr. Shane Stueckle, Deputy Town Manager at [sstueckle@yucca-valley.org](mailto:ssstueckle@yucca-valley.org) . All questions will be due by 5:00 PM Monday, March 7<sup>th</sup>, 2011. Answers to all questions will be electronically delivered to all pre-proposal conference attendees by Monday, March 14<sup>th</sup>, 2011.

## I. INTRODUCTION AND BACKGROUND

The Town of Yucca Valley is requesting proposals from experienced planning firms for the preparation of a comprehensive General Plan update and associated environmental documentation. The General Plan was last updated in 1995, with the exception of the Housing Element, which was updated in 2009. The requested General Plan update will provide long term development policy that is internally consistent, ensures maximum defensibility and is responsive to community concerns. The process and final document will be clear, concise, and will also provide the Town with the most current technology that will make the General Plan accessible to the general public. The project shall be completed within two calendar years.

The Town of Yucca Valley is located in San Bernardino County, approximately 20 miles north of Interstate 10 on State Route 62. The intersection of State Route 62 and State Route 247 is identified as approximately the center of the Town of Yucca Valley.

The Town of Yucca Valley encompasses approximately 39 square miles. The Town is predominately a low density residential rural community, with approximately 86 percent of the Town designated and zoned for single family residential development. Commercial zoning and land use abuts State Route 62, and several industrial zoning districts are scattered throughout the Town. Joshua Tree National Park abuts the Town's southern boundary. The two closest incorporated communities are the Town of Twentynine Palms and the Town of Desert Hot Springs.

The Town adopted its General Plan in 1995. The Town adopted the San Bernardino County Development Code at the time of incorporation (November 27, 1991), and has amended the County Development Code numerous times since incorporation. A comprehensive update to the Town's Development Code is currently underway.

The Town of Yucca Valley, with a population of approximately 22,000, is a General Law town, incorporated on November 27, 1991, and operates under the Council/Manager form of government. Yucca Valley is a contract Town providing Administration, Community Development, Community Services, including Animal Care and Control, and Public Works with a staff of approximately 43 FTE's. Fire and water/sewer services are provided by special districts. Police services are provided through contract with the San Bernardino County Sheriff's Department. Public transit is provided by the Morongo Basin Transit Authority. Library and Senior Services are provided by San Bernardino County.

## II. STATUS OF THE CURRENT GENERAL PLAN

The Town of Yucca Valley's General Plan is in need of a comprehensive update. The General Plan was last updated in 1995. The Housing Element was updated outside of this process in 2009. The General Plan is not currently organized around the seven mandatory General Plan Elements. The General Plan is currently organized into the following chapters:

- 1.0 Introduction
- 2.0 Administration & Implementation
- 3.0 Community Development
- 4.0 Environmental Resources
- 5.0 Environmental Hazards
- 6.0 Public Services & Facilities
- 7.0 Glossary
- 8.0 Appendices
- 9.0 Implementation Strategies

While the General Plan is functional in its current format, one of the primary goals of the consultant's work on this project will be to reorganize the General Plan based on the seven mandatory General Plan Elements: Land Use, Housing, Circulation, Open Space, Conservation, Noise and Safety. In addition, the 2009 Housing Element must be incorporated into the overall document.

Despite the recent approval of various planning documents over the past several years, the General Plan must be updated to meet the changing needs of the community and address shifts in development patterns throughout the Town and region. The General Plan must establish the blueprint for development in the Town by refocusing overall goals and policies to meet changing trends. The General Plan must comply with Sustainable Communities Strategies, as mandated by SB 375 and Regional Planning activities endorsed by the Southern California Association of Governments (SCAG).

### III. SCOPE OF SERVICES

The Town of Yucca Valley is requesting proposals for planning services to provide a comprehensive update to the General Plan, focused primarily on the Land Use Element. In addition, an Environmental Impact Report or other environmental documentation is required to evaluate the changes recommended through the General Plan process.

The following is a general description of the anticipated project components. The project components should be viewed as somewhat flexible in terms of their scope and order of completion.

#### A. DEVELOP A COMMUNITY PARTICIPATION PROGRAM

The Town of Yucca Valley intends to provide many opportunities for community involvement. The consultant will be expected to develop a community outreach and participation program for Town review and approval that will facilitate public involvement throughout the entire process, from the initial review of the General Plan to public hearings. The Town anticipates engaging stakeholders throughout the duration of the project.

In addition, the Town of Yucca Valley is seeking ways to solicit input from a broad segment of the community in the process. The Town is interested in creative approaches the consultant can offer to meet the goal of Town-wide participation. This may include community workshops, "town hall" style meetings, tele-Town Hall meetings, design charettes, mailed information, surveys, focused topical meetings, and events with stakeholders. In this process, the Town desires to obtain results from a statistically valid survey instrument. The consultants shall identify and specify the methods by which this shall be accomplished. The Town and the selected consultant will coordinate the preparation of the issues, concerns and questions to be included in the survey instrument.

While consultants are encouraged to identify and propose methods of facilitating high levels of public participation throughout this process, including the Visioning process identified below and the number of public meetings conducted to complete these tasks, the following identifies a general outline of anticipated outreach meeting, public workshops, and Planning Commission and Town Council meeting and hearings. The Town anticipates the formation of a General Plan Advisory Committee following completion of the Visioning process, the Community Participation process, and following the identification of the preferred land use plan alternative. The Town anticipates the General Plan Advisory Committee to participate in the review and recommendations of Draft General Plan elements and associated information to the Planning Commission and Town Council.



**Public Participation and Visioning:**

Between 4 and 6 Community Outreach meetings.

**Identification of Preferred Land Use Plan**

- Public Workshops:** 2
- Planning Commission Meetings:** 2
- Town Council Meetings:** 1

**General Plan Advisory Committee Meetings:**

Between 3 and 5 Workshop Meetings for review and Recommendation of Draft General Plan Elements:

**General Plan Adoption Hearings:**

- Planning Commission: 3 Adoption Hearings
- Town Council: 2 Adoption Hearings

The proposal shall identify the specific number and category or purpose of meetings based upon the above guidance.

**Community Vision:**

The Town desires to complete a community-wide visioning process within an anticipated timeline of approximately 6 months. The process must include extensive, diverse and effective engagement of the public and other key stakeholders within the community. The intended outcomes include identifying and analyzing demographics, emerging development trends and community issues, articulating core community values, developing general community vision based on the community's core values, establishing a vision action plan to implement the vision and defining a method to revisit and update the vision and vision action plan.

The Town is seeking a consultant team with sufficient experience to work quickly in a collaborative framework with other team members, the public, citizen ad-hoc committees, business and industry representatives, service clubs, non-profit organization and school and Town elected officials and staff. The visioning process must include extensive and sustained public involvement activities, including innovative outreach efforts through various approaches toward the goal of engaging a broad and deep cross section of the community.

The Town is looking for a blend of involvement and collaborative approaches that will engage those community members that typically are not engaged in civic or community dialogue. Such approaches could include, for example, workshops, citizen polling, consensus building, participatory decision-making, focus groups, small "coffee-klatch" gatherings in citizen's homes, personal interviews, engagement at community events, youth, church group or other target group outreach activities, opinion surveys, mailings, media coverage, Town-wide newsletter, interactive use of a project web site, town hall meetings, vision fairs and other techniques.

It is the Town's expectation that the Vision document that results from this process will be a marriage between what is wanted by the community and what is likely supported by the development community / economic trends.

## **B. REVIEW EXISTING CONDITIONS AND DATA**

The consultant will be expected to research all pertinent resources and plans available at the Town and available for the region, and interface on a regular basis with Town staff in compiling an initial inventory and database of existing conditions and significant trends. The Town has undertaken master planning processes and has concluded some significant planning efforts over the past several years. The Town expects the selected consultant to include the data from these reports as appropriate in the inventory of conditions and trends.

The consultant shall conduct a thorough review and analysis of land use, environmental, fiscal, social, educational, cultural, political, and economic factors so as to gain an understanding of the important trends and issues that have a bearing on the Town's future. In addition to reviewing existing data, the consultant will be expected to compile additional data as necessary based on field research or other required research. The work plan shall identify the types of data and technical studies to be prepared, which shall include but not be limited to maps, illustrations, photos, or other supporting visuals and a summary of the following:

- General land use and growth patterns
- Open space, recreation, schools, libraries, and cultural, civic, and park facilities
- Housing, population, demographic and socio-economic characteristics
- Economic conditions and factors
- Local business conditions, including recent commercial and industrial development trends
- Any other data deemed relevant to complete the project

In terms of existing information, the Town will provide a number of background documents and resources for use of the Consultant. The following documents will be available for review and use:

- Yucca Valley General Plan (1995)
- General Plan Housing Element (2009)
- Yucca Valley General Plan Environmental Impact Report (1995)
- Yucca Valley Municipal Code
- Parks and Recreation Master Plan (2008)
- Public Facilities Master Plan (2008)
- Master Plan of Drainage (1999)
- Yucca Valley Airport Comprehensive Land Use Plan (1992)
- Old Town Specific Plan and Environmental Impact Report (2007)
- Home Depot Specific Plan and Environmental Impact Report (2006)
- Super Wal-Mart Specific Plan and Environmental Impact Report (2009)

The following link provides information regarding the efforts of the Morongo Basin Open Space Group. The Morongo Basin Open Space Group is a collaborative effort of agencies, non-profits, and private individuals in the Morongo Basin working towards the development of open space plans and related planning efforts Basin-wide. <http://morongobasinopenspacedgroup.camp7.org/>

### **C. PREPARATION OF DRAFT GENERAL PLAN ELEMENTS:**

A key overall component of the project is the reorganization and reformatting of the existing General Plan into a cohesive, user-friendly document that is organized around the seven mandatory Elements. Much of the information in the existing General Plan can be reorganized to achieve this goal. Using public input and background research, the consultant shall develop a series of policy recommendations for each element to be considered for incorporation into the updated General Plan.

Elements shall conform to all legal requirements and to the most current General Plan Guidelines prepared by the State Office of Planning and Research. Each draft Element shall be internally consistent with the balance of the General Plan. Goals, objectives, policies, and implementation measures shall be stated clearly and in a manner easily understood by the general public.

Proposals should discuss the recommended format of the General Plan in depth, including the types of exhibits, maps, and other graphics envisioned. One of the key components of the final product will be to make it available on compact disc, via the Internet for ease of access and search, and shall be available on the Town's Web Page.

The expected work program for each of the mandatory Elements is described below.

## Land Use Element

This is the General Plan Element that requires the most attention. In addition to updating this Element in terms of goals, objectives, and format, the Land Use Element needs to be carefully integrated with both the Housing and Circulation Elements. Some of the key issues that need to be addressed are land use designations, intensities of residential development in multi-family areas and/or commercial areas, floor area ratios for commercial and industrial development, and additional detail on "opportunity sites or areas" for mixed use commercial and residential development.

**Land Use Element Focus Areas:** There are three focus areas that the Town desires to evaluate and incorporate into the updated General Plan. These include the following.

**Old Town:** The Town adopted the Old Town Specific Plan and Environmental Impact Report in December 2007. This area is located on both sides of SR 62, between approximately Kickapoo Trail and Church Street. The Town desires to continue into the future with the general vision established in the Old Town Specific Plan, while evaluating opportunities to expand its boundaries further north and south, including the Blue Skies Golf Course and surrounding Country Club neighborhood. This effort should also include assessment of potential land use changes that may result from circulation alternatives around the Old Town planning area.

**Mid-Town:** The Mid-Town area includes development patterns spanning from the 1970s to today. This area is generally located both north and south of SR 62, between Warren Vista Avenue and Palm Avenue. The Town desires this project to evaluate the potential for mixed use development, while implementing sustainable community strategies. Additionally, this area includes a number of public and quasi-public facilities including the Town Hall/Community Center, including the Senior Center, Library, and the Hi Desert Nature Museum; Yucca Valley High School; the Yucca Valley Airport; California Welcome Center/Chamber of Commerce; and County Government offices. The Town has submitted this planning activity for consideration by the SCAG COMPASS Blueprint program. If awarded, this General Plan effort would need to integrate with that effort.

**East Side:** New commercial development continues to move east along SR 62. The East Side area is located between approximately Warren Vista Avenue and the eastern Town boundary of La Contenta/Yucca Mesa Road. This area contains the Town's larger commercial development including the Home Depot and the upcoming Super-Wal-Mart Center, and also includes the proposed Hi Desert Water District wastewater treatment facility site. This area also contains a significant amount of land designated and zoned for Industrial use. This project shall address land use designations and compatibility while evaluating

opportunities for expanded commercial and mixed use development within this area.

**Low Density, Rural Character:** Moving north and south from SR 62, the Town has several neighborhoods characterized by low density and "rural" characteristics and lifestyles, including neighborhoods which abut Joshua Tree National Park. While this project will address mixed use development and increased densities in the three primary focus areas identified in this RFQ/RFP, this project will also address the preservation of low density "rural" neighborhoods. The Town of Yucca Valley is interested in preserving these single-family neighborhoods and the Land Use Element must include policies that achieve this goal. There are also several areas of conflict between rural neighborhoods and properties that have historically been zoned industrial. This project should develop transition strategies to ensure adequate buffers between these types of use.

The Land Use Element is the most important component of the GP because this Element designates the type, intensity, and general distribution of uses of the land for housing, business, industry, open space, public facilities, and other categories of public and private uses.

The consultant will also be required to integrate specific plan areas into the element. Specific issues/work products to be updated and revised in this element include but are not limited to:

- An inventory of undeveloped and under-developed parcels by zone with accompanying maps.
- A complete description of GP land use designations and zoning designations including acreages, number of parcels and comparison to acreages in previous years
- An estimate of population and housing based on land use/ zoning designations, using SCAG forecasts and other reliable sources
- A description of community facilities including schools, hospitals, public works facilities and transit facilities.
- A description of the implementation of the Land Use Element through the zoning regulations, specific plan areas, and redevelopment project areas.
- Diagrams and descriptions to specific sites which may be designated for a course of action through redevelopment, changes in land use designations or a course of action to be undertaken on a macro level.
- A description of goals, objectives and programs.
- A list of parcels which may require either a general plan amendment or zone change as a result of changes made within the Land Use Element
- An analysis of floor area ratio's for each of the Land Use classifications
- Analyze and identify areas for mixed land use developments (commercial/residential)

- Implementation of the Global Warming Solution Act of 2006 (AB 32) Climate Action Plan
- Implementation of Sustainable Communities Strategy (SB 375)

It is anticipated that a preferred land use alternatives will be developed within 6 months following the Visioning process.

### **Housing Element**

The Housing Element was last updated in 2009 and this project shall incorporate the 2009 Housing Element into the pertinent Elements of the General Plan Update.

- **Optional Task: Housing Element Update for 2014 Cycle:** The Town is requesting an Optional Task for the Housing Element update that will be necessary for the next required Housing Element Update Cycle in 2014. All efforts and costs related to this Optional Task shall clearly be identified within the proposed work program and cost proposal as Optional Task.

### **Optional Housing Element, 2014**

The purpose of the Housing element is to facilitate the improvement and development of housing in order to make adequate provision for the housing needs of all economic segments of the community. The Housing element shall include a Town profile and assessment of the Town's population, housing characteristics, employment trend and special housing needs. The Needs Assessment also includes the Town's share of the Regional Housing Needs. The element shall also discuss availability of suitable sites for residential construction, opportunities for recycling/rezoning, redevelopment, as well as financial resources for the development of housing. Government and non-government constraints upon the development, improvement or maintenance of housing, including construction costs, government regulations, financial costs, permit fees, regional constraints, etc. Review of existing housing program including a progress report and discussion of the overall effectiveness of the housing element, and the established goals and programs. The establishment or modification of goals and policies relative to the development, improvement and preservation of housing shall be included. The element shall also include the Five Year Housing Program listing the programs that will be undertaken during the 5 years of the Housing element to address housing needs in the community. Citizen Participation shall be identified including any oral or written comments received during the review period and at the Planning Commission and Town Council public hearings.

### **Circulation Element**

The Circulation Element will be updated in association with the Land Use Element. The Circulation Element needs to include new and updated level of

service (LOS) policies, and other long-range transportation, transit, and pedestrian policies. The update to the Circulation element must be coordinated with San Bernardino Associated Governments' preparation, development, and update to the County-wide transportation model, specifically for the Morongo Basin. The update to the Circulation element must also be coordinated with Riverside County transportation planning due to SR 62 connecting Yucca Valley to Interstate 10, passing through a portion of Riverside County.

Recent traffic and circulation information from the Old Town Specific Plan/EIR, Home Depot Specific Plan/EIR, and Super Wal-Mart Specific Plan/EIR are available to assist in this process.

Traffic circulation is a very important issue to be considered for this project. The update will require comprehensive analysis that accurately predicts future traffic volumes on all the major Town roadways. This analysis will review the existing traffic volumes and patterns, and will consider the necessary infrastructure to accommodate the projected new and cumulative vehicles trips.

The traffic analysis needs to be broad in scope to address the Town's traffic issues at a regional level as well as detailed to identify site specific traffic flow and circulation projected conditions. A traffic model that can accurately make traffic projections should assist in the design of intersection geometrics and other critical turning movements. The traffic model must be coordinated and incorporated with San Bernardino Associated Governments transportation model and/or modeling system.

**Old Town Specific Plan: SR 62 Realignment Alternatives:**

The update to the Circulation Element will include the reevaluation of the Old Town Specific Plan, preferred alternative for the realignment of SR 62 around Old Town. Four alternatives were evaluated at various levels during the Old Town planning process. The Town desires to reevaluate several of those alternatives as a part of this project.

Since the circulation element is one of the most complex planning components of the update, there are a number of relevant issues that must to be considered. These issues included major thoroughfares, transportation routes, and other local public facilities. Other transportation topics that should be considered during the update process include but are not limited to the following:

- Roadway Classification System including digital illustrations of right-of-way requirements and cross section of each type of street
- Service Level Objectives for each roadway classification and how they relate to the Floor Area Ratios (FAR) in the Land Use element
- Description of Circulation System deficiencies

- Existing and projected roadway conditions including regional growth as projected by SCAG's 2012 Regional Transportation Plan and Growth Forecast
- Identification and discussion of other regional transportation issues, studies and programs.
- Discussion of Public Transit Service (e.g. bus routes, stops and terminals, etc.) and future needs.
- Discussion of bicycle, trails, and pedestrian routes and facilities including future demands.
- Discussion of truck routes and future demands
- Discussion of Transportation Demand Management (e.g. car pooling, van pooling, bus service, transit terminal) systems
- Discussion of emergency evacuation routes
- Discussion of other Infrastructure issues including Energy and Communications
- Implementation of the Global Warming Solution Act of 2006 (AB 32) Climate Action Plan
- Implementation of Sustainable Communities Strategy (SB 375)
- Implementation of Complete Street Act of 2008

The update will need to ensure that the circulation element corresponds directly with the Land Use Element. The circulation element also has direct relationships with the housing, open-space, noise and safety elements which will need to be compatible and consistent as a result of the update process.

**Open Space Element:**

The Open Space Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. In addition, the Town recently completed an update to its Parks and Recreation Master Plan. The open space component details plans and measures for preserving and managing natural resources, as well as outdoor recreation.

Specific issues that should be considered with the update and revised in this Element include but are not limited to:

- The preservation of natural resource areas that require the preservation of sensitive or endangered ecological areas; and watersheds.
- The managed production of resources such as areas for recharge of ground water basins.
- The review of outdoor recreation consisting of areas that provide: outstanding scenic, historic and cultural value; that are suited for park and recreation purposes; and that serve as links between major recreation and open-space reservations, including utility easements, trails, and scenic highway corridors.



- The production of digital maps depicting the Town's planned trail system and current open space resources.

This element will need to be revised to ensure that the Goals and Policies are consistent with current State Guidelines and ensure that this element reflects the Town's vision. The update will ensure that this element is consistent with the other elements such as Land Use.

Options for incorporating open spaces into new developments should also be explored.

### **Conservation Element**

The Conservation Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research.

The Town is interested in incorporating goals into the Conservation Element on Green Building programs and/or incentives as well as general environmental stewardship. Goals related to energy and water provision and conservation are important as are policies related to storm water. Air quality policies both locally and regionally are important to the Town, as is coordination with the Mojave Desert Air Quality Management District (MDAQMD). Air quality policies could be included in the Conservation Element or throughout the document as they relate to other Elements. In addition, the urban forest is very important to the Town of Yucca Valley and goals related to street trees and tree preservation in general should be considered.

The element should be updated to reflect changes affecting significant or noteworthy resources within the planning area including water and watersheds, wildlife habitat, soils, and minerals. The element is to include a discussion of climate change and the utilization of "green" technology within the community to reduce the "carbon footprint" on the environment taking into consideration a cost benefit approach.

Specific issues that may need to be updated and revised in this element include but are not limited to:

- Soil conditions
- Substructure and drainage
- Geotechnical effects
- Wastewater and Treatment Facilities
- Implementation of the Global Warming Solution Act of 2006 (AB 32)
- Implementation of Sustainable Communities Strategy (SB 375)
- Minimize changes in hydrology and pollutant loading; require incorporation of control, including structural and non-structural BMPs, to mitigate the

projected increases in pollutant loads and flows; ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quality of storm water directed to impermeable surfaces (municipal storm drain); and maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.

- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.
- Establish development guidelines for areas particularly susceptible to erosion and sediment loss

### **Noise Element**

The Noise Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The Noise Element is to be used to guide decisions concerning land use and the location of new roads and other new noise generating sources that are commonly sources of excessive noise levels

- Highways
- Primary arterials and major local streets
- Local industrial operations
- Other ground stationary noise sources
- Residential areas for single family and multi-family
- Sensitive receptors including hospitals, convalescent homes, schools, churches, as well as wildlife habitat

Noise contours should be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours should be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified above. The noise contours should be used as a guide for establishing a pattern of land uses in the Land Use Element that minimizes the exposure of community residents to excessive noise.

The noise element shall include implementation measures and possible solutions that address existing and future noise problems. In addition, the policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements. An adopted noise element should act as a guideline for compliance with the State's noise insulation standards.

### **Safety Element**

The Safety Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. The Element should include information from the Town's Emergency Operations Plan and Draft Hazard Mitigation Plan.

The safety element should address the following issues related to protecting the community from any unreasonable risks associated with:

- Seismically induced surface rupture, ground shaking, and ground failure
- Slope instability
- Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps
- Other known geologic hazards
- Flooding
- Wild land and urban fires
- Fire and geologic hazards
- Evacuation routes and signage
- Evacuation of individuals with disabilities
- Evacuation of pets
- Peak load water supply requirements
- Minimum road widths and turnouts
- Clearance around structures
- Police protection
- Fire protection

The safety element should include a map(s) that identify known seismic and other geologic hazards.

The update of the Safety Element will ensure that the element's goals and policies are consistent with current State General Plan Guidelines and that this element reflects the safe development of the Town in the future.

The update of this element should consider: policies to minimize the loss of property and life as result of earthquakes, identifying flood hazard areas and establish policies that will avoid unreasonable flood risks, identifying residential areas that are prone to wild land fire hazards, the identification of hazards and hazard abatement measures, general hazard and risk reduction strategies and policies supporting hazard mitigation measures, policies that address the identification of hazards, policies for emergency response, as well as mitigation through avoidance of hazards in new projects and reduction of risk in developed areas. The update should consider and be compatible with the Town's adopted Emergency Management Plan.

The safety element overlaps topics also mandated in the land use, conservation, and open space elements. The State General Plan Guidelines suggest

addressing these common topics in a single place rather than in different elements of the General Plan. The update should provide that this element is consistent with the other elements such as Land Use.

#### **D. FINAL GENERAL PLAN**

A Final General Plan incorporating all changes adopted by the Planning Commission and Town Council shall be provided to the Town.

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The scope of services includes the preparation, completion and submittal of all required CEQA documents. It is anticipated that this project will require an Environmental Impact Report (EIR) due to projected modifications to the Town's build-out potential and other alterations. However, it is possible another form of CEQA compliance may be acceptable. The consultant shall prepare all notices, consult with affected agencies, prepare technical studies as necessary, and prepare the Administrative Draft, Draft, and Final EIR (or other CEQA documentation) along with any associated Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations, if necessary.

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#### IV. PROPOSAL CONTENT/FORMAT

The Consultant shall submit a Proposal that addresses the Scope of Services outlined in Section III. The proposal shall include a separate cost estimate. Proposals shall be sealed and marked on the outside of the envelope: "TOWN OF YUCCA VALLEY GENERAL PLAN UPDATE PROPOSAL" with the name of the firm. A cost proposal shall be submitted in a separate envelope marked "YUCCA VALLEY GENERAL PLAN UPDATE-COST PROPOSAL". Consultants shall submit six (6) copies of the Proposal and one copy of the Cost Proposal. Proposals shall also be submitted in Word 1997-2003 on CD.

Proposals shall include the information identified below. The following describes specific components that should be included in the scope of work. The Town is open to suggestions and recommendations other than those listed here which would be of value to producing a General Plan that reflects Yucca Valley's characteristics.

- Name and address of firm (Please include address of local office if applicable.)
- Resumes and experience of Principal(s) of firm and identified project manager; total number of staff in firm (indicate number in local office if more than one office).
- Proposals shall be prepared in Word 1997-2003, and the proposal submitted will include the proposal submitted on CD. The technical proposal shall be limited to a maximum of 30 pages. Minimum font size of 12 shall be used. Resumes and reference materials will not be counted in the 30 page material limit.
- Prepare a detailed work program for the General Plan update, including detailed schedules of dates and activities. The General Plan update should take into consideration upcoming deadlines for the adoption of the Sustainable Communities Strategies currently being led and coordinated by San Bernardino Associated Governments, the 2012 Regional Transportation Plan and Growth Forecast, the Regional Housing Need Assessment, and the 2010 United States Census.
- Experience of firm in providing requested scope of services, specifically referencing experience in completion of General Plans and Environmental Impact Reports for similar cities or jurisdictions. Provide contact person/representative for each project listed who can provide information regarding the firm's work. This is especially important of projects completed by the identified project manager, even if they were completed with a different firm.
- A list of current projects the firm is involved with and other projects and references that the firm believes would address qualifications for this assignment.
- A list of all subcontractors the Consultant proposes to utilize on this project. Identify the roles and responsibilities each team member will have.

Identify the key personnel who will be assigned to this project and a description of their responsibilities. Also, list recent projects on which principal staff have worked and describe their responsibilities. Town reserves the right to approve or reject any subcontractor proposed by the Consultant for this project. After the proposal deadline, substitution of consultants may only be made with permission of the Town. Identify experience of consultant and provide a list of relevant projects/references demonstrating their qualifications for this work.

- General Proposal Terms and Conditions are attached to this RFP; submittal of a proposal by Consultant signifies Consultant understands, and will abide by, these Terms and Conditions.
- Exceptions - The Town reserves the right to grant exceptions to the RFP. However, Consultant must note any exceptions, and the reasons, in his/her proposal.
- Methodology Proposed - The proposal shall include a narrative describing the procedure and methodology recommended to meet the stated objectives of the Town and the identified scope of services. Key portions of the methodology must include the recommended citizen participation process, timing of how the optional Housing Element (with a State mandated completion date) is integrated into the overall General Plan update, and how the EIR and the specific CEQA requirements will be integrated with the project timeline.
- Optional Task: Housing Element Update, for 2014 Cycle: The Town is requesting an Optional Task for the Housing Element update that will be necessary for the next required Housing Element Update Cycle in 2014. All efforts and costs related to this Optional Task shall clearly be identified within the proposed work program and cost proposal as Optional Task 1.

#### **Optional Housing Element, 2014**

The purpose of the Housing element is to facilitate the improvement and development of housing in order to make adequate provision for the housing needs of all economic segments of the community. The Housing element shall include a Town profile and assessment of the Town's population, housing characteristics, employment trend and special housing needs. The Needs Assessment also includes the Town's share of the Regional Housing Needs. The element shall also discuss availability of suitable sites for residential construction, opportunities for recycling/rezoning, redevelopment, as well as financial resources for the development of housing. Government and non-government constraints upon the development, improvement or maintenance of housing, including construction costs, government regulations, financial costs, permit fees, regional constraints, etc. Review of existing housing program including a progress report and discussion of the overall effectiveness of the housing element, and the established goals and programs. The establishment or modification of goals and policies relative to the development, improvement and preservation of housing shall be included. The element shall also include the Five Year Housing Program listing the

programs that will be undertaken during the 5 years of the Housing element to address housing needs in the community. Citizen Participation shall be identified including any oral or written comments received during the review period and at the Planning Commission and Town Council public hearings.

- Number and Types of Products - The proposal should indicate the maximum number and types of products to be provided to the Town. The Town requests a minimum of twenty (20) hardcopies of the Draft General Plan Elements, Administrative Draft, Draft, and Final EIR and Final General Plan as well as twenty (20) CD-ROM copies and a reproducible PDF copy of each document. This includes all graphics, maps, and technical appendices produced. Note: This number of copies is preliminary and may be adjusted as necessary.
- Project Schedule - The proposal shall indicate a logical breakdown of project tasks and completion deadlines. It should be designed to provide time for staff input, community participation, and public hearings with both the Planning Commission and Town Council. While the Town is looking for a 24 month completion, applicants are encouraged to propose strategies for shortening this timeline.
- Staff & Consultant Project Meetings: The proposal shall identify the number and frequency of recommended meetings that will be designed to keep the project on or ahead of schedule.
- Cost Proposal - The proposal shall include a project cost to complete the scope of services identified and the methodology proposed. In addition to the proposed project cost, the consultant shall provide a schedule of hourly billing rates for the various levels of staff who may participate in the project, should the need for extra services arise. The Cost Proposal shall provide a List of Deliverables and Cost per Deliverable. The Town prefers to reimburse for completed deliverables, allowing for a 10% retention amount until major milestones are completed. The Cost Proposal shall be provided in a separate envelope from the overall proposal.
- State the approach you will use on this project, including the following information:
  - a. Overall approach to the project.
  - b. Scope of work
  - c. Project Schedule
  - d. Project Management
  - e. Provide a project budget broken down by objective, function, and consultant, work phases. Indicate hourly rates of individuals involved and the fee structure for additional work outside of contract. This information should be written so that it may be incorporated, as modified during the contract negotiation meetings, as an attachment to the consultant agreement

**Visioning & Public Participation Process:**

The consultants shall identify the specific approach and number of meetings required to implement the Visioning and Community Participation processes identified in this RFQ/RFP. While consultants are encouraged to identify and propose methods of facilitating high levels of public participation throughout this process, including the Visioning process identified and the number of public meetings conducted to complete these tasks, the following identifies a general outline of anticipated outreach meeting, public workshops, and Planning Commission and Town Council meeting and hearings. The Town anticipates the formation of a General Plan Advisory Committee following completion of the Visioning process, the Community Participation process, and following the identification of the preferred land use plan alternative. The Town anticipates the General Plan Advisory Committee to participate in the review and recommendations of Draft General Plan elements and associated information to the Planning Commission and Town Council. The proposal shall identify all meetings necessary for the General Plan and environmental review and hearing processes.

**Community Participation and Visioning:**

Between 4 and 6 Community Outreach meetings

**Identification of Preferred Land Use Plan**

Public Workshops: 2  
Planning Commission Meetings: 2  
Town Council Meetings: 1

**General Plan Advisory Committee Meetings:**

Between 3 and 5 Workshop Meetings for review and recommendation of Draft General Plan Elements

**General Plan Adoption Hearings:**

Planning Commission: 3 Adoption Hearings  
Town Council: 2 Adoption Hearings

The following identifies the level and types of deliverables anticipated with the General Plan project. The consultant shall identify all deliverables within the proposal. Electronic copies shall be provided on CD in 1997-2003 word for all documents.

- All maps and related documents shall be prepared utilizing the Arc View 10 system unless otherwise noted. Consultants shall ensure compatibility with SCAG, San Bag, San Bernardino County, and other commonly used GIS data bases.
- Provide internet-ready material of all work generated as it becomes available.



- Provide a general plan "administrative proof document" to be used for reproduction and tracking updates.
- Provide an internet-ready General Plan document (including maps).
- Integrate all elements into one General Plan document with uniform text layout and format.
- Work with staff to identify inconsistencies between the updated General Plan and the Municipal Code and recommend a list of programs to ensure consistency with General Plan goals and programs or to be implemented.
- Provide updated Zoning Map with established Overlay Zones, approved Specific Plans, and approved Planned Developments
- Two rounds of review for each of the GP elements and technical reports (5 copies)
- Review of the final version of the GP elements and technical reports (5 copies)
- Two rounds of review of the preliminary draft GP (5 copies)
- Review of final version of the draft GP (5 copies)
- Submittal of 20 copies of the final version of the draft GP for Town Council and Planning Commission hearings.
- Submittal of adopted GP (20 copies + 1 camera ready copy)
- Two rounds of review of the screen check draft Initial Study (IS) and Notice of Preparation (NOP) (5 copies)
- Review of final version of the IS and NOP (5 copies)
- Prepare distribution list of agencies to receive the IS, NOP, and EIR
- Distribute IS, NOP, EIR, and Notice of Determination (ND) to agencies.
- Meeting summary of Public Comments received from the scoping meeting
- Two rounds of review of the Administrative Draft EIR (5 copies)
- Review of the final version of approved Draft EIR (5 copies)
- Prepare Notice of Availability of the Draft EIR
- Two rounds of review of the Draft Responses to Comments (5 copies)
- Review of final version of the approved Responses to Comments (5 copies)
- Distribute Response to Comment to commenting agencies and individuals
- Submittal of 20 copies of the final version of Response to Comments for Town Council and Planning Commission hearings
- Two rounds of review of the draft Mitigation Monitoring Program (MMP)
- Review of final version of approved MMP
- Submittal of 20 copies of final version of the MMP for Town Council and Planning Commission hearings
- Two rounds of review for the Findings of Fact and Statement of Overriding Consideration (5 copies)
- Review of final version of approved Findings of Fact and Statement of Overriding Consideration (5 copies)
- Submittal of 20 copies of final version of the Findings of Fact and Statement of Overriding Consideration for Town Council and Planning Commission hearings

- Submittal of 5 copies of the Final EIR
- Prepare the ND

For reference, a sample Professional Services Agreement (PSA) is included as Attachment A to this proposal.

DRAFT

## V. PROPOSAL EVALUATION AND SELECTION

Proposals, including a separately sealed cost proposal, should be addressed to:

Jamie Anderson, Town Clerk  
Town of Yucca Valley  
57090 29 Palms Highway  
Yucca Valley, CA 92284

and received before

April 9, 2011, 4:00 P.M.

No postmarks or faxes will be accepted after the above date or time.

The Proposal will be evaluated by a Review Committee based on the following criteria:

- Understanding of identified Scope of Services
- Understanding of State requirements for General Plan production and individual Element requirements
- Demonstrated professional skills and credentials of the staff to be assigned to the project and the overall strength of the technical team. The primary or lead consulting team shall demonstrate recent experience in California General Plan updates without sub-consultants assuming the lead role for Draft General Plan and/or Element preparation. This experience may be illustrated by completing three General Plan projects in California in the past 5 years.
- Related experience and demonstrated ability in the development of General Plans and Environmental Impact Reports.
- Creativity of proposed methodology to complete the Scope of Services
- References
- Cost of proposal

The proposals shall be ranked according to the qualification-based selection criteria. Interviews will be conducted with the top-ranked proposers. The firm ranked as the most qualified to provide the requested services may be invited to negotiate a final agreement. If an agreement is not reached, negotiations may be terminated and commenced with the next most qualified proposer.

The award of contract will be made by the Town Council, based on a combination of all of the above factors. The Town reserves the right to reject all proposals.

The Town is not liable for any costs incurred by the consultant and any sub-consultants in preparing and presenting the proposal.