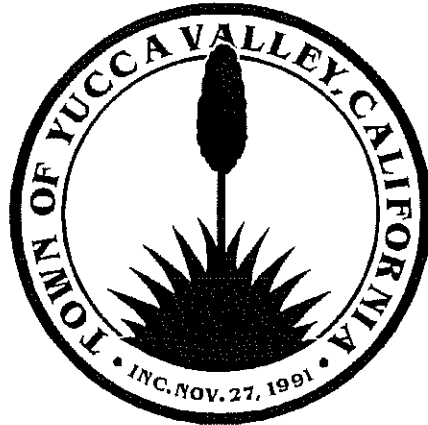


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, OCTOBER 4, 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**

* * * *

TOWN COUNCIL
*George Huntington, Mayor
Dawn Rowe, Mayor Pro Tem
Merl Abel, Council Member
Isaac Hagerman, Council Member
Robert Lombardo, Council Member*

* * * *

**TOWN ADMINISTRATIVE OFFICE:
760-369-7207
www.yucca-valley.org**

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, OCTOBER 4, 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.

An agenda packet for the meeting is available for public view in the Town Hall lobby and on the Town's website, www.yucca-valley.org, prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. Such documents are also available on the Town's website subject to staff's ability to post the documents before the meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

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 Abel, Hagerman, Lombardo, Rowe and Mayor Huntington.

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Proclamation Proclaiming Fire Prevention Week
2. Longevity Awards

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- 1-8 3. Regular Town Council Meeting Minutes of September 20, 2011.

Recommendation: Approve minutes as presented.

4. 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.

- 9-19 5. FY 2010 Homeland Security Grant Program Purchase

Recommendation: Authorize Town Staff to solicit informal bids from three vendors for the purchase and installation of the FY 2010 Homeland Security Grant Program (HSGP) security equipment, and to waive the formal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for this purchase.

- 20-25 6. Youth Commission Recommendation: Social Host Ordinance

AN ORDINANCE OF THE TOWN COUNCIL, TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING CHAPTER 6.10 TO TITLE 6 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, IMPOSING LIABILITY ON SOCIAL HOSTS WHO ALLOW MINORS TO OBTAIN, POSSESS, OR CONSUME ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES AT GATHERINGS

Recommendation: Adopt the Ordinance

- 26-31 7. Warrant Register, October 4, 2011

Recommendation: Ratify the Warrant Register total of \$362,515.95 for checks dated September 22, 2011. Ratify Payroll Registers total of \$167,164.90 for checks dated September 12, 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 3-7)(roll call vote)

Action: Move _____ 2nd _____ Roll Call Vote _____

DEPARTMENT REPORTS

- 31-41 8. Community Development Block Grant Funds, Community Center Playground Improvement & Splash Park, Authorization to Bid for Design Services.

Staff Report

Recommendation: Authorize the release of the Request for Qualifications/Request for Proposals (RFQ/RFP) for design services for the Community Center Playground Improvement & Splash Park project.

Action: Move _____ 2nd _____ Voice Vote _____.

- 42-48 9. SR 62/SR 247 Traffic Signal Median Island Project, Approval of Plans and Specifications, Authorization to Advertise for Construction

Staff Report

Recommendation: Approve the Plans and Specifications for the SR 62/SR 247 Traffic Signal and Median Island Project, and authorize staff to advertise the project for construction following the California Department of Transportation, Headquarters Offices, issuance of authorization to proceed with the project.

Action: Move _____ 2nd _____ 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

10. Council Member Lombardo
11. Council Member Abel
12. Council Member Hagerman
13. Mayor Pro Tem Rowe
14. Mayor Huntington

ANNOUNCEMENTS

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

Next Town Council Meeting, Tuesday, October 18, 2011, 6:00 p.m.

CLOSED SESSION

CLOSING ANNOUNCEMENTS

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

Agendas - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

Agenda Actions - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

Closed Session Agenda Items - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

Public Testimony on any Item - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Council at any one meeting. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*

ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
IEEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 st Century
TOT	Transient Occupancy Tax

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	9:30am 1st Wed	San Bernardino
MEASURE I	HUNTINGTON ROWE (ALT)	9:00 a.m. 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LOMBARDO (ALT)	10:00am 2nd Thurs Feb, May, Aug, Nov	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	HAGERMAN ROWE (ALT)	10:00am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	ABEL HUNTINGTON ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	HAGERMAN ROWE (ALT)	10:00am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
SANBAG PLANS AND PROGRAMS (appointed by Sanbag Board)	HUNTINGTON	12:00 p.m. 3 rd Wed.	San Bernardino
LEGISLATIVE TEAM	HUNTINGTON ROWE	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
FLOOD CONTROL ZONE 6	MAYOR		

CITY/COUNTY ANIMAL SERVICES JPA

10:00 a.m. last Thurs.

HUNTINGTON
HAGERMAN

Yucca Valley

AD HOC COMMITTEES

SENIOR HOUSING

HUNTINGTON
ROWE

SEWER FINANCING

ROWE
HAGERMAN

COUNCIL RULES & PROCEDURES

HUNTINGTON
LOMBARDO

MORONGO UNIFIED SCHOOL DISTRICT

ROWE
HAGERMAN

AUDIT

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
SEPTEMBER 20, 2011**

Mayor Huntington called the meeting to order at 6:22 p.m.

OPENING CEREMONIES

Council Members Present: Abel, Hagerman, Lombardo, 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 Mayor Huntington

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

A. Recognition of Aquatics Staff.

Community Services Director Schooler introduced Rebecca Russell, Asst. Pool Manager, Ana Goddard, Marcell Dorsey, Desire Russell, Gloria Williams, and Kristie Vrooman, Pool Manager.

1. Longevity Awards

Presented to Community Services Supervisor Lynne Richardson for 5 years of service.

APPROVAL OF AGENDA

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

AGENCY REPORTS

Fire Department

2. Monthly statistical report for August, 2011

Battalion Chief Benfield gave the monthly statistical Fire Department report for August 2011.

Chamber of Commerce**3. Monthly Statistical report for August 2011.**

Vickie Bridenstine, Chamber President, gave the monthly statistical Chamber report for August 2011.

CONSENT AGENDA

4. **Approve**, Regular Town Council Meeting Minutes of September 6, 2011, as presented.
5. **Waive**, further reading of all ordinances and read by title only.
6. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the Month of July and August 2011
7. **Approve**, the Final Map of PM 19103 and direct staff to forward the map to the San Bernardino County Recorder for Recordation, five commercial lots, Warren Vista Shopping Center, South West Corner of SR 62 and Warren Vista Avenue
9. **Find**, the bid submitted by Masterbuilt Construction Corporation Inc., to be non-responsive to the Call for Bids and Addenda thereto; and **award** a contract for construction services, subject to California Energy Commission (CEC) approval to Joe Putrino General Contractor in the amount of \$94,079 for the Base Bid of the Library HVAC and \$44,238 for the Lighting Replacement Alternative Bid B, for a total contract award of \$138,317; establish a \$13,000 contingency and \$4,000 administration expenditures, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency if necessary to complete the project, EECBG Library HVAC and Lighting Replacement EECBG Project Grant No. 09-029, Town Project No. 8954
10. **Adopt**, Resolution No. 11-41 for the annual Measure I, Five-Year Capital Improvement Plan and Expenditure Strategy for Fiscal Years 2011/2012 to 2015/2016 under Measure I 2010-2040

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE FIVE-YEAR MEASURE I CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2011/2012 TO 2015/2016

11. **Receive and File**, Redevelopment Agency's Preliminary Draft Recognized Obligation Payment Schedule.

12. **Approve**, Resolution No. 11-42 authorizing the execution of a Remittance Agreement with the Town of Yucca Valley

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING A REMITTANCE AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY IN ACCORDANCE WITH ASSEMBLY BILL AB X1 27

13. **Ratify**, Warrant Register total of \$114,199.64 for checks dated September 8, 2011. Ratify Payroll Registers total of \$144,111.84 for checks dated September 2, 2011.

Council Member Hagerman requested to pull Item 8.

Council Member Lombardo moved to adopt Consent Agenda Items 4-7 and 9-13. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Abel, Hagerman, Lombardo, Rowe and Mayor Huntington.
NOES: None
ABSTAIN: None
ABSENT: None

8. **2011-12 Youth Commission appointments**

Community Services Director Schooler presented the staff report.

Mayor Huntington expressed appreciation to the applicants and wished them luck in the coming year.

Council Member Lombardo commended the Commission for their presentation of the social host ordinance that has come forward to Council.

Council Member Abel commented regarding the lack of applicants from La Contenta this Year. Community Services Director Schooler advised that staff will approach the school again to see if there is any interest from the students.

Council Member Hagerman advised he pulled the item in case anyone was here from the Commission, and thanked them for their service to our community. He also thanked the parents who are allowing their kids to be involved.

Council Member Hagerman moved to appoint Hannah Bogue, Velda Denison, Ana Goddard, Connor Hendry, Kalie Hendry, Cassidy Hyso, Ian Lafferty, Nicholas Lombardo, Kiarra Mora, and Blake Rowe to the 2011-12 Youth Commission. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

14. Youth Commission Recommendation: Social Host Ordinance

AN ORDINANCE OF THE TOWN COUNCIL, TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING CHAPTER 6.10 TO TITLE 6 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, IMPOSING LIABILITY ON SOCIAL HOSTS WHO ALLOW MINORS TO OBTAIN, POSSESS, OR CONSUME ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES AT GATHERINGS

Community Services Director Schooler advised the Ordinance is the result of about 2 years of work by the Youth Commission. This is one of the more common measures taken by cities and counties in the State. The recommendation to adopt a Social Host Ordinance was made to the Parks, Recreation and Cultural Commission, and includes illegal substances in addition to alcoholic beverages.

Ramon Mendoza, Yucca Valley, spoke in favor of the ordinance, but questioned how it is going to be enforced.

Cathryn Choate, Yucca Valley, spoke in favor of the ordinance.

Ana Goddard, Youth Commission, thanked the Council for considering the social host ordinance and the people who helped put it together.

Bonnie Shaffer, Coordinator Ready Aim Coalition, spoke in support of the Ordinance and distributed a list of people in support.

Council Member Lombardo advised he is in favor of the ordinance. Stated there are some questions about having ultimate knowledge of what is going on at a property if you are the owner of a rental property.

Council Member Abel credited the Youth Commission for being the force behind the Ordinance. There are a lot of kids in the community doing the right thing, and this is asking the adults in their lives to be responsible for the safety of our youth. This is another tool for law enforcement. He commented regarding the importance of getting the word out that this ordinance is going to be enforced.

Council Member Hagerman commented he is also very much in favor of the ordinance and proud of the Youth Commission. He expressed appreciation to the Ready Aim Coalition for their work with the Commission.

Council Member Rowe stated she is also in favor of the Ordinance.

Mayor Huntington recommended that the education regarding this ordinance be tied into red ribbon week.

Town Attorney Laymon read the title of the ordinance.

Council Member Rowe moved to introduce the Ordinance adding Chapter 6.10 to Title 6 of the Yucca Valley Municipal Code imposing liability on social hosts who allow minors to obtain, possess, or consume alcoholic beverages and/or illegal substances at gatherings. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

15. South Side Neighborhood Park, Phase I A, Contract Amendment, RHA Landscape Architects, Authorization to Proceed with Final Design, Authorization to Proceed with Construction Bidding, Budget Amendment

Deputy Town Manager Stueckle presented the staff report and displayed a PowerPoint presentation showing the proposed amenities.

Ramon Mendoza, Yucca Valley, questioned how much this is going to add in maintenance and water usage, why grass is being used, and the schedule of the other two parks.

Deputy Town Manager Stueckle advised the annual maintenance costs is estimated to be about \$26,000 including water use. He noted that turf is a limited commodity in the community and the opportunity to add small turf areas in another neighborhood is a critical part of the services to community.

Town Manager Nuaimi advised the other two proposed dog parks that were mentioned are not scheduled or funded at this time. The ability to deliver those other two facilities will depend on funding.

Council Member Hagerman questioned where the tortoise habitat required mitigation for \$115,000 comes from. Deputy Town Manager Stueckle advised that during the initial design phases for this, a survey showed recent signs of tortoises being on property, noting the cost estimate included is for an anticipated fence that will be necessary if the signs of the tortoise are still present in the vicinity of Phase 1A. Staff will be continuing with the biological assessment, and the fencing cost may go away. Council Member Hagerman questioned who requires the mitigation. Deputy Town

Manager Stueckle advised it is a federal law due to the fact that the tortoise is an endangered animal, and this is the first step in the process of what must be done to address the issue.

Mayor Huntington advised the mitigation consists of fencing that is 3' in the ground and 3' high, at a cost of approximately \$60.00 per foot.

Council Member Abel questioned if a group such as Petco has any programs where they provide funding for parks. Town Manager Nuaimi advised that staff wanted to be very careful not to interfere with fund raising efforts for other parks in the community. When you look at the list of funding that is currently identified, one source is Development Impact Fees, which will provide dollars that could supplant the use of RDA dollars. In addition, the Architect has also said that bids are still coming in about 20% below estimates. Council Member Abel commented, as he understands, the people who are coming up to Machris Park are from all over the community. Town Manager Nuaimi advised there are also people from outside the community bringing their dogs to the park.

Council Member Hagerman questioned if the Warren Vista street improvement is part of \$14,000,000 backlog. Deputy Town Manager Stueckle advised that a portion is.

Mayor Huntington questioned the policy Council adopted previously stating that all the Development Impact Fees would go to roads. Town Manager Nuaimi advised that the last time the item was discussed the maximum defensible fees were amended and apportioned to all the areas. He noted the fees being imposed did not change, and are higher than the fee for just the streets and traffic portion.

Council Member Hagerman moved to approve the budget amendment appropriating funds for South Side Neighborhood Park as outlined in the Fiscal Impact section of the staff report, approve the conceptual plans for the South Side Neighborhood Park Phase I A, approve the amendment to the Town's Agreement with RHA Landscape Architects authorizing the Town Manager to sign the amended agreement, authorize the final design of South Side Neighborhood Park Phase I A, and authorize construction bidding for Phase I A. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

POLICY DISCUSSION

FUTURE AGENDA ITEMS

Council Member Hagerman requested an update on the PFF property. Council agreed.

PUBLIC COMMENT

Sarann Graham, Yucca Valley, stated she is glad the Council didn't consider the use of synthetic turf for the dog park, and advised of the need to distribute educational materials on the social host ordinance, noting it is a good opportunity to include some of the service clubs.

Ramon Mendoza, Yucca Valley, commented he is not pleased the Council didn't consider synthetic turf to save water, and expressed concern regarding the perception that only certain people are being taken care of the Town.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi commented as we head into fall and cooler weather the Animal Shelter will be accepting donations of blankets. Requested that everyone save date of Tuesday, November 15, for an all day celebration in honor of the Towns 20th anniversary of incorporation, noting there should be something for everyone. The County Department of Public Health will be holding a flu clinic at the Yucca Valley Elks Club on October 11, 2011 from 9:00 a.m. to 11:00 a.m. at a cost of \$10.00. There will also be one at the Joshua Tree Community Center on October 14th.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. Council Member Lombardo

Advised that he and Council Member Rowe will be attending a meeting regarding homelessness at the Pacific Clinic on October 7th.

17. Council Member Abel

Commented the Council represents the entire community.

Reported regarding a preliminary meeting with the Morongo Basin Transit Authority.

Advised he is pleased with the Aquatics Program, nothing that prevention is the key to water safety.

18. Council Member Hagerman

Expressed disappointment with the water rates increase.

Reported that his son is part of the Yucca Valley Lobos football team, adding that the volunteers who put that program together are phenomenal and represent Yucca Valley well.

19. Mayor Pro Tem Rowe

Reported that she and the Mayor are leaving in the morning to represent the Town at the League of California Cities Annual Conference.

Welcomed the Youth Commission Members

20. Mayor Huntington

Congratulated Community Services Supervisor Richardson for 5 years of service.

Advised that the Museum has 2 programs working to try to improve their funding. Those applications are available at Town Hall and the Museum.

Reported regarding attendance at the Boys and Girls Club auction on Saturday where Council Member Abel was the auctioneer and did fantastic job.

Advised that the next Community Clean Up Day is scheduled for October 22nd.

Thanked Kristie Vrooman and staff for another successful year at the pool.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, October 4, 2011, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: September 26, 2011
Meeting: October 4, 2011
Subject: FY 2010 Homeland Security Grant Program Purchase

Prior Council Review: None.

Recommendation: That the Town Council authorizes Town Staff to solicit informal bids from three vendors for the purchase and installation of the FY 2010 Homeland Security Grant Program (HSGP) security equipment, and to waive the formal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for this purchase.

Executive Summary: The FY 2010 HSGP cycle provides \$18,186 to the Town for the purchase of qualified security equipment. The Town's 2010 project includes the purchase and installation of security equipment at the Town Hall complex. Due to the compressed timelines contained in the grant guidelines, the recommended action will allow the Town to utilize the informal bid process for the solicitation and purchase of the related equipment pursuant to Town Code, and meet the grant timelines.

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)

Discussion:

The Town received notification of the availability of \$18,186 in Federal funds as part of the FY 2010 cycle of the Homeland Security Grant Program. These funds are made available to cities and counties for qualified projects that meet the Federal and County guidelines related to emergency planning, preparation and related equipment.

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

Through staff evaluation and discussion, the project identified was the installation of security equipment, including cameras and recording devices, at the Town Hall campus. The intent of this project is to provide the following:

- Enhanced security for the public while visiting the Town Hall complex;
- Enhanced security for the Town's primary staff/public offices;
- Enhanced security for the Town's alternative EOC facilities; and
- Ability to better respond to ongoing vandalism concerns.

The HSGP guidelines provide an accelerated timeline for completion of the project due to the reporting requirement of the County to the Federal government. Consequently, the Town is committed to completing this project no later than December 2011, with final reporting to the County by January 31, 2012.

With a project budget of \$18,186, normal purchasing guidelines would require the Town to proceed with a formal bid procedure, including Notice of Bid, advertising, and specified response periods. Because of the compressed grant timelines, and the relatively specialized equipment required, Town staff is confident that objective and competitive bids can be acquired through the informal bid process. This process would require that the Town solicit at least three bids in writing from local and/or regional vendors. However, the informal bid process will provide Town staff with the flexibility to meet the grant program's timeframe. Town Code allows for the Council to waive the formal bidding procedures when it is found that they would be inefficient, impractical and unnecessary in the current situation.

Alternatives: None recommended

Fiscal impact: The project budget is estimated to approximate the grant award of \$18,186.

Attachments: Town Purchasing Policy

CHAPTER 3.12

PURCHASES

SECTION:

- 3.12.010: Adoption Of Purchasing System
- 3.12.020: Centralized Purchasing Division
- 3.12.030: Purchasing Agent
- 3.12.040: Estimate Of Requirements
- 3.12.050: Requisitions
- 3.12.060: Purchase Orders
- 3.12.070: Encumbrance Of Funds
- 3.12.080: Inspection And Testing
- 3.12.090: Bidding Requirements And Procedures
- 3.12.100: Exceptions To Competitive Bidding Requirements
- 3.12.110: Selection Of Contract Services
- 3.12.120: Surplus Supplies And Equipment
- 3.12.130: Alternative Award Procedures
- 3.12.140: Informal Bidding Regulations

3.12.010: **ADOPTION OF PURCHASING SYSTEM:** In order to establish efficient procedures for the purchase of supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. (Ord. 3, 11-27-1991)

3.12.020: **CENTRALIZED PURCHASING DIVISION:**

- A. Division Created: There is created a centralized purchasing division in which is vested authority for the purchase of supplies and equipment.
- B. Exemptions From Centralized Purchasing: The town manager may authorize, in writing, any department to purchase specified supplies and equipment independently of the purchasing division; but he shall

require that such purchases shall be made in conformity with the procedures established by this chapter and shall further require periodic reports from the department on the purchases made under such written authorization. (Ord. 3, 11-27-1991)

3.12.030: PURCHASING AGENT:

- A. **Position Created:** There is created the position of purchasing agent, who may also be known as the "purchasing officer". He shall be appointed by the finance director, subject to the approval of the town manager. (Ord. 132, 8-22-2002)
- B. **Duties And Authority:** The purchasing agent shall be the head and have general supervision of the purchasing division. The duties of purchasing agent may be combined with those of any other office or position. The purchasing agent shall have the authority to:
1. Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed in this chapter, such administrative regulations as the purchasing agent shall adopt for the internal management and operation of the purchasing division and such other rules and regulations as shall be prescribed by the town council or the town manager;
 2. Negotiate and recommend execution of contracts for the purchase of supplies and equipment;
 3. Act to procure for the town the needed quality in supplies and equipment at least expense to the town;
 4. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
 5. Prepare and recommend to the town council rules governing the purchase of supplies and equipment for the town;
 6. Prepare and recommend revisions and amendments to the purchasing rules;
 7. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
 8. Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations;

9. Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications;

10. Recommend the transfer of surplus or unused supplies and equipment between departments as needed;

11. Maintain an approved vendors list, vendors catalogue file and records needed for the efficient operation of the purchasing division.

C. Purchasing Regulations: The purchasing agent shall be responsible for determining that the regulations and procedures in Sections 3.12.050 through 3.12.110 of this Chapter are carried out. (Ord. 3, 11-27-1991)

3.12.040: **ESTIMATE OF REQUIREMENTS:** All using departments shall file detailed estimates of their requirements in supplies and equipment in such manner, at such time and for such future periods as the purchasing agent shall prescribe. (Ord. 3, 11-27-1991)

3.12.050: **REQUISITIONS:** Using departments shall submit requests for supplies and equipment to the purchasing agent by standard requisition forms, or by other means as may be established by the purchasing rules and regulations. (Ord. 3, 11-27-1991)

3.12.060: **PURCHASE ORDERS:** Purchases of supplies and equipment shall be made only by purchase orders. Except as otherwise provided herein, no purchase order shall be issued unless the prior approval of the purchasing agent or his designated representative has been obtained. (Ord. 3, 11-27-1991)

3.12.070: **ENCUMBRANCE OF FUNDS:** Except in cases of emergency, the purchasing agent shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged. (Ord. 3, 11-27-1991)

3.12.080: **INSPECTION AND TESTING:** The purchasing agent shall, in his discretion, inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order.

The purchasing agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 3, 11-27-1991)

3.12.090: BIDDING REQUIREMENTS AND PROCEDURES: Purchases of supplies and equipment shall be by bid procedures pursuant to this Section. Bidding may be dispensed with only under conditions stated in Section 3.12.100 of this Chapter.

- A. **Formal Sealed Bid Procedures:** Except as otherwise provided herein, public projects which exceed five thousand dollars (\$5,000.00), as defined in California Public Contracts Code section 20162, and purchases of supplies and equipment of an estimated value greater than ten thousand dollars (\$10,000.00), shall be awarded to the lowest responsible bidder pursuant to the formal bid procedure as hereinafter prescribed.
- B. **Notice Inviting Formal Bids:** Notices inviting formal bids shall include a general description of the article or service desired, shall state where bid documents and specifications may be secured, and the time and place for opening bids.
- C. **Published Notice For Formal Bids:** Notices inviting formal bids shall be published at least ten (10) days prior to the date of opening of the bids. Notices shall be published at least once for nonpublic projects and at least twice, not less than five (5) days apart, for public projects, in a newspaper of general circulation in the Town.
- D. **Approved Vendors List:** The purchasing agent shall also solicit formal sealed bids from responsible suppliers whose names are on the approved vendors list, or who have made written request that their names be added thereto.
- E. **Bulletin Board Notice:** The purchasing agent shall advertise the pending formal purchases by posting a notice on the public bulletin board at the Town offices.
- F. **Bidder's Security:** When a public project is involved, and in other cases when deemed necessary by the purchasing agent, formal bids shall be accompanied by security, either cash, cashier's check, certified check or surety bond, in a sum equal to ten percent (10%) of the total aggregate of the bid, and shall be designated in the notice inviting bids. Bidders shall be entitled to return of bid security;

provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the Town is solely responsible for the delay in executing the contract. The Town Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder who is willing to execute the contract, or may reject all bids and readvertise.

- G. Formal Bond Requirements: A faithful performance bond and labor and material bond shall be required for all public projects, unless waived by the Town Council, in an amount reasonably necessary to protect the best interests of the Town. In addition, the Town Council shall have authority to require a faithful performance bond or other bonds before entering into a contract other than a public project contract. If bonds are required, the form and amount thereof shall be designated in the notice inviting bids.
- H. Formal Bid Opening Procedure: Sealed bids shall be submitted to the purchasing agent and shall be identified as "bids" on the envelope. The purchasing officer, or designee, shall publicly open all bids at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection in the purchasing office during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.
- I. Rejection Of Formal Bids: In its discretion, the Town Council may reject any and all bids presented and may cause readvertising for bids pursuant to the procedure hereinabove prescribed. However, when all bids exceed the authorized budgeted amount, the Town Manager may authorize rejection of all bids and authorize rebidding based upon the original specifications or as they may be modified, in accordance with procedures prescribed herein.
- J. Award Of Formal Bid Contracts: Except as otherwise provided herein, formal bid contracts shall be awarded by the Town Council to the lowest responsible bidder. The determination of "lowest responsible bidder" shall be at the discretion of the Town Council pursuant to findings and recommendations presented by the purchasing agent at the time of award of contract.
- K. Tie Formal Bids: If two (2) or more formal bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the Town Council may in its discretion accept the one it chooses or

accept the lowest bid made by and after negotiation with the tie bidders at the time of the bid opening or award of contract.

L. No Formal Bids Received: When no formal bids or no responsive bids are received, the purchasing officer is authorized to negotiate for written proposals, and his recommendation shall be presented to the Town Manager and award, if any, shall be made in accordance with applicable provisions prescribed herein.

M. Open Market Or Informal Bid Procedure:

1. Allowed: Purchases of supplies and equipment of an estimated value in the amount of ten thousand dollars (\$10,000.00) or less may be made by the purchasing agent in the open market pursuant to the procedure prescribed in this subsection, and without observing the procedure prescribed in subsection A of this Section; provided, however, all bidding may be dispensed with for purchases of supplies and equipment having a total estimated value of less than one thousand dollars (\$1,000.00).

2. Minimum Number Of Informal Bids: Open market purchases shall, wherever possible, be based on at least three (3) informal bids, and shall be awarded to the bidder offering the most advantageous bid to the Town after consideration of price, quality, durability, servicing, delivery time, standardization and other factors.

3. Notice Inviting Informal Bids: The purchasing agent shall solicit informal bids by written requests to prospective vendors, or by telephone, or by public notice posted on a public bulletin board at the Town offices.

4. Record Of Informal Bids: The purchasing agent shall keep a written record of all open market purchases and informal bids for a period of one year. This record, while so kept, shall be open to public inspection. (Ord. 3, 11-27-1991)

3.12.100: **EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS:** Notwithstanding any provision of this Chapter to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

A. When the estimated amount involved is less than ten thousand dollars (\$10,000.00);

- B. When the commodity can be obtained from only one vendor;
- C. The Town Manager may authorize the purchase of materials, supplies, equipment and services where an emergency is deemed to exist and it is determined that service involving the public health, safety or welfare would be interrupted if the normal procedure were followed. All emergency purchases, which would otherwise require formal bidding procedures, made pursuant to this Section shall be submitted to the Town Council for ratification at the next regular Council meeting after the purchase is authorized;
- D. The Town Council may authorize the execution of contracts for personal services, for professional and consultant services, and for other nonpublic projects and for contractual services without observing the bidding procedures provided herein where the amount of the contract exceeds the value set forth therein;
- E. The Town Manager is authorized to enter into contracts for personal services, for professional and consulting services and for other contractual services without observing the bidding procedure provided herein where the amount of the contract does not exceed the amount of twenty five thousand dollars (\$25,000.00); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged;
- F. Any agreement involving acquisition of supplies, equipment or service entered into with another governmental entity;
- G. When the Town Council finds that adherence to the procedures in this Chapter would be inefficient, impractical and unnecessary;
- H. The Town Council may authorize the execution of a lease or leases for office space for the Town government without observing the bidding procedures provided herein irrespective of the term of the lease or leases or the amount of rent and other charges to be paid by the Town under the lease or leases. (Ord. 3, 11-27-1991)

3.12.110: **SELECTION OF CONTRACT SERVICES:** The Town Council shall, by resolution, prescribe procedures, rules and regulations governing the solicitation, selection and award of proposals or bids for the furnishing of personal services or professional or consulting services or for other contractual services, the contracts for which may be awarded without observing the bidding procedures provided for in this Chapter. Such procedures, rules and regulations shall have as one purpose

the obtaining of contractual services of the highest quality together with cost effectiveness. (Ord. 3, 11-27-1991)

3.12.120: SURPLUS SUPPLIES AND EQUIPMENT:

- A. Reports Of Surplus: All using departments shall submit to the purchasing agent, at such times and in such forms as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete and worn out.
- B. Trade-Ins: The purchasing agent shall have authority to exchange for or trade-in on new supplies and equipment all supplies and equipment which cannot be used by any department or which have become unsuitable for Town use.
- C. Sale: The purchasing agent shall also have authority, subject to approval of the Town Manager, to dispose of surplus supplies or equipment by auction or by sale or otherwise after receiving bids or proposals which, in his judgement, provide the maximum return to the Town. (Ord. 3, 11-27-1991)

3.12.130: ALTERNATIVE AWARD PROCEDURES: Notwithstanding subsection 3.12.090A of this Chapter, from and after such time as the Town Council has adopted a resolution electing to make the Town subject to the uniform construction cost accounting procedures set forth in California Public Contract Code article 2 (commencing with section 22010) of chapter 2 of part 3 of division 2, and has notified the State Controller of such election, the Town Council may utilize the alternative procedures for the award of public project bids set forth in California Public Contract Code article 3 (commencing with section 22030) of chapter 2 of part 3 of division 2. When utilizing the alternative procedures authorized by this Section for public projects as to which formal bidding procedures are not required, the provisions of Section 3.12.140 of this Chapter shall be complied with. (Ord. 3, 11-27-1991)

3.12.140: INFORMAL BIDDING REGULATIONS: Pursuant to California Public Contract Code section 22032, when utilizing the alternative procedures authorized by Section 3.12.130 of this Chapter, the following provision shall apply to public projects for which formal bidding procedures are not required:

- A. Public projects of twenty five thousand dollars (\$25,000.00) or less may be performed by employees of the Town by force account, by negotiated contract or by purchase order.
- B. Public projects of seventy five thousand dollars (\$75,000.00) or less may be let to contract by the informal bidding procedures set forth in subsection C of this Section. Notwithstanding the foregoing, if all bids received are in excess of seventy five thousand dollars (\$75,000.00), the Town Council may, by passage of a resolution by a four-fifths ($\frac{4}{5}$) affirmative vote, award the contract at eighty thousand dollars (\$80,000.00) or less to the lowest responsible bidder if the Town Council determines that the Town's original cost estimate for the project was reasonable pursuant to California Public Contract Code section 22034(f).
- C. The following provisions shall be complied with in selecting contractors to perform public projects pursuant to this Section:
1. The purchasing agent shall maintain a list of qualified contractors, identified according to categories of work. The list shall be developed and maintained in accordance with criteria established for such lists by the California Uniform Construction Cost Accounting Commission.
 2. Each contractor on the list for the category or work being bid, and/or all construction trade journals specified by the above Commission to receive mailed notice of all informal and formal construction contracts being bid for work in San Bernardino County, as determined by the purchasing agent, shall be mailed a notice inviting informal bids unless the product or service is proprietary.
 3. All mailings of notices to contractors and construction trade journals pursuant to subsection C2 of this Section shall be completed not less than ten (10) calendar days before bids would be due pursuant to such notice.
 4. Each notice inviting informal bids shall describe the project in general terms, state how to obtain more detailed information about the project, and specify the time and place for submission of bids. (Ord. 3, 11-27-1991)

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING CHAPTER 6.10 TO TITLE 6 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, IMPOSING LIABILITY ON SOCIAL HOSTS WHO ALLOW MINORS TO OBTAIN, POSSESS, OR CONSUME ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES AT GATHERINGS.

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

SECTION 1. CODE AMENDED. Title 6, of the Town of Yucca Valley Municipal Code ("Municipal Code") is hereby amended to create Chapter 6.10, establishing Social Host regulations as follows:

"CHAPTER 6.10. SOCIAL HOST ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES BY MINORS.

Sections:

- 6.10.010 Findings.
- 6.10.020 Definitions.
- 6.10.030 Prohibitions.
- 6.10.040 Protected Activities.
- 6.10.050 Violation for Each Incident.
- 6.10.060 Enforcement Authority.
- 6.10.070 Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive.
- 6.10.080 Criminal Penalties and Citations.
- 6.10.090 Civil Penalties.
- 6.10.100 Administrative Citations.
- 6.10.110 Severability.
- 6.10.120 Local Authority.

6.10.010 FINDINGS.

The Town Council of the Town of Yucca Valley makes the following findings concerning minors' consumption of alcoholic beverages and/or illegal substances:

Minors often obtain, possess or consume alcoholic beverages or illegal substances at gatherings held on private property under the control of a person who knows or should know of the conduct but fails to stop it.

Underage consumption of alcoholic beverages and use of illegal substances pose an immediate threat to the public health, safety and welfare in that such activities are known to increase alcohol and drug abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism and excessive noise disturbance, all of which may require intervention by local law enforcement and other emergency response personnel.

Law enforcement and other emergency personnel responses to disturbances involving underage consumption of alcoholic beverages and use of illegal substances at gatherings frequently require the use of extensive resources. Further, when these personnel respond to such disturbances, it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. Law enforcement and other emergency personnel are not currently reimbursed for their expenses when called to disturbances involving underage consumption of alcoholic beverages and/or illegal substances at gatherings.

The prohibitions found in this chapter are reasonable and expected to deter consumption of alcoholic beverages and illegal substances by minors by holding persons responsible who encourage, and are aware of or should be aware of, the illegal consumption of alcoholic beverages and the use of illegal substances by minors, but fail to take reasonable steps to prevent it.

6.10.020 DEFINITIONS.

The following definitions shall apply to this chapter:

"Alcoholic Beverage." Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit or used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Enforcement Services." The actual amount of time spent by law enforcement, code enforcement, fire or other emergency response personnel in responding to, or in remaining at, or returning from a gathering at which a minor obtains, possesses or uses alcoholic beverages and/or illegal substances including, but not limited to, the salaries and benefits of these personnel, the actual cost of medical treatment incurred by these personnel, administrative costs attributable to the incident, the cost of repairing or replacing any damaged Town property, and any other allowable costs related to the enforcement of this chapter.

"Gathering." A party, event or other group of two or more persons who have assembled or are assembling for a social occasion or other activity on private property.

"Illegal Substances" means a drug or substance whose possession and use are regulated under the Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub.L. 91-513, 84 Stat. 1236, enacted October 27, 1970, codified at 21 U.S.C. § 801 *et. seq.*) Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

"Juvenile." Any person under the age of eighteen years.

"Legal Guardian." A person who is legally vested with the power and charged with the duty of taking care of a juvenile.

"Minor." Any person under the age of 21 years.

"Parent." Any person who is a natural parent, an adoptive parent, a foster parent, a step-parent, or who acts in loco parentis for a juvenile.

"Private Property." A private residence, where one actually lives or has his or her home, or any other privately-owned land, including vacant land or any appurtenances or structures on the land, in the incorporated area of the Town.

"Social Host." Any of the following:

- a) The person or persons who owns, rents, or is otherwise in charge of private property where a gathering takes place where one or more minors consume one or more alcoholic beverages and/or illegal substances;
- b) The person or persons authorizing the use of private property for a gathering where one or more minors consume one or more alcoholic beverages and/or illegal substances;
or
- c) The person or persons who organized a gathering where one or more minors consume one or more alcoholic beverages and/or illegal substances.

6.10.030 PROHIBITIONS.

It is the duty of a social host who knowingly hosts, permits, or allows a gathering on the property to take all reasonable steps to prevent

the consumption of alcoholic beverages and illegal substances by any minor at the gathering. Reasonable steps include, but are not limited to, (i) controlling access to alcoholic beverages and illegal substances, (ii) controlling the quantity of alcoholic beverages and illegal substances present at the gathering, (iii) verifying the age of each person attending the gathering by inspecting each person's driver's license or other government-issued identification card and (iv) supervising the activities of minors at the gathering.

No social host shall allow a gathering to take place or continue on his/her private property if a minor at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know, that the minor has obtained, possesses, or is consuming alcoholic beverages and/or illegal substances at the gathering.

No social host shall allow a gathering to take place or continue on his/her private property if a minor at the gathering obtains, possesses, or consumes any alcoholic beverage, when the social host has not taken all reasonable steps to prevent the consumption of alcoholic beverages and the use of illegal substances by any minor at the gathering.

6.10.040 PROTECTED ACTIVITIES.

This chapter shall not apply to any person who provides an alcoholic beverage to a minor as permitted by Article 1, Section 4, of the California Constitution.

6.10.050 SEPARATE VIOLATIONS FOR EACH INCIDENT.

Each incident in violation of Section 6.10.030 shall constitute a separate offense and shall be punishable or actionable as set forth in this chapter.

6.10.060 ENFORCEMENT AUTHORITY.

The Town Attorney and the San Bernardino County Sheriff are authorized to administer and enforce the provisions of this chapter. The Town Attorney and the San Bernardino Sheriff may exercise any enforcement powers provided by law.

6.10.070 ENFORCEMENT REMEDIES AND PENALTIES ARE CUMULATIVE AND DISCRETIONARY; NOT EXCLUSIVE.

All remedies and penalties provided for in this chapter shall be cumulative and discretionary, and not exclusive, in accordance with this section.

6.10.080 CRIMINAL PENALTIES & CITATIONS.

Any person who violates Section 6.10.030 of this chapter is guilty of a misdemeanor and shall be punished in the same manner as provided by in chapter 1.02 of the Town of Yucca Valley Municipal Code.

Criminal citations shall be issued in the same manner and under the same authority as provided by chapter 1.02 of this code except as otherwise specified in this chapter.

6.10.090 CIVIL PENALTIES.

Pursuant to California Civil Code section 1714.1, any act of willful misconduct of a juvenile that results in injury or death to another person or in injury to the property of another shall be imputed to the parent or legal guardian having custody and control of the juvenile for all purposes of civil damages, and the parent or legal guardian having custody and control shall be jointly and severally liable with the juvenile for any damages resulting from the willful misconduct.

When a person(s) responsible for a gathering is a juvenile, the parents or legal guardian(s) of that juvenile shall be jointly and severally liable for the costs incurred for enforcement services pursuant to this chapter.

A social host shall be liable for the cost of providing enforcement services in response to a gathering in which a minor(s) has obtained, possessed, or consumed alcoholic beverages or used illegal substances. Such costs include the Town's reasonable attorneys' fees in the event of litigation.

All violations of this chapter may be subject to enforcement through the initiation of a civil action.

6.10.100 ADMINISTRATIVE CITATIONS.

As an alternative to the criminal or civil enforcement of this chapter, all violations of this chapter may be subject to enforcement through the use of administrative citations in accordance with California Government Code section 53069.4 and in the same manner and under the same authority as provided at chapter 1.04 of the Town of Yucca Valley Municipal Code.

6.10.110 SEVERABILITY.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid

provision or application, and to this end the provisions of this chapter are severable.

6.10.120 LOCAL AUTHORITY.

No provision within this chapter shall apply where prohibited or preempted by state or federal law."

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of adoption.

SECTION 3. 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.

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 &
CONTENT

TOWN CLERK

TOWN ATTORNEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: September 27, 2011
For Council Meeting: October 4, 2011

Subject: Warrant Register October 4, 2011

Recommendation:

Ratify Payroll Registers total of \$ 167,164.90 for checks dated September 12, 2011.
Ratify the Warrant Register total of \$ 362,515.95 for checks dated September 22, 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:

Payroll Register No.12 dated September 12, 2011 total of \$ 167,164.90
Warrant Register No.17 dated September 22, 2011 total of \$ 362,515.95

Reviewed By:


Town Manager


Admin. Services


Town Attorney

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 12
CHECK DATE - September 16, 2011

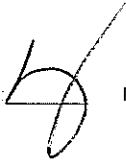
Fund Distribution Breakdown

Fund Distribution

General Fund	\$146,040.95
Gas Tax Fund	9,940.55
Redevelopment Agency	<u>11,183.40</u>

Grand Total Payroll	<u><u>\$167,164.90</u></u>
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Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 12 - Paid 09/16/2011
 (August 27, 2011 - September 09, 2011)
 Checks: 4137-4150

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$5,304.73		\$5,304.73
Direct Deposit	83,975.17	-	83,975.17
Sub-total	89,279.90		89,279.90
<u>Employee Tax Withholding</u>			
Federal	16,107.83		16,107.83
Medicare	1,854.05	1,854.09	3,708.14
SDI - EE	-	-	-
State	5,828.40		5,828.40
Sub-total	23,790.28	1,854.09	25,644.37
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	505.46	505.46
Deferred Compensation	3,402.10	3,831.93	7,234.03
PERS Survivor Benefit	51.00		51.00
Health Caf� Plan	1,902.25	13,491.33	15,393.58
American Fidelity Pre-Tax	298.40		298.40
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	421.52		421.52
PERS EE - Contribution 7%	290.61		290.61
PERS EE - Contribution 8%	6,918.32		6,918.32
PERS Retirement - Employee	59.97	321.05	381.02
PERS Retirement - Employer	-	15,285.18	15,285.18
Wage Garnishment - Employee	231.89		231.89
Life & Disability Insurance		1,063.98	1,063.98
Unemployment Insurance		1,038.37	1,038.37
Workers' Compensation		3,115.12	3,115.12
Sub-total	13,588.21	38,652.42	52,240.63
Gross Payroll	\$126,658.39	\$40,506.51	\$167,164.90
Prepared by P/R & Financial Specialist 	Reviewed by H/R & Risk Mgr 		


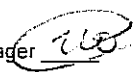
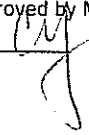
WARRANT REGISTER #17
CHECK DATE - SEPTEMBER 22, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 35248 to # 35311 are valid

Checks # 35256 and # 35257 are included in RDA Warrant # 17

GENERAL FUND # 001	\$334,244.59
CENTRAL SUPPLIES FUND # 100	3,501.86
CUP DEPOSITS FUND # 200	51.00
AB2928 STATE CONSTRUCTION FUND # 513	5,287.50
GAS TAX FUND # 515	12,976.83
MEASURE I 2010 - 2040 FUND # 524	3,824.17
CAPITAL PROJECT RESERVE FUND # 800	2,630.00
GRAND TOTAL	<u><u>\$362,515.95</u></u>

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

Town of Yucca Valley
Warrant Register
September 22, 2011

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	35248	Ace Alternators	Fleet Vehicle Maintenance	250.90
	35249	Action Pumping, Inc.	Septic Pumping Services	440.00
	35250	AlSCO/American Linen, Inc.	Facilities Maintenance Supplies	140.27
	35251	Animal Emergency Clinic	Veterinary Services	128.00
	35252	Arrowhead Mountain Water	Office Supplies	125.01
	35253	Avalon Urgent Care	Medical Screening Services	210.00
	35254	Barr Lumber, Inc.	Parks Maintenance Supplies	82.96
	35255	David Brake	Recreation Program Refund	140.00
	35256	California Municipal Statistics Inc	CAFR Services	450.00
	35258	Cactus Flower	Employee Recognition	70.04
	35259	Carquest Auto Parts	Maintenance Supplies	57.74
	35260	CDW Government, Inc.	Technology Support	1,114.42
	35261	Chet's Appliances	Shelter Equipment Repair	100.00
	35263	Companion Animal Clinic	Veterinary Services	336.85
	35264	CPRS - Calif Park & Rec Soc	Membership Renewal	135.00
	35265	Data Ticket	Citation Processing	407.62
	35266	Desert Pacific Exterminators	Facilities Maintenance	49.00
	35267	Dept of Justice	Livescan Services	66.00
	35268	Shelly Eich	Seminar Expense	451.00
	35269	Employment Development Dept.	Unemployment Insurance	5,810.83
	35270	FedEx	Delivery Service	25.13
	35271	G & K Propane	Propane Tank Rental	42.81
	35273	Art Gutierrez	Sports Referee	132.00
	35274	Totalfunds by Hasler	Postage	1,003.00
	35275	Hi-Desert Water	Water Service	12,426.23
	35276	Hi-Desert Publishing	Ordinance Advertising	221.17
	35277	Hill's Towing	Vehicle Service	45.00
	35278	Intervet, Inc.	Shelter Adoption Expense	366.35
	35279	Johnson Power Systems	Generator Annual Service	2,268.26
	35280	The Mallants Corp	Temporary Employment Svs.	894.40
	35282	David Mueller /dba Touch 2	Recreation Expense	201.19
	35283	Oasis Office Supply	Toner	868.37
	35284	OnTrac	Delivery Service	10.50
	35285	Carl Otteson	Backflow Testing Svs.	725.00
	35286	Perris Fence & Supply	Facilities Maintenance	58.77
	35287	Pro Security	YVHS Pool Security System	1,713.00
	35288	QuarterMaster	Uniform Expense	47.84
	35289	Recreonics, Inc.	YVHS Pool Maintenance	831.38
	35290	Asencion Romero	Recreation Trip Refund	69.00
	35292	SBCO Sheriff's Dept	Sept 2011 Professional Svs.	274,043.00
	35293	Office of the County Recorder	Filing Fee	15.00
	35294	SCE	Electric Service	16,031.72
	35295	Simplot Partners, Inc.	Parks Maintenance & Supplies	808.13
	35296	So. Cal. Gas Co.	Vehicle Fuel	13.00
	35297	SoCal Body and Paint	Jeep Liberty Repair	1,534.93
	35298	Southwest Networks, Inc.	Technology Support	4,470.00
	35299	Sprint	Phone Service	12.11
	35300	Stater Bros	Recreation Program Expense	25.71

Town of Yucca Valley
Warrant Register
September 22, 2011

Fund	Check #	Vendor	Description	Amount
	35301	Trophy Express	Recreation Softball Awards	206.88
	35302	Delanford Truitt	Sports Referee	66.00
	35303	Unisource Worldwide, Inc.	Maintenance Supplies	1,276.64
	35304	VCA Yucca Valley Animal Hospital	Veterinary Services	1,672.17
	35305	Verizon	Long Distance Service	246.20
	35306	Voyager Fleet Systems, Inc.	Vehicle Fuel	144.06
	35307	Walmart Community	Shelter Supplies	200.05
	35310	Guy Wulf	Sports Referee	264.00
	35311	Z 107.7 Mobile Music	Youth Event Entertainment	175.00
	EFT	The Home Depot	Facilities Maintenance	524.95
Total 001	GENERAL FUND			<u>\$334,244.59</u>
100 INTERNAL SERVICE FUND				
	35272	GE Capital Corporation	Copier Leases	\$3,136.59
	35283	Oasis Office Supply	Copy Paper	365.27
Total 100	INTERNAL SERVICE FUND			<u>\$3,501.86</u>
200 DEPOSITS FUND				
	35291	SBCO-Recorder	Recorder Services	\$51.00
Total 200	DEPOSITS FUND			<u>\$51.00</u>
513 AB2928-STATE CONSTRUCTION GRANT FUND				
	35309	Willdan Associates	TCRP Project	\$5,287.50
Total 513	AB2928-STATE CONSTRUCTION GRANT FUND			<u>\$5,287.50</u>
515 GAS TAX FUND				
	35250	Alsco/American Linen, Inc.	Street Uniforms Service	\$45.12
	35259	Carquest Auto Parts	Street Equipment Maintenance	179.07
	35262	Clark Construc/Hal Scott Clark	Street Shoulder Maintenance	7,695.00
	35275	Hi-Desert Water	Water Service	301.60
	35281	Match Corporation	Palomar Project	4,207.27
	35294	SCE	Electric Service	548.77
Total 515	GAS TAX FUND			<u>\$12,976.83</u>
524 MEASURE I - 2010-2040 FUND				
	35294	SCE	Electric Service	\$3,824.17
Total 524	MEASURE I - 2010-2040 FUND			<u>\$3,824.17</u>
800 CAPITAL PROJECTS RESERVE FUND				
	35308	D Webb, Inc.	Senior Center Door Project	\$2,630.00
Total 800	CAPITAL PROJECTS RESERVE FUND			<u>\$2,630.00</u>
***	Report Total			<u>\$362,515.95</u>

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: September 27, 2011
For Council Meeting: October 4, 2011

Subject: Community Development Block Grant Funds
Community Center Playground Improvement & Splash Park
Authorization to Bid for Design Services

Prior Council Review: The Town Council previously allocated two years of Community Development Block Grant (CDBG) funds to the renovation of the Community Center Playground, including the addition of a splash park amenity to the facility. The Town Council appropriated these funds in the FY 2011/2012 adopted budget.

Recommendation: That the Town Council authorizes the release of the Request for Qualifications/Request for Proposals (RFQ/RFP) for design services for the Community Center Playground Improvement & Splash Park project.

Executive Summary: The Town annually receives federal Community Development Block Grant (CDBG) funding through the County of San Bernardino. Federal standards require competitive bidding for the expenditure of CDBG funds. The design and preparation of Plans, Specifications, and Estimates (PS&E) is the first step in the process.

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 Community Center Playground Improvement & Splash Park project includes the redesign of the existing playground area and equipment, as well as the design of a splash park amenity. The Town is required federal guidelines implemented by the County of San Bernardino to competitively bid design services for the project.

The Draft RFQ/RFP attached to this Staff Report identifies that the preparation of the conceptual design, plans, specifications, and estimates are included in the project

Reviewed By:  Town Manager  Town Attorney  Mgmt Services  Dept Head

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

scope. The schedule for completion of services is 170 calendar days from authorization to proceed. A preliminary project schedule, from project initiation to completion, is attached to this Staff Report. The schedule is based upon complete project funding being available. Based upon similar project cost estimates, staff estimates that an additional two years of CDBG funds will be necessary to facilitate completion of both the playground reconstruction and splash pad construction.

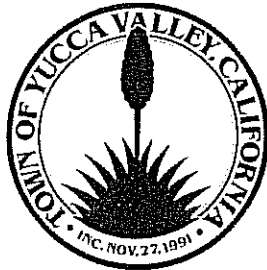
Alternatives: Staff recommends no alternative action. Formal bidding procedures are required by the County of San Bernardino for the expenditure of CDBG funds.

Fiscal impact: A total of \$297,064 in CDBG funds are appropriated in the FY 2011/2012 Budget for the project.

Attachments: Draft Request for Qualifications/Proposals
Project Schedule

TOWN OF YUCCA VALLEY

Yucca Valley, California



REQUEST FOR QUALIFICATIONS/
REQUEST FOR PROPOSAL
TOWN OF YUCCA VALLEY, CALIFORNIA

PROFESSIONAL ARCHITECTURAL DESIGN
AND SUPPORTING ENGINEERING SERVICES FOR
PREPARATION OF THE
**COMMUNITY CENTER PLAYGROUND IMPROVEMENTS
AND SPLASH PARK**
BID READY IMPROVEMENT DOCUMENTS AND
PROJECT SPECIFICATIONS
TOWN PROJECT NO. XXXX

October 4, 2011

**TOWN OF YUCCA VALLEY, CALIFORNIA
REQUEST FOR QUALIFICATIONS/
REQUEST FOR FEE PROPOSAL**

PROJECT NAME:

**REQUEST FOR QUALIFICATIONS /
PROPOSAL FOR PROFESSIONAL
ARCHITECTURAL AND SUPPORTING
ENGINEERING DESIGN SERVICES FOR
PREPARATION OF THE COMMUNITY
CENTER PLAYGROUND
IMPROVEMENTS AND SPLASH PARK
BID READY IMPROVEMENT
DOCUMENTS AND PROJECT
SPECIFICATIONS, TOWN PROJECT NO.**

**PROPOSAL MUST BE RECEIVED NO
LATER THAN AND ARE TO BE OPENED
AT:**

3:00 p.m. on Thursday, November 10, 2011

**PLACE OF PROPOSAL RECEIPT
AND PROPOSAL OPENING:**

**Office of Town Clerk
Town of Yucca Valley
57090 Twentynine Palms Highway
Yucca Valley, CA 92284**

NOTICE IS HEREBY GIVEN that the Town of Yucca Valley, County of San Bernardino, California, will receive up to, but not later than the date and time set forth above, Request for Qualifications/Request for Proposal with sealed fee Proposal for the award of a contract for professional design services related to the above-referenced project.

The work to be performed consists of preparation of conceptual plan, site plan, topographic survey, grading and drainage plan, Plans, Specifications, and Estimates (PS&E), and all other bid ready improvement plans and supporting studies/documentation to provide bid ready special and technical specifications and related documents set forth in the Scope of Services for the Improvements of the **Community Center Playground Improvements and Splash Park** located at the Town Hall complex. All work shall be completed within **one hundred seventy (170) calendar days** following receipt of a written Notice to Proceed from the Town.

A VOLUNTARY PREPROPOSAL CONFERENCE IS SCHEDULED FOR:

10:00 a.m. on Thursday, October 20, 2011

**PREPROPOSAL CONFERENCE WILL BE HELD AT:
Town of Yucca Valley
Community Center
57090 Twentynine Palms Highway
Yucca Valley, California**

The reserves the right to reject any of all bids or any parts thereof and to waive any irregularities or informalities in any proposal or in the proposal process and to make a contract award in the best interest of the Town.

No Proposal may be withdrawn for a period of sixty (60) calendar days after the date set for the opening of bids.

TOWN OF YUCCA VALLEY

By: Janet M. Anderson
Town Clerk

Date

Hi-Desert Star
Advertised

October 8, 2011
Date

October 5, 2011
Date

- End of Section -

REQUEST FOR QUALIFICATIONS/
REQUEST FOR PROPOSAL
TOWN OF YUCCA VALLEY, CALIFORNIA

PROFESSIONAL ARCHITECTURAL DESIGN SERVICES
AND SUPPORTING ENGINEERING DESIGN SERVICES FOR
PREPARATION OF THE
**COMMUNITY CENTER PLAYGROUND IMPROVEMENTS
AND SPLASH PARK**
BID READY IMPROVEMENT DOCUMENTS AND
PROJECT SPECIFICATIONS
TOWN PROJECT NO. XXXX

OCTOBER 4, 2011

INTRODUCTION

The Town of Yucca Valley solicits a California licensed professional architectural-planning firm to develop a Conceptual Plan, Final Site Plan, Plans, Specifications, and Estimates (PS&E), and all other bid ready improvement plans and supporting studies/documentation to provide bid ready special and technical specifications and related documents set forth in the Scope of Services for the Improvements for the Community Center Playground Improvements and Splash Park, including but not limited to removal of the existing park equipment, identify, recommend and install new equipment meeting current safety requirements of the State of California and American's With Disabilities Act, construction of a zero depth splash park, and appurtenant improvements, with complete bid ready construction drawings and specifications for the construction of the park as further described in the Scope of Services.

Bidding and construction of the facilities is not included in the Scope of Services, however the Consultant should anticipate being available to answer questions and provide advice during bidding and construction of the project.

SCOPE OF SERVICES

The Scope of Services generally consists of preparing a conceptual site plan of the site for presentation to, and approval by, the Town of Yucca Valley staff, the Parks, Recreational and Cultural Commission, and where applicable, the Town Council; the preparation of final construction plans including but not limited to grading and architectural improvement plans for the facilities/equipment proposed; and preparation of the special and technical specifications for the park improvements to be included in the project construction bid documents. All improvement drawings shall be complete and suitable for bidding. The Scope of Services includes, but is not limited to, the following:

Tasks

1. **Conceptual Plan.** The Consultant will prepare a colored Conceptual Plan for the site. The Consultant shall meet with Town Staff to define the limits of the site to be developed.

The Consultant shall present the Conceptual Plan to Town Staff for review and approval by the Town of Yucca Valley Parks, Recreation and Cultural Commission. Consultant's proposal shall allow for a minimum of two (2) meetings with Town Staff, one (1) meeting with the Parks, Recreations and Cultural Commission, and one (1) meeting with the Town Council.

2. **Topographic Survey.** Consultant shall provide a topographic survey of the site, as defined in Task 1 by the Town staff. Consultant shall perform field surveys as necessary to control the design and provide accurate quantity estimates. Consultant shall provide a copy of the base topographic drawing to the Town.

3. **Site Plan.** The Consultant will prepare a Final Site Plan of the site. The Final Site Plan shall indicate the specific locations and dimensions of the proposed equipment as well as all proposed improvements related to providing ADA compliant access to the equipment.

The Consultant shall present the Final Site Plan to the Town Staff for review and approval by the Town Staff and the Town of Yucca Valley Parks, Recreation and Cultural Commission. Consultant's proposal shall allow for a minimum of two (2) meetings with Town staff and one (1) meeting with the Parks, Recreation and Cultural Commission. Upon completion of Tasks 1, 2 and 3, Consultant shall proceed with the balance of the Scope of Services.

4. **Grading and Drainage Plan.** Consultant shall prepare and submit grading and drainage plans of the site for plan check by the Town Engineer. The Grading and Drainage Plan and the Final Site Plan may be combined. The grading plan shall also include required changes to the existing irrigation system to accommodate any changes caused by the new site plan.

5. **Estimate of Probable Cost of Construction:** Consultant shall provide a preliminary and final estimate of probable cost of construction by components, i.e. equipment purchase costs, construction costs.

6. **Preliminary Design Submittal.** Consultant shall develop preliminary 90% plan design for review by Town staff. After review of the 90% plan design by Town staff, Consultant shall make any required revisions and changes and resubmit for review and approval by Town Staff. After review and approval of the plans are complete by the Town, Consultant shall submit 100% complete design drawings on mylar for Town approval.

7. **Final Plans, Specifications & Estimates:** Consultant shall develop 100% plans, specifications and estimates for final approval by the Town Engineer and Town staff.

Deliverables

The Consultant will deliver the following, at a minimum, to the Town upon completion of the work:

1. Reproducible mylars of all final approved project plans, signed and sealed. These same documents shall also be submitted in electronic format acceptable to the Town.
2. One unbound copy of the following portions of the Specifications and Contract Documents, as well as the electronic file(s) in Microsoft Word format:

Special Provisions
Technical Provisions
3. Four (4) blueline copies of all project plans.
4. One (1) copy of the preliminary Estimate of Probable Costs.
5. One (1) copy of the final Estimate of Probable Costs.
6. One (1) electronic copy of all final project plans on disk in AutoCAD 2009 and Pdf format.
7. Two colored copies of the Conceptual Site Plan.

The Town of Yucca Valley will provide the following:

1. Copy of standard drawings and specifications.
2. Project bidding services and construction management.
3. Payment of application, permit or any other fees required by any regulatory agency.
4. Town Standard Special and Technical Provisions in Word format.

SCHEDULE OF WORK

Consultant shall supply one copy of a preliminary schedule for the design effort with the Proposal. The schedule shall reflect 170 calendar days for completion from the date of the Notice to Proceed.

PROPOSAL FORMAT

Seven (7) copies of the proposal shall be submitted to the Office of the Town Clerk and contain the following information:

1. Cover Letter - The letter shall identify that the Consultant has a clear understanding of the project scope, timing, deliverables, and a list of names of primary contacts, as well as a list of all sub-consultants.
2. Qualifications - A list of similar projects performed by the Consultant within the last three years.
3. Schedule - A preliminary schedule reflecting project completion within 170 calendar days from receipt of the Notice to Proceed.
4. Work Plan / Design Approach - Consultant shall specify what is to be covered in the contract and should discuss their approach to the design, including design philosophy. Any major issues relative to the project and site should be presented.
5. Staffing Plan: List the Project Manager and Design Engineer who will be assigned to the project and provide an organizational chart. Resumes of the Project Manager and Design Engineer shall be included in the proposal.
6. Certificate of Insurance - Insurance coverage with a minimum aggregate coverage of \$1,000,000 for Professional Errors and Omissions and General Liability will be required. A statement certifying the required insurance coverage shall be provided.

PRE-PROPOSAL CONFERENCE

A pre-proposal conference and site visit will be held at 10:00 a.m., October 20, 2011 at the Town of Yucca Valley, Community Center, 57090 Twentynine Palms Highway, Yucca Valley, CA 92284. Those interested in submitting a Proposal are encouraged to attend. Items to be reviewed at the pre-proposal conference may include:

1. Project Deliverables.
2. Project Limits - The specific limits of the project will be reviewed in the field.
3. Structure and Format of the Proposal.
4. Project Budget:

The project is funded with Community Development Block Grant funds. The total project budget is \$297,064. Additional CDBG allocations are anticipated in subsequent fiscal years. The funding breakdown includes \$45,000 for design,

\$80,000 for the purchase of equipment, and \$142,064 for construction. This will be an appropriate time to discuss the adequacy of the project budget.

5. Question and Answer - An opportunity for Consultants to ask questions about the project will be provided.

EVALUATION OF THE PROPOSAL

Response to RRQ/RFP will be evaluated on the basis of qualifications only. The Town may elect to invite one or more of the respondents for an interview. The Town reserves the right to open the separate sealed fee proposal of any firm selected for an interview. Upon approval by the Town Council, the Town will negotiate a contract with the selected Consultant.

The proposal will be evaluated based on qualifications; however, a Lump Sum – Not to Exceed Fee Proposal must be submitted with the proposal (in a separate sealed envelope) in an effort to expedite the project. The stated fee shall include all reimbursable expenses in a separate, not to exceed amount. Fees shall be broken down by task with a lump sum – not to exceed total fee.

The proposals will be rated according to the following criteria:

1. Demonstrated understanding of the scope of work (25 points max.)
2. Qualifications and experience of the Consultant's staff including the Project Manager assigned to this project (25 points max.)
3. Recent experience on projects of like nature (20 points max.)
4. Thoroughness, responsiveness, and completeness of the proposal (20 points max.)
5. Experience working with the public sector – ability to meet the schedule (10 points max.)

RFP PROCEDURES AND SCHEDULE

The Town of Yucca Valley reserves the right to accept, reject and evaluate any and all proposals, to change the scope of this RFQ/RFP, or to cancel in whole or in part this RFQ/RFP, if determined by the Town of Yucca Valley, in its sole discretion, to be in the best interest of the Town. Any proposal that is submitted becomes the property of the Town. The Town will not be liable for nor pay any costs incurred by the Contractor in preparation of a response to this RFQ/RFP or any costs involved including travel.

Tentative Schedule:

- | | |
|---|-------------------------------------|
| 1. Voluntary pre-proposal conference/site visit | 10:00 am, Thursday October 20 2011 |
| 2. RFQ/RFP submittal deadline | 3:00 pm, Thursday November 10, 2011 |
| 3. Consultant interview (if required) | If Any, To Be Determined |

It is the policy of the Town of Yucca Valley not to engage in any unlawful discrimination based upon race, creed, color, national origin, sex, age disability or marital status.

PLACE OF PROPOSAL RECEIPT:

**Office of the Town Clerk
Town of Yucca Valley
57090 Twentynine Palms Highway
Yucca Valley, CA 92284**

**DEADLINE FOR RECEIPT
OF PROPOSAL**

3:00 pm, Thursday, November 10, 2011

Consultant shall submit:

- Seven (7) copies of the Proposal, and
- One (1) Fee Proposal in a separate sealed envelope marked, **FEE PROPOSAL – DO NOT OPEN**. The Fee Proposal shall indicate a total lump sum, not to exceed, fee for bid ready documents with a breakdown of the fee by task.

Questions concerning this proposal may be directed to:

Shane R. Stueckle
Deputy Town Manager
760-369-1265 ext. 305

ssstueckle@yucca-valley.org

Noel Owsley
Town Engineer
760-369-6575 ext. 310
Or 760-346-3250
NoelO@aol.com

***** END OF RFQ/RFP *****

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: September 28, 2011
For Council Meeting: October 4, 2011

Subject: SR 62/SR 247 Traffic Signal Median Island Project
Approval of Plans and Specifications
Authorization to Advertise for Construction

Prior Council Review: The Town Council appropriated funds for this project with adoption of the FY 2011/2012 Budget.

Recommendation: That the Town Council approves the Plans and Specifications for the SR 62/SR 247 Traffic Signal and Median Island Project, and authorizes staff to advertise the project for construction following the California Department of Transportation, Headquarters offices, issuance of authorization to proceed.

Executive Summary: Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process.

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 construction of controlled left turn movements (controlled green turn arrows) for the north/south legs of the SR 62/247 intersection has been a long term goal for the Town. Caltrans required warrants could not be satisfied, and the Town could not proceed with the project for a number of years. Following numerous discussions with Caltrans District 8, the Town was authorized for the construction of controlled left turn movements, with the additional requirement to construct raised median islands on SR 247 and Joshua Lane. The purpose of the raised median islands is to prevent turning movement from/to the State Highways in proximity to the intersection, as well as to ensure maximum traffic flow or mobility and reducing avoidable vehicular delays at the intersection. In addition to the above improvements, the existing turn pocket for east bound traffic, for the north bound movement to SR 247, will be lengthened to allow for

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

additional vehicle stacking capacity.

The Town has obtained the necessary encroachment permit from Caltrans District 8. Final Caltrans Headquarters approval of the federal funding is scheduled to occur after October 1, 2011, with the beginning of the 2012 federal fiscal year.

The approved Caltrans plans identify the SR 247 Median Island extending from SR 62 to the northern most driveway entrance to the Food-4-Less shopping center, which is located between Barr Lumber and Papa John's Pizza. For the Joshua Lane median island, Caltrans required a minimum length of 200' to be constructed on Joshua Lane. The Plans and Specifications are on file in the Town Clerk's office for review.

Due to the impacts to business access that are created by the construction of raised median islands on Joshua Lane, the Town retained the services of Albert A. Webb Associates to assist the Town in identifying the final design parameters for overall raised median island design, specifically in regards to the point of termination. This approach was employed to ensure maximum traffic mobility, reducing potential intersection conflicts and delays, and to maximize to the extent possible, business access based upon existing conditions and alternative access routes.

Exhibit J to this staff report illustrates the vehicular turning movement conflict points under existing conditions. Exhibit J clearly illustrates the turning movement conflicts which result in "pushing" traffic conditions into the intersection of SR 62/SR247. Exhibit K and Exhibit L identify two alternatives for the length of raised median island on Joshua Lane. Based upon the above identified factors, the recommended final design is based upon the termination point as depicted in Exhibit L. This alternative would terminate the raised median island on Joshua Lane with sufficient distance for left hand turns into the public alley separating Chase Bank from the Courtyard Commercial property.

Town staff held several public outreach meetings for property owners affected by this project. A majority of the concerns were expressed by businesses fronting onto 29 Palms Outer Highway South, between Joshua Lane and Airway Avenue. While the elimination of the left hand turning movement from SR 62/Joshua Lane eastbound onto the Outer Highway is being eliminated with this project, alternative access via Airway or north bound on Joshua Lane continue to be available. Numerous suggestions were received during the public outreach meetings, including the alternatives of not building the project, making Joshua Lane one way north bound and move the 62/247 intersection to Barberry and SR 62, tying in the signalization of the outer highways to the 62/247 signal, and well as other ideas.

The General Plan Traffic Study and Circulation Element update will carefully evaluate

alternatives means for addressing the design and ingress/egress to the outer highways. For example, in recent discussions with District 8 staff, they verbally indicated that with a raised median on SR 62 to prevent left hand turn movements, Caltrans would allow a mid-block ingress/egress point to the Outer Highway South between Airway and Joshua Lane. District 8 staff simultaneously indicated that with this design approach, one end of the Outer Highway South would need to be closed (cul-de-sac). This would most likely be the Joshua Lane end of the Outer Highway based upon those discussions with District 8 staff. Again, this is just one example of alternative means of addressing access issues along the outer highways.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: A total of \$252,000 is budgeted in the FY 2011/2012 adopted budget. These funds consist of \$184,900 in HSIP funds and \$67,100 in Measure I Major Arterial funds. The Estimate of Probable Construction Costs estimates total project expenditures at \$265,464.

Attachments: Project Schedule
Exhibits J, K, & L

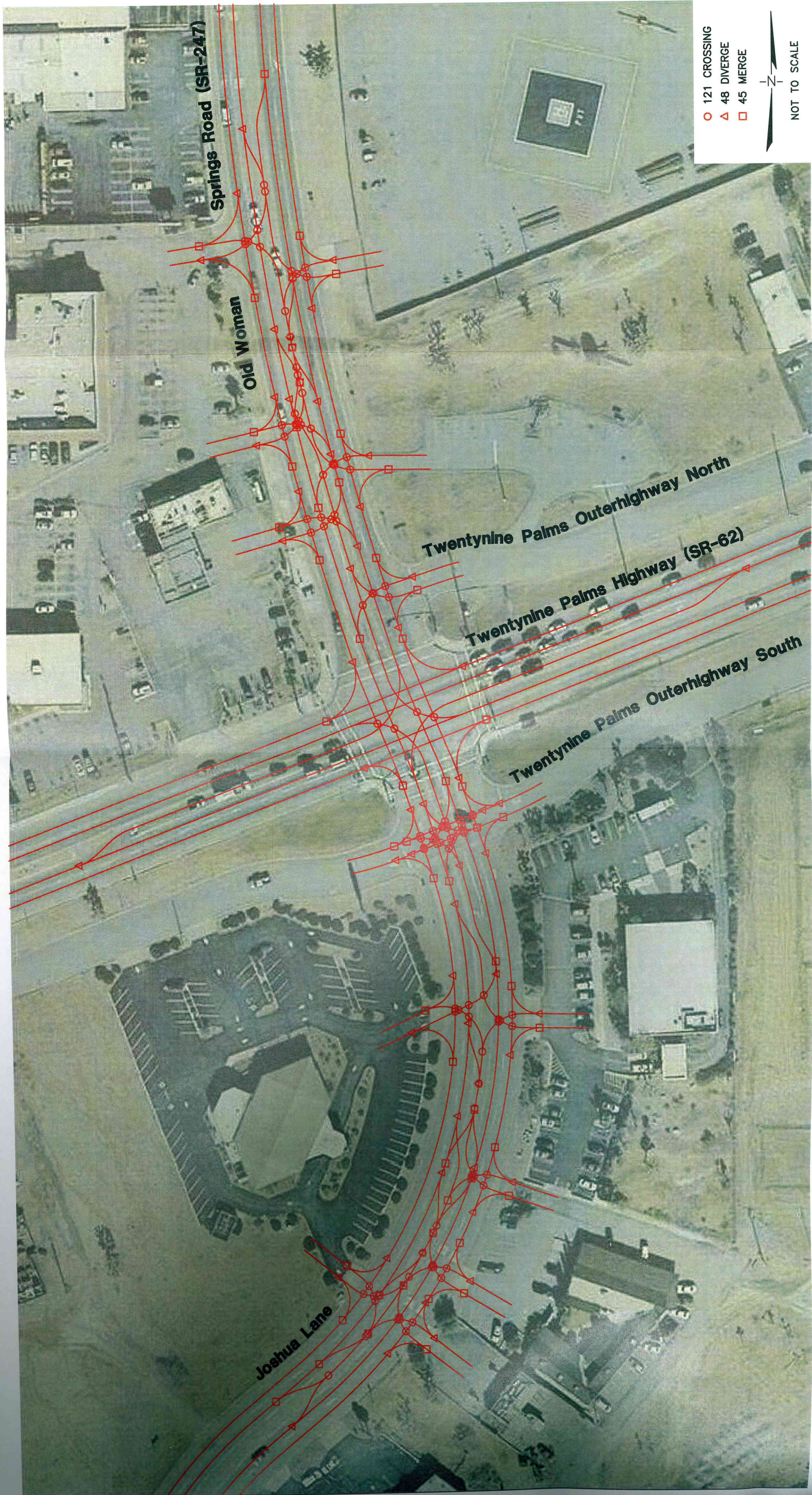


Exhibit J - Existing Vehicular Conflict Points

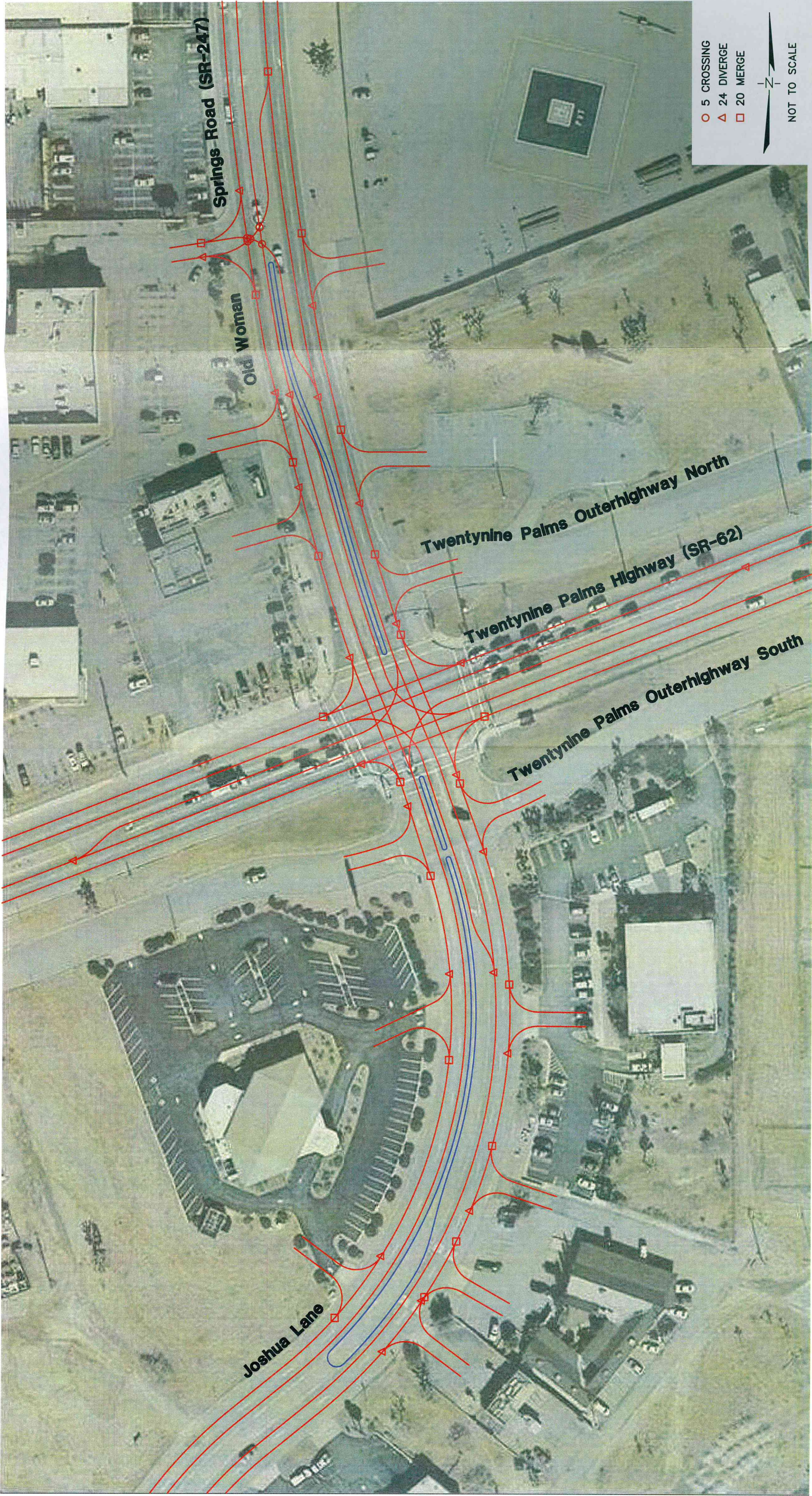


Exhibit K - Future with Project Vehicular Conflict Points

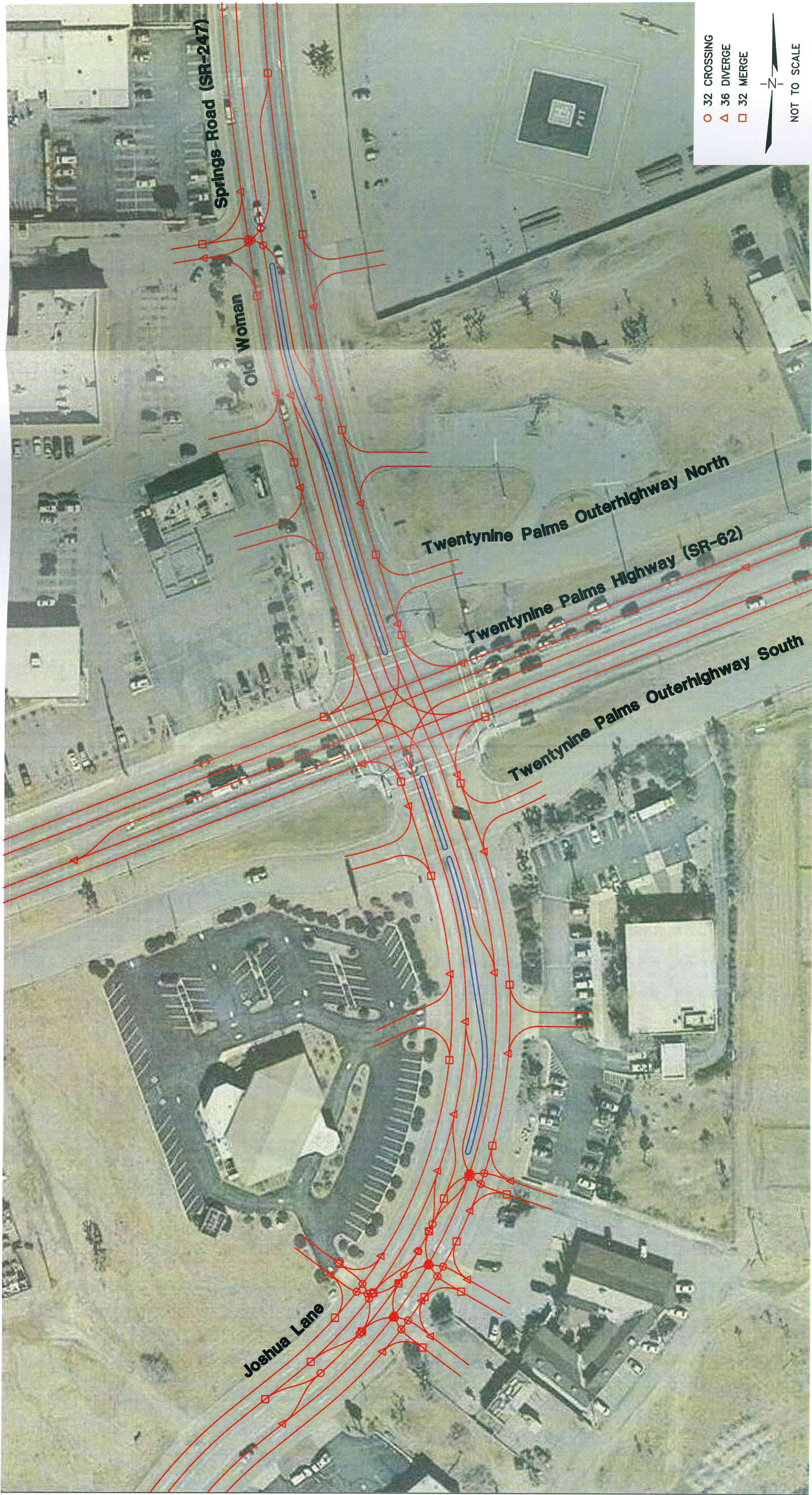
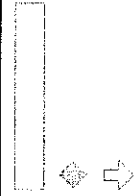


Exhibit L - Future with Recommended Median Vehicular Conflict Points

ID	Task Name	Duration	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July		
1	Caltrans Approval of RFA	30 days	[Gantt bar from Sep to Oct]												
2	Council Approval to go to Bid	10 days	[Gantt bar from Oct to Nov]												
3	Bid Project	25 days	[Gantt bar from Nov to Feb]												
4	Review Bids and Recommended Low Bidder	5 days	[Gantt bar in Feb]												
5	Council Approval of Low Bidder	10 days	[Gantt bar from Feb to Mar]												
6	Obtain Signed Contract, Bonds, etc. from Contractor	10 days	[Gantt bar from Mar to Apr]												
7	Construct Medians and Signal Improvements	0 days	[Milestone diamond at 1/11]												
8	Order Signal Poles	80 days	[Gantt bar from 1/11 to Apr]												
9	Construct Median Islands	30 days	[Gantt bar from Apr to May]												
10	Install Signal Poles	20 days	[Gantt bar from May to Jun]												
11	Signing and Striping	10 days	[Gantt bar from Jun to Jul]												
12	Project Close-out	25 days	[Gantt bar from Jul to Aug]												



Task
Split
Progress

Milestone
Summary
Project Summary

External Tasks
External Milestone
Deadline

Project: 62-247 Median Islands
Date: Thu 9/29/11