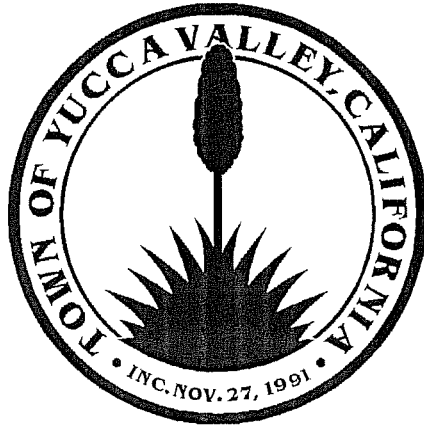


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, AUGUST 21, 2012
TOWN COUNCIL MEETING: 6:00 P.M.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

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TOWN COUNCIL
Dawn Rowe, Mayor
Merl Abel, Council Member
George Huntington, Council Member
Robert Lombardo, Council Member

* * * *

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

**AGENDA
REGULAR MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, AUGUST 21, 2012
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, Huntington, Lombardo, and Mayor Rowe.

PLEDGE OF ALLEGIANCE

INVOCATION

Led by Pastor Tom Aversa, Valley Community

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____

AGENCY REPORTS

Chamber of Commerce

1. Monthly Report for July, 2012

Hi Desert Water District

2. Water and Wastewater Project Updates

CONSENT AGENDA

- 1-11 3. Minutes of the Special Town Council Meeting of July 24, 2012.

Recommendation: Approve the 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.

- 12-14 5. Monthly Statistical Fire Department Report for July, 2012

Recommendation: Receive and File the report.

- 15-17 6. AB 1234 Reporting Requirements

Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for the month of July, 2012

- 18 7. Proclamation recognizing Marine Corps Air Ground Combat Center, Twentynine Palms 60th Anniversary.

Recommendation: Receive and file the Proclamation to be presented by the Mayor on August 24, 2012.

- 19-30 8. Community Center Building Re-Plumbing – Town Project No. 8048, Award of Contract.

Recommendation: Award the construction contract to Joe Putrino, General Contractor, in the amount of \$75,715, and authorize a construction contingency in the amount of \$7,285, for a total contract amount of \$83,000, authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorize the Town

Manager to expend the contingency fund, if necessary to complete the project.

- 31-39 9. Professional Services Agreement, Overland Pacific & Cutler, Inc., Right of Way Acquisition and Support Services, SR62-Traffic Congestion and Relief Program (TCRP)

Recommendation: Award a Professional Services Agreement to Overland Pacific & Cutler, Inc., in the amount of fifty nine thousand one hundred and eighty five dollars (\$59,185) to provide Right of Way acquisition and support services for the SR 62 TCRP Project, and authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents to implement the project.

- 40-48 10. Warrant Register, August 21, 2012

Recommendation: Ratify the Warrant Register total of \$712,610.25 for checks dated August 2, 2012 to August 9, 2012. Ratify Payroll Registers total of \$157,124.33 dated August 3, 2012

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 3-10)(roll call vote)

Action: Move _____ 2nd _____ Vote _____

DEPARTMENT REPORTS

- 49-51 11. Resolution calling a special election on Tuesday, March 5, 2013.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013 TO FILL A TOWN COUNCIL VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

Staff Report

Recommendation: Adopt the Resolution calling and giving notice of a Special Election on March 5, 2013, to fill a Town Council vacancy.

Action: Move _____ 2nd _____ Vote _____.

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

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

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Council Member Huntington
13. Council Member Lombardo
14. Council Member Abel
15. Mayor Rowe

ANNOUNCEMENTS

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

6:00 p.m., Tuesday, September 4, 2012, Yucca Valley Community Center Yucca Room

CLOSING ANNOUNCEMENTS

ADJOURNMENT

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JULY 24, 2012**

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:00 p.m.

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

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 Rowe

INVOCATION

Led by Pastor Chris Wagner, Joshua Springs Calvary Chapel

PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS

1. Employee of the Quarter

Item carried forward to August 7, 2012 Town Council Meeting

APPROVAL OF AGENDA

Council Member Lombardo moved to approve the agenda. Council Member Abel seconded. Motion carried 4-0.

CONSENT AGENDA

- 2. Waive**, further reading of all ordinances and read by title only.
- 3. Find**, that adherence to the Formal Sealed Bid Procedures identified in Chapter 3.12 of the Town Code related to this specific activity would be inefficient, impractical, and unnecessary; **Waive** the formal bidding procedures for this ongoing transaction, and implement the Open Market or Informal Bid Procedure as identified in Chapter 3.12 of the Town Code in its place; Annual Animal Food Purchase.
- 4. Approve** the transfer of property identified as APN 0585-41-16, to the Hi Desert Rod & Gun Club, authorizing the Town Manager to sign all documents necessary to complete the transfer.

5. **Approve**, the sale of approximately 10.96 acres of property from Assessor Parcel Number 0597-211-05 to the California Department of Transportation, in the amount of \$5,200, and authorize the Mayor, Town Manager, and Town Attorney to sign the Right of Way Contract and open escrow and sign all escrow instructions, deeds, and other documents necessary to complete the sale.
6. **Authorize**, the submittal of a grant application for the TCRP project, under the California Transportation Commission 5% competitive SLPP program, and approving the preliminary allocation of \$364,000 in Street and Traffic Public Facility Development Impact Fees as the Town's Required match and approving and authorizing the Town Manager to sign all applications and documents necessary to deliver the grant funds.
7. **Receive and file**, the report outlining the Fall 2012 programs and events to be organized and conducted by the Community Services Department.
8. **Adopt**, Resolution No. 12-26, for the annual Measure I, Five-Year Capital Improvement Plan and Expenditure Strategy for Fiscal Years 2012/2013 to 2016/2017 under Measure 2010-2040; **adopt** Resolution No. 12-27, amending the FY 2012-13 Adopted Budget.

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 2012/2013 TO 2016/2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2012-13 BUDGET

9. **Approve**, Amendment No. 3 to the Settlement Agreement for Incorporation Debt between the County of San Bernardino, the County Flood Control District, and the Town of Yucca Valley, authorizing the Mayor, Town Manager, and the Town Attorney to sign all necessary documents.
10. **Approve**, the Roles and Responsibilities of the General Plan Advisory Committee, and establish August 23, 2012, as the application deadline to apply to serve on the General Plan Advisory Committee.
11. **Receive and File**, the Treasurer's Report for the fourth Quarter of FY2011-12.
12. **Ratify**, the Warrant Register total of \$574,477.71 for checks dated July 6, 2012 to July 12, 2012. Ratify Payroll Registers total of \$155,119.71 dated July 6, 2012.

Council Member Abel requested discussion of the specifics of the GPAC under Item 15.

Council Member Lombardo moved to adopt Consent Agenda Items 2-12. Council Member Abel seconded. Motion carried 4-0

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

PUBLIC HEARING

13. Community Outreach Update; Local Revenue Alternatives Discussion

Mayor Rowe opened the Public Hearing.

Town Manager Nuaimi reported for the past several months, Town staff has been making presentations to community groups, sending informational and interactive mailings, and completing an objective, statistically valid community telephone survey.

80% of those responding to the first mailer stated that reducing the cost of the state mandated sewer system was their top priority; however a high number also responded that protecting local property values, maintaining and repairing local streets and alleys, and maintaining local control of local funds were also priorities.

The Town completed a telephone survey in December as part of the General Plan outreach effort, interviewing 305 registered voters in the Town. In the past week an abbreviated follow-up survey was conducted completing 255 interviews of a statistically valid sample of registered voters. The survey results indicated a base of support for a one percent (1%) general sales tax measure among likely November 2012 voters.

The cost to take care of the needs of our community is high, so if we are looking to take a significant bite out of these needs, a revenue measure would need to generate consistent funding, at a significant level, over many years. Other types of revenue measures such as Utility Taxes, Hotel Taxes, or increasing the Transfer Tax rate, are either difficult to pass, won't generate the amount of funds needed, or not available to a general law city. A sales tax is both stable and sizeable enough to meet our needs over an extended period of time, and as the economic hub of the Morongo Basin, half of the sales taxes collected in Yucca Valley come from outside visitors to the community. To the benefit of our low income seniors, sales tax is not applied to food purchased as groceries or prescription medication. In addition, sales tax grows with both regional growth and with inflation, and a locally enacted sales tax measure is specifically protected from Sacramento take under the California Constitution.

After outreach in the community, and analysis of the various alternatives, staff is recommending that a 30 year, 1-cent sales tax measure be brought to the voters for consideration this year. The proposed measure would be a general purpose tax, requiring a simple majority vote for approval. General purpose taxes must be scheduled with normal municipal elections where members of the Council are selected. A Resolution must be submitted to the County no later than August 10th in order to place the measure on the November ballot. If there is enough support from the Council to move forward, staff will draft the specific ordinance language for the measure. It is recommended that the ordinance include provisions for an independent taxpayer's oversight committee, mandatory financial audits, and yearly reporting to the community on expenditures. Staff and legal counsel will work to bring the necessary Resolution for consideration at the August 7th Council Meeting, along with budget amendments for additional election expenses and a recommendation to continue legally permissible community outreach.

Margo Sturges, Yucca Valley, spoke in opposition of the measure noting if it is imposed it should all go toward the sewer project.

An unidentified Yucca Valley Citizen commented in opposition to the measure and suggested if there is going to be a measure, the entire 1% should go to the sewer system and then an additional .5% enacted for other needs.

Jennifer Collins, Yucca Valley, spoke in support of the measure, noting she believes the Town has done its due diligence making citizens aware of its benefits.

There being no one else wishing to speak, Mayor Rowe closed the public hearing.

Council Member Huntington commented that the initial thoughts process was, since the roads are a high priority of the community, and for the first 4 years the monies would go into the Town's coffers, those dollars would be set aside for the Water District to effectuate those need road repairs. Town Manager Nuaimi noted that the Town has \$15,000,000 deferred maintenance to our roads and \$6,000,000 of that is located in phase 1. Rather than fix those roads now, those dollars will be contributed to the District in the early years of the revenue measure to make those road repairs after the sewer construction.

Mayor Rowe questioned if there will be a MOU with the District to assure citizens that the money will go towards the roads. Town Manager Nuaimi advised there will be, noting that staff has been working with the District to negotiate a payment schedule, and the Council will act on the expenditures annually.

Town Manager Nuaimi responded to public comments made regarding the proposed measure noting that State law only allows enactment of up to 1% sales tax. He added that, given all the other deficits the Town has to deal with, such as road maintenance

and parks, it would be irresponsible to put everything into the sewer project. Staff has continues to work with the District to help them achieve their goal of presenting a sewer system project at the lowest cost to the citizens.

Council Member Huntington questioned the Oversight Board's function. Town Manager Nuaimi advised they will be an advisory body, looking at proposed expenditures for each year, and whether or not those expenditures are consistent with what the voters originally envisioned. Council Member Huntington questioned if the MOU with the Water District would be in place prior to the November election. Town Manager Nuaimi advised our current time frame is to have that agreement drafted and before our two bodies prior to a November election. Council Member Huntington stated he thinks that would be mandatory for this measure.

Mayor Rowe questioned if future Councils could unwind the MOU. Town Manager Nuaimi advised that future councils could opt to not make the annual appropriations, due to a number of reasons. For example, if the Water District received a grant to pay down the debt the funds would not be needed for the debt service.

Council Member Lombardo questioned if this measure is the only viable alternative for long term funding for the sewer project. Town Manager Nuaimi stated, when you look at the amount of funding required, you need that sizeable revenue stream to be able to start biting into the community infrastructure needs. Council Member Lombardo commented the measure has the most flexibility in the future because it grows as the town grows.

Council Member Abel stated that some people will question why the Town Council is getting involved with trying to bring forth a wastewater treatment plant when it is the responsibility of the Water District. Town Manager Nuaimi advised that Council has identified that without a wastewater treatment plant this community has a ticking time bomb starting in 2016 that will stifle and kill the local economy if that uncertainty remains, so it has to be addressed. This isn't about big box stores, it is about restaurants that can't afford to spend \$500,000 to build individual treatment plants, and it is about people who are already here with septic systems leaching into our aquifer. Council Member Abel questioned the argument that when the wastewater treatment plant is brought in by the Water District new development will occur which will increase the amount of sales tax coming in, which can be used to take care of the deficit in our roads and other infrastructure. Town Manager Nuaimi commented that simply building a sewer system is not a matter of "if you build it they will come". Dr. Husing's economic model is based on growth, demographics, Department of Finance housing projections and population projections, and assumes there is nothing stopping that growth, such as lack of sewer or a building moratorium. As a basin, we are losing \$250,000,000 sales activity down the hill. Council Member Abel asked for an explanation of the statement that if the voters pass a 1% sales tax will it lower their cost by 35%. Town Manager Nuaimi explained it is a 35% reduction in the cost to the rate

payer. Council Member Abel commented regarding the statement that hotel tax doesn't generate enough money to deliver anything significant; pointing out that the Town's TOT rate is below the normal rate for the region. Town Manager Nuaimi advised we are lower, but raising the rate may only generate \$150,000 to \$200,000. However, the hotels are concerned about how much sewer connection is going to cost them, and there may be a time in the future to place a measure on the ballot to raise the TOT rate to earmark the additional funds to assist the hotels in hooking up to the system. He noted that would be a Special Tax. Council Member Abel stated the Council would only be making the decision to allow our citizens to choose whether or not they are going to support this proposal to help take care of infrastructure such as roads and sewer. There is so much oversight from our citizens that any future Town Councils would hear loud and clear from the voters if the Town is not using the funds properly. He expressed concern regarding the timing of this measure at the same time the Governor is placing a 1% sales tax increase as well, however, the Governor is threatening the public school system stating if his increase is not passed funding to schools will be reduced. At the same time the state is approving funding for a speed train costing millions upon millions of dollars. He stated he feels it would not be responsible on the part of the Council if we didn't bring this to a vote of the citizens.

Council Member Lombardo questioned what the consequences would be if the measure did not go through. Town Manager Nuaimi commented if measure doesn't pass, we won't have that tool in our kit to try to meet the community needs, and each property owner will have a greater impact.

Mayor Rowe commented she is not sure all future Councils will have same intent as the present, and questioned if staff can point to any MOU's we have in place that Council decides on every budgetary year that are in the spirit of the proposed MOU. Town Manager Nuaimi advised there is nothing to this magnitude, noting the accountability is in the hands of the voters, but we are currently expending resources to draft language for a long term lease arrangement with Hi Desert to assist with the financing of the project. You and future Council's will be dealing with that on an annual basis. Mayor Rowe requested clarification of the oversight body. Town Manager Nuaimi explained. Mayor Rowe questioned how gasoline sales factors in. Town Manager Nuaimi advised that sales tax is charged on gasoline, noting a large part of our economy is the sale of gas and fast food to people passing through Town. Mayor Rowe requested an explanation of the benefits of becoming a charter city. Town Manager Nuaimi stated the Town would basically be taking general law and replacing it with Yucca law while trying to remain consistent with the State constitution. He added that, given the number of general law cities in the state, the fact that Transfer Taxes are fixed and can't be taken to the voters to be adjusted by general law cities makes no sense.

Council Member Huntington commented that, going back to the strategic planning session, as a Council our number one goal, outside of public safety, was to assist the Water District in any way we could to help them deliver a wastewater system. Without

it we are sentenced to a slow death as a community. The Town will be unable to attract needed business, jobs, or retirees because they will not come here without adequate infrastructure to support them. Property values will plummet further, chasing away any investment in the community. Infrastructure without a healthy tax base will deteriorate further. This community must join together as never before to make this happen. The Town has looked at a number of avenues to assist Hi Desert Water District in this endeavor and the most lucrative is the 30 year 1% sales tax. He noted he is not pleased about having to ask for a tax increase from the voters, but it remains the most cost effective solution to the problem. A general tax requires a simple majority and allows the Town to utilize the funds with great flexibility. He added he strongly supports placement of a 1%, 30 year sales tax measure on the ballot with the following stipulations: that an agreement be signed with the Hi Desert Water District prior to the November election; and that an independent review board be a part of the measure. He advised he will be out of the country for the August 7th meeting and will participate via telecommunications, but wanted to express in person how important he feels this issue is.

Council Member Lombardo commented he has been in the community for 27 years and has seen the idea of a sewer system come and go. They talked about it, they never did it, and they could have done it long ago. He is excited to be a part of seeing it come to fruition, and wants to work in every way possible with the District to make it a reality. He is strongly in favor of the measure and sees it as the most cost effective way of doing it, and thinks it is absolutely necessary to provide the flexibility the Town needs to function in the future.

Council Member Abel commented he would like to see the Council move forward, noting he is in support as well. There has been no lack of effort by the Town to try to get feedback by going to where people are gathering, not having them come to us. In addition, the information on the website, the two mailers, and the telephone surveys, show the Town is trying to determine the pulse of the community, so he would support moving forward to put a measure on the ballot.

Mayor Rowe advised that she agrees, stating it is a tremendous responsibility on the four of us to decide, however, it is up to the voters to decide whether they trust us to have the MOU with the District. She noted she agrees with Council Member Huntington regarding the necessity for the MOU and would not support placing the measure on the ballot unless it was in place prior to the election. She added she thinks that it is very important that people know money is intended to go toward the sewer, roads and other Town priorities. She also encouraged the vocal opponents to apply for a seat on the Oversight Board to hold us and future Councils accountable if the voters choose to pass the measure. She is also in favor of putting this to the voters.

Town Manager Nuaimi advised that staff has received enough direction and will come back on August 7th with the necessary resolutions to place the measure on the ballot.

Town Manager Nuaimi thanked the staff, especially Deputy Town Clerk/Management Analyst Copeland, who helped coordinate a lot of the Town's outreach sessions. He stated he takes very personally the comment that we have lied, noting he will be happy to meet with anyone at any time to try to understand where they feel the Town has misrepresented, misstated or misspoken. The Town has been as transparent as possible with the direction we are recommending. Ultimately it comes down to Council's policy as well as what the voters want to do.

DEPARTMENT REPORTS

14. **Financing, Disposition and Development Agreement for Affordable Senior Housing Project**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE AFFORDABLE HOUSING FINANCING, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA

Town Manager Nuaimi advised this item is the follow up to the July 17th Council Meeting where staff forward consideration to Council for improving the competitiveness of the TCAC Application. He noted Council had previously approved a commitment of funding to the tune of \$3.2 million for a HUD application, adding that action tonight commits resources slightly below \$3 million, so the committed amount is less than previously approved. He explained the funding possibilities and advised the final dollars come after project is built.

Margo Sturges, Yucca Valley, questioned who the members of the newly formed Limited Partnership are, and expressed hope that any cost saving measures don't change the exterior of the project.

An unidentified Yucca Valley resident stated generally she thinks this project is a good idea but wants to make sure the Town's interest in the property is protected.

Council Member Lombardo questioned how the loan would work. Town Manager Nuaimi advised it is a residual receipts loan as part of the Town's contribution, just like the County HOME funds loan.

Byron Ely, National CORE, advised the finishes of the building itself that were originally talked about remain the same. There will be a different sort of manufactured structural process that will bring savings while not reducing the quality of, or avoiding any of the requirements of California Building Code.

Council Member Abel expressed concern regarding the quality of the project, noting it is a very important, highly visible, project and he wants to see something that will help our least served residents. Mr. Ely advised that the product is a higher quality than what was used before, and explained the construction method. He noted that the overall construction time will be reduced by almost 50%. Council Member Abel commented it would be nice to have a place that is close to the amenities for our seniors, noting there will also be less impact on our roadways.

Council Member Huntington advised he has dealt with similar manufactured products, noting they are quality high and in almost every case the costs go way down.

Mayor Rowe advised she was a member of the Redevelopment Agency even before being elected, and has been involved since the onset of this project. Everyone has done a great job trying to get this into the community. She added there is no more money out of our pocket, but she would not be in favor of going over that threshold.

Council Member Huntington moved to adopt Resolution No. 12-28, approving the Amendment to the Financing, Disposition and Development Agreement between the Town and National Community Renaissance of California (“NCRC”) establishing the terms under which the Town will support development of a seventy-five (75) unit affordable senior housing project; and Authorize the Town Manager, Mayor, and Town Attorney to execute all documents required to support the NCRC Application for Tax Credits as part of a July Tax Credit Allocation submittal. Council Member Lombardo seconded. Motion carried 4-0.

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

PUBLIC COMMENT

Margo Sturges, Yucca Valley, commented regarding issuance of a will serve letter from the Hi Desert Water District to the Super Wal-Mart project and their approval of a septic system. Expressed concern the former AM/PM site may be toxic.

STAFF REPORTS AND COMMENTS

- 15. Discussion and possible action to address the impacts of the resignation of Council Member Hagerman.

Town Manager Nuaimi advised that Council Member Hagerman’s resignation occurred effective July 20th. Ordinarily the Council can fill a vacancy by either special election

or appointment, however, since we already have two appointed members this vacancy must be filled through a special election called within 60 days. The vacancy also leaves a vacancy on the Animal Care JPA and in the Mayor Pro Tem position. The selection of a new Mayor Pro Tem will be scheduled for the August 7th Town Council Meeting. There will also be a need to make 10 General Plan Advisory Committee selections based on 2 per Council Member.

Council Member Lombardo he would be willing to be appointed to the Animal Care, noting his only concern is the predictability of meeting times. If the meetings could be held at noon with a 3 to 4 day notice including anticipated length, he would be able to participate.

Mayor Rowe advised if it turns out that Council Member Lombardo cannot participate she will be happy to step in.

Council Member Lombardo questioned if it would be possible to select an alternate if an issue arose. Town Manager Nuaimi expressed concern regarding possible Brown Act issues. Council Member Lombardo advised he will take every opportunity to make it possible to participate.

Council Member Abel commented he had a question regarding the appointment of members to the GPAC, however he thinks it can wait until we see how many applications we actually receive. He noted he is not opposed to existing Council Members appointing 2 members each and suggested the possibility of selecting the additional two members at large. He questioned if there is any mandate requiring a specific number of members. Manager Nuaimi advised there is no mandate regarding size, just advice not to have too many members. Waiting to see how many applicants we get is not a problem.

Town Attorney Laymon agreed with concerns regarding appointing an additional Council Member as alternate on the JPA.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. Council Member Huntington

Commented regarding attendance at Saturday's rhythm and blues concert in the park.

Commented regarding Council Member Hagerman's resignation, wished him well and advised he supports his decisions. Family always comes first.

Apologized for not being able to attend the August 7th meeting in person, but will be teleconferencing.

17. Council Member Lombardo

Wished Council Member Hagerman well, noting it was enjoyable working with him.

18. Council Member Abel

Sent best wishes to Council Member Hagerman as well, noting he considers him to be a friend.

Commented he is excited to hear that Blue Skies has been purchased and sent congratulations to the Brehm Corporation.

19. Mayor Rowe

Echoed sentiments regarding Council Member Hagerman, noting we will miss him and wish him well

Congratulated the Brehm family on their purchase of the Golf Course.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, August 7, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

Town Manager Nuaimi advised staff will be testing telecommunications capabilities over the next week in order for Council Member Huntington to participate in the August 7th Meeting.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk



**SAN BERNARDINO COUNTY FIRE DEPARTMENT
SERVING YUCCA VALLEY**

July 2012 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 424 requests for assistance within our town boundaries. Division wide responses for the South Desert during the Month of July were 722 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	17,450	Value	\$	17,450
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RESPONSES OTHER THAN FIRES

Fires		11
• 2 Structure Fires		
• 0 Cooking related		
• 2 Vehicle		
• 5 Vegetation Fires		
• 0 Rubbish Fires		
• 2 Burning Outside		
Rupture / Explosion		0
EMS / Rescue		308
Hazardous Condition		4
Service Calls		45
Good Intent Calls		40
False Call		16
Other		0

ALARMS – ALL TYPES

Yucca Valley Response Area
2012 Year-to-Date

TOTAL NON-FIRE RESPONSE	2,758
TOTAL FIRE RESPONSES	80
TOTAL ALARMS	2,838

Significant Events:

- Fourth of July Celebration – no significant events occurred
- Conducted training in Multi-Casualty Incident Management and Hazardous Materials First Responder Operational guidelines.
- September is Disaster Preparedness Month – See Brochure for information on readiness!!!

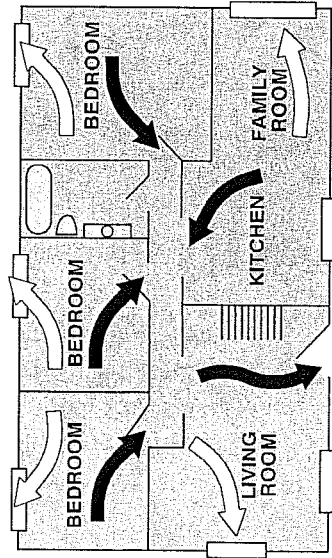
Create a Family Disaster Plan

Meet with your family to discuss the importance of being prepared in a disaster.

Explain the dangers of EARTHQUAKES, FIRE, and SEVERE WEATHER to children.

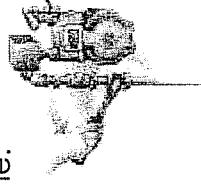
1. Discuss the different types of disasters that are likely to happen and explain what to do in each situation.
2. Pick two meeting places.
 - Somewhere outside your home
 - Outside a neighborhood just in case you can't return to your home.
3. Select an out-of-state family contact.
3. Make sure that everyone knows the number.

4. Assemble a disaster supply kit for each member in your household.
5. Plan on how to take care of your pets.
6. Make sure to practice your family disaster plan so that everyone will remember what to do.



If Disaster Strikes

- Remain calm, put your plan into action.
- Prepare for aftershocks.
- Check for injuries. Give first aid & call for help if anyone is seriously injured.
- Turn on your radio for further instructions.
- If advised to evacuate, do so. Leave a message on the door telling family members where you can be reached.
- Leave the road clear for emergency vehicles. Do not use your vehicle unless it is an absolute emergency.
- Check for damage in your home.
- Check for fires in your home.
- If you smell gas, turn off the main gas valve, open the windows and get out quickly.
- Shut off damaged utilities.



Remember to:

1. Secure your pets.
2. Call your family contact.
3. Check on your neighbors, especially the elderly and disabled.
4. Make sure you have an adequate supply of water.

San Bernardino County Fire Department
620 South "E" Street
San Bernardino, CA 92415-0179
(909) 386-8472
www.sbcfire.org

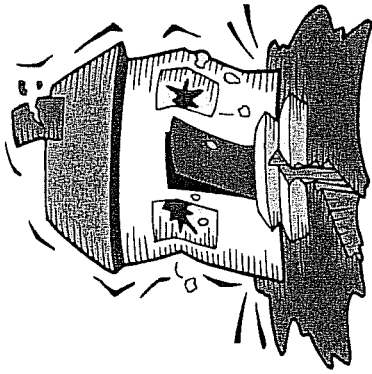


Earthquake & Disaster Preparedness



Preparing to be Earthquake Safe

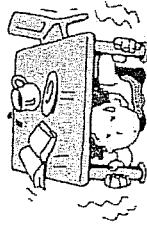
- In case of an earthquake make sure you know the safe spots in each room, under desks & sturdy tables.
- Learn CPR & First Aid.
- Decide where & how your family will meet if separated during a quake.
- Learn how to shut off the water, electricity & gas in case the lines get damaged.
- Make sure your water heater is secured properly.
- Make sure your house is bolted to the foundation.
- Secure mirrors, furniture, & anything that maybe loose or that can fall & cause injuries.
- Keep hazardous or flammable liquids in a secured cabinet.
- Practice earthquake drills & place yourself in the areas you consider to be safe.
- Update your disaster kit.



Develop a neighborhood earthquake plan so your neighborhood can be self sufficient after an earthquake.

Staying Safe During a Quake

- If you're indoors, get under a sturdy table or desk.
- If you're outside, get into a open area away from buildings, trees, and power lines.
- If your in a business building, don't use the elevator. Get away from the windows and get under a sturdy table.
- If you are in a public place, don't panic & go towards the doors. Move away from anything that could fall or break.
- If you are driving, pull over to the side of the road and remain inside. Try to avoid power lines and over passes.

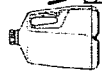


Additional Items to add to your Disaster Supply Kit

- **Family Documents** ~ Insurance information, identification, bank information, etc. Keep in a water proof portable container. Matches too.
- **Sleeping Bags** ~ Warm blankets, pillows, & bedding. Enough for each person.
- **Dust Mask** ~ To filter if contaminants are in the air. Plastic sheeting & Duct tape to create a shelter or cover.
- **Entertainment** ~ books, puzzles, games, paper/pencil, children's activities, etc.



Assembling Your Disaster Supply Kit



Water ~ Have at least 3 gallons per person in airtight containers. Replace it every six months. Household chlorine bleach (no color safe/scented/ or w/added cleaners) can be used to purify water: 16 drops per gallon. (ONLY if necessary.)



Food ~ At least enough to last you a week. Have non-perishable items and don't forget a can opener!



First aid kit ~ Keep it well stocked.



Flashlights ~ Keep them beside your bed and in other accessible locations. Keep fresh extra batteries.



Radio ~ Keep a battery operated or crank radio. It will be the best source of information. (keep extra batteries)



Special needs ~ Have at least a weeks supply of infant food, pet food, and medication. Also glasses if needed.



Tools ~ Have an adjustable pipe wrench to turn off utilities.



Fire extinguisher ~ Type ABC (for all types of fire). Teach each family member how to use it.



Cooking sources ~ Have an outdoor camping stove with pots, pans, paper cups, plates, utensils paper towels.



Whistle ~ to signal for help.



Clothes ~ Have extra clothes, shoes, personal items, hygiene items, & money.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: August 15, 2012
For Council Meeting: August 21st, 2012

Subject: AB1234 Reporting Requirements

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

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of July 2012.

Order of Procedure:

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

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

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

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

Reviewed By: _____
 Town Manager Town Attorney Admin Services Dept Head

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

Alternatives: None.

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

Attachments: AB1234 Reporting Requirement Schedule

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule Month of July 2012

Date of Travel	Organization	Description	Location
Mayor Rowe	No Reportable Meetings		
Mayor Pro Tem Hagerman (thru 7/20/2012)	No Reportable Meetings		
Councilmember Abel	No Reportable Meetings		
Councilmember Huntington	No Reportable Meetings		
Councilmember- Lombardo	No Reportable Meetings		

**PROCLAMATION
TOWN OF YUCCA VALLEY**

WHEREAS, on 20 August 1952, Post Order 343 was issued at Camp Pendleton, creating Camp Detachment Marine Corps Training Center, Twentynine Palms, California and the following day, 50 trucks carrying 200 artillerymen and their equipment arrived in the desert to begin training on the 935-square-mile expanse; and

WHEREAS, in 1975, under the direction of Gen. Louis H. Wilson, the 26th Commandant of the Marine Corps, base commanders began expanding the installation's mission to include training of all tactical units in the Marine Corps by incorporating both air and ground elements

WHEREAS, on 1 October 2000 the installation was redesignated as the Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center (MAGTFTC, MCAGCC), Twentynine Palms, California; and

WHEREAS, Marines and sailors from the installation have participated in and distinguished themselves in numerous operations and combat deployments beginning with Vietnam in late 1964 through Operations Iraqi Freedom and Enduring Freedom in Iraq and Afghanistan in the 21st Century; and

WHEREAS, its dedication to improving training, and serving warfighters and their families earned the installation an unprecedented three-in-a-row Commander-in-Chief's Installation Excellence Awards in 2009, 2010 and 2011; and

WHEREAS, MAGTFTC, MCAGCC is an award-winning steward of the environment, implementing comprehensive conservation, recycling and preservation programs that are renowned throughout the Marine Corps and Department of Defense.

NOW, THEREFOR, on behalf of the Town Council of The Town of Yucca Valley, I, Dawn Rowe, Mayor, congratulate Marine Corps Air Ground Combat Center, Twentynine Palms, California, for 60 years of excellence in training the men and women of the Marine Corps.

DATED this 24th day of August, 2012

MAYOR

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: August 13, 2012
For Council Meeting: August 21, 2012

Subject: Community Center Building Re-Plumbing – Town Project No.8048
Award of Contract

Prior Council Review: The Town Council appropriated funds for this project with adoption of the FY 2011-12 Budget. The Town Council approved the plans and specifications for Project No. 8048, and authorized the Town Clerk to advertise and receive bids, at its meeting of June 26, 2012.

Recommendation: That the Town Council awards the construction contract, to Joe Putrino, General Contractor, in the amount of \$75,715, and authorizes a construction contingency in the amount of \$7,285, for a total contract amount of \$83,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.

Executive Summary: Project No. 8048 consists of replacing existing corroded galvanized pipes with copper plumbing. The project also replaces some existing galvanized plumbing between the water meter, Town Hall, Library, and the Community Center Building. Finally, this project will also include a stub-out (rough plumbing) for use by the future splash pad at the Community Center, as well as the replacement of two electric hot water heaters in the Community Center Building.

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: On July 26, 2012, the Town received one bid for Project No. 8048, from Joe Putrino, General Contractor. The lowest and only bid was in the amount of \$75,715.

The Town has reviewed the bid package and confirmed that Joe Putrino General Contractor is the lowest responsible and responsive bidder.

Reviewed By:

Town Manager

Town Attorney


Mgmt Services

SRS

Dept Head

____ Department Report

____ Ordinance Action

____ Resolution Action

____ Public Hearing

X Consent

X Minute Action

____ Receive and File

____ Study Session

If awarded by the Town Council, construction is anticipated to begin in September 2012, and be substantially complete by November 2012.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: The FY 2011-12 Amended Budget provided \$60,000 in funding for this project. By resolution, unexpended appropriations for approved individual capital projects in the Town's special revenue funds are carried over into the subsequent budget year. To supplement the remaining budget, an intrafund project transfer of \$28,000 from the Community Center Ball Fields project will be completed, reducing the FY 2012-13 Ball Fields project budget from \$45,000 to \$17,000, and increasing the Re-Plumbing project by a like amount. The project costs and available funding for the Re-Plumbing project are summarized below.

Estimated Project Cost

Base Bid Amount	\$75,715
Construction Contingency	7,285
Total Contract Work	\$83,000

Funding

Fund 800 – FY 2011-12 Remaining Budget	\$55,000
Fund 800 – FY 2012-13 Project Transfer	28,000
Total Project Funding	\$83,000

Attachments: Joe Putrino General Contractor Proposal

CONTRACTOR'S PROPOSAL

JOE PUTRINO GENERAL CONTRACTOR
Company

56940 PAUCHITA ROAD
Address

YUCCA VALLEY, CA. 92284

760-228-2239
Telephone Number

636747
State License Number

Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, California 92284

Ladies and Gentleman:

Pursuant to the Public Notice inviting bids or proposals, the undersigned declares that he has carefully examined the location of the proposed work, that he has examined plans, profiles, and specifications for **Project 8048: Community Center Building Re-Plumbing**, and read the accompanying proposal requirement, and hereby proposes to furnish all materials and do all work required to complete the said work in accordance with said plans, profiles, specifications, and special provisions for the unit or lump sum price set forth in the Schedule of Work Items.

Unless otherwise specified by the Contractor, the listing of an Item No. of Work shall be conclusive evidence that the subcontractor proposed to perform the Item of Work and shall perform the entirety of the work for that Item No. of Work.

All persons or parties submitting a bid proposal on the project shall complete the following form setting forth the Item Number (as specified in the "Schedule of Work Items"), the name, location, and place of business of each subcontractor who will perform work or labor or render services to the prime Contractor in or about the construction of the work of improvements, or a subcontractor licensed by the State of California, who, under subcontract to the prime Contractor, specially fabricates and installs a portion of the work or improvements according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (1/2%) of the prime Contractor's total bid, or, if the bid is for the construction of streets or highways, including bridges, in excess of one-half of one percent (1/2%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00), whichever is greater.

It is noted that if a Contractor fails to specify a subcontract for any portion of the work to be performed under the Contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work except by written consent of the awarding authority. The requirement of the submission of this list, the legal consequences for failure of the Contractor to do so, and other particular details concerning the same shall be as set forth in the "Subletting and Subcontracting Fair Practices Act", California Public Contract Code (§ 4100, *et seq.*) to which the bidder is hereby referred.

Item No. of Work	Name of Firm or Contractor	Location of Mill, Shop or Office	Contractor Classification (if applicable)	Town of Yucca Valley Business License No. *
Plumbing	Brian Schroeder Plumbing	54950 Camino Del Cielo Yucca Valley, Ca.	CA Lic# 873769 C-36	001319
ELECTRICAL	C'S ELECTRIC	7379 Hope Trail Yucca Valley, Ca.	CA LIC# 391086 C-10	002163

* All Subcontractors are required to obtain a Town of Yucca Valley Business License before a Notice to Proceed may be issued.

The undersigned further agrees that in case of default in executing the required contract with necessary bonds within **ten (10) calendar days** after the notice of award of contract has been mailed, the proceeds of the check or bond accompanying his bid shall become the property of the Town. If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The undersigned further agrees to complete the work within **sixty (60) calendar days** from the execution of the first contract. **Project must be completed by September 30, 2012.**

Contractor, and any subcontractors utilized, shall be licensed in accordance with the provisions of the Contractor's License Law, Chapter 9 of Division 3 of the State Business and Professions Code.

Additionally, the Contractor must have at the time of bid opening for this project the following classification(s) of Contractor's license and experience:

Classification C-36: Plumbing

SCHEDULE OF WORK ITEMS "A"

Project No. 8048,
Community Center Building Re-Plumbing

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
1	1	LS	Mobilization and Demobilization <u>Five Thousand Seven Hundred FIFTEEN Dollars</u> AND $\frac{.00}{100}$	<u>5,715.00</u>	<u>5,715.00</u>
2	1	LS	Plumbing <u>SEVENTY Thousand Dollars</u> AND $\frac{.00}{100}$	<u>70,000.00</u>	<u>70,000.00</u>

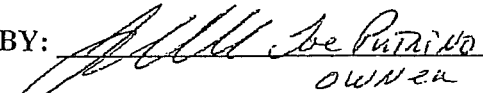
TOTAL PRICE FOR ITEMS 1-2

\$ 75,715.00

TOTAL PRICE IN WORDS:

Seventy five Thousand
Seven Hundred fifteen
Dollars AND $\frac{.00}{100}$

BIDDER: JOE PUTAINO General CONTRACTOR

BY:  DATE 7-25-12
OWNER

(If an individual, so state. If a firm or co-partnership, state the firm name and give names of all individual co-partners composing the firm. If a corporation, state legal name of corporation, also names of President, Secretary, Treasurer, and Manager thereof.)

JOE PUTAINO General CONTRACTOR

INDIVIDUAL

56940 Pauchita ROAD

Yucca Valley, Ca. 92284

760-228-2239 Cell 760-413-1702

Fax 760-228-0207

Business Address

Dated: 7-25, 2012

By: 

By: JOE PUTAINO OWNER

By: _____

NON-COLLUSION AFFIDAVIT

To: The Town of Yucca Valley:

State of California)
County of San Bernardino) ss.

Joe Putrino, being first duly sworn, deposes and says that he or she is owner of Joe Putrino General Contractor the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder of any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.



Signature

STATE OF CALIFORNIA)
COUNTY OF San Bernardino) ss.

Subscribed and sworn to before me this 25th day of July, 2012

Christina Balan
Notary Public in and for the County
of San Bernardino, State of California.

My Commission expires Nov. 18, 2015.

DECLARATION OF ELIGIBILITY TO CONTRACT
[Labor Code Section 1777.1; Public Contract Code Section 6109]

The undersigned contractor, certifies and declares that:

1. The undersigned contractor is aware of Sections 1771.1 and 1777.7 of the California Labor Code, which prohibit a contractor or subcontractor who has been found by the Labor Commissioner or the Director of Industrial Relations to be in violation of certain provisions of the Labor Code, from bidding on, or being awarded, or performing work as a subcontractor on a public works project for specified periods of time.

2. The undersigned contractor is not ineligible to bid on, be awarded or perform work as a subcontractor on a public works project by virtue of the foregoing provisions of Sections 1771.1 or 1777.7 of the California Labor Code or any other provision of law.

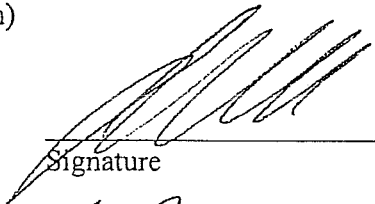
3. The undersigned contractor is aware of California Public Contract Code Section 6109, which states:

“(a) A public entity, as defined in Section 1100 [of the Public Contract Code], may not permit a contractor or subcontractor who is ineligible to bid or work on, or be awarded, a public works project pursuant to Section 1771.1 or 1777.7 of the Labor Code to bid on, be awarded, or perform work as a subcontractor on, a public works project. Every public works project shall contain a provision prohibiting a contractor from performing work on a public works project with a subcontractor who is ineligible to perform work on the public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.

(b) Any contract on a public works project entered into between a contractor and a debarred subcontractor is void as a matter of law. A debarred subcontractor may not receive any public money for performing work as a subcontractor on a public works contract, and any public money that may have been paid to a debarred subcontractor by a contractor on the project shall be returned to the awarding body. The contractor shall be responsible for the payment of wages to workers of a debarred subcontractor who has been allowed to work on the project.”

4. The undersigned contractor has investigated the eligibility of each and every subcontractor the undersigned contractor intends to use on this public works project, and determined that none of them is ineligible to perform work as a subcontractor on a public works project by virtue of the foregoing provisions of the Public Contract Code, Sections 1771.1 or 1777.7 of the Labor Code, or any other provision of law.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 25th day of July, 2012, at Yucca Valley, California.
(place of execution)



Signature

Joe Putrino

Name (print or type)

OWNER

Title

Joe Putrino General Contractor

Name of company

ADDENDUM NO. 1

TO THE
BID DOCUMENTS
FOR

PROJECT 8048

COMMUNITY CENTER BUILDING RE-PLUMBING

To: ALL BID DOCUMENT HOLDERS

The bid documents for this bid have been amended as follows:

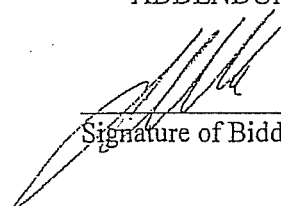
The Contractor License requirement is changed from "C-36" TO" C-36 and A" License.

TOWN OF YUCCA VALLEY
ENGINEERING DIVISION



Alex Qishta
Project Engineer

Acknowledgment of Receipt
ADDENDUM NO. 1



Signature of Bidder

Joe Putignano owner

7-25-12

TOWN OF YUCCA VALLEY
BID OPENING LOG SHEET

BID OPENING DATE: July 26, 3:00 p.m.

PROJECT DESCRIPTION: Community Center Re-Plumbing

BIDDER:	BID AMOUNT	BID BOND
1 <u>Jae Putrino GC</u>	<u>\$25,715.00</u>	<u>10%</u>
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____
7 _____	_____	_____
8 _____	_____	_____
9 _____	_____	_____
10 _____	_____	_____

CC: Town Clerk's Staff (1)
Initiating Department (2)
Town Manager (1)

Signed: 
Dated: 7/26/2012

F:\USERS\H\MARSHAW\DATA\WP\DATA\Town Clerk\Bids\bid opening.doc
October 12, 2000

Discussion: The TCRP Project entails raised median islands from Kickapoo Trail to Apache Trail and sidewalks between Palm Avenue to Dumosa Avenue, in addition to constructing curb, gutter, and sidewalks where gaps exist along SR62.

Willdan Engineering prepared the plans and specification for this project, and the plans and specifications are scheduled to be approved by Caltrans in the near future. The acquisition of the right of way is the last phase of the project prior to bidding for construction and entails the acquisition of 31 temporary construction easements.

On August 3, 2010, the Town Council authorized a Professional Services Agreement with Overland Pacific & Cutler, Inc., to initiate the property acquisition process. The CTC would not allocate TCRP funds to the right of way acquisition phase of the project at that time, and the project was not fully funded. Therefore the right of way acquisition was suspended at that time.

The CTC is scheduled to approve right of way acquisition allocation in September 2012, and the SANBAG Board is scheduled to allocate gap financing in September 2012 to provide complete project funding. Therefore, Town staff requested an updated proposal from OPC to complete the necessary right-of-way acquisition tasks. Since the suspension of the original agreement, the scope of the required right-of-way has increased and some of the original work is outdated and must be repeated.

Alternatives: No alternative action is recommended. The right of way acquisition is necessary to construct the project.

Fiscal impact: Based upon anticipated SANBAG Board action in September, the project will be fully funded based upon current construction cost estimates. The information below outlines project cost estimates as well as the approved Budget appropriations for the project. The suspended Agreement will be cancelled with implementation of the recommended action.

Construction (all elements, including contingency, admin, etc)	\$2,492,700.00
R/W Services and Acquisitions	\$100,000
TOTAL	\$2,592,700.00

Funding:

HSIP Grant	\$899,500.00
Measure I (Regional Fund)	\$90,000.00
Measure I (Unrestricted Fund)	\$170,000.00
Measure I (Arterial Fund)	\$517,600.00
Prop 1 B Fund	\$138,000.00
SLPP Fund	\$777,600.00
TOTAL	\$2,592,700.00

Attachments: Overland Pacific & Cutler, Inc. Proposal



41555 Cook Street, Suite 250
Palm Desert, CA 92260
760.776.1238 ph | 760.776.1636 fax

July 30, 2012

Mr. Alex Qishta
Project Engineer
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

RE: Statement of Qualifications
Right of Way Consulting Services
RTE 62 - TCRP Project

Dear Mr. Quista:

Overland, Pacific & Cutler, Inc. is pleased to submit this revised proposal to provide right of way and associated consulting services for the above referenced project. Based upon discussions with you and Willdan, plus our review of the project maps and numerous inspections of the project site, we believe that we have a thorough understanding of the project and the town's needs and requirements.

Our previous proposal, submitted in June, 2010, and the basis of our current contract, is based upon the project consisting of 25 Temporary Construction Easements (TCE) and all the activities that are necessary to complete these acquisitions and project certification. The current approved Right of Way Impact Map indicates that there are 31 TCE's rather than 25. I have reviewed the project billing to date and will consider which items will have to be duplicated because of the two year time lapse between contract and now, and which items got us to this point and will not have to be duplicated, in this proposal.

According to my records, we have billed approximately \$10,000 of the original \$50,875 proposal. The time spent to date was for acquiring ownership title information, setting electronic and hard files, researching comparable sales to be used in the valuation process and coordination meetings with Duane and Caltrans. The Caltrans meetings got us to this point, approval of the right of way requirements, so this item does not need to be duplicated and the project management portion of the proposal has been adjusted accordingly. The portion of the prior effort that relates to the valuation process will have to be redone because of the time lag. We will have to look for new sales and investigate prior listings that were used to verify if they were completed or not. Additionally, the increase of number of ownerships from 25 to 31 will increase all of the elements of the proposal. All of the above listed items have been considered in arriving at our updated proposal.

I hope that

Sincerely,

Overland, Pacific & Cutler, Inc.

A handwritten signature in cursive script that reads 'John M. Cutler'.

John Cutler
Program Manager

Project Understanding

The subject project, known as the TCRP Project, consists of the improvement of RTE 62 from Palm Avenue on the west to Dumosa Avenue on the east. The project is being completed under the oversight of Caltrans and all acquisition and related right of way efforts will be provided in accordance with Caltrans guidelines. In accordance with the plans prepared by Willdan, the project will require the acquisition of 31 temporary construction easements (TCE) from a total of 31 property owners. It is anticipated that all of the valuations for the TCE's will be \$10,000 or less and can be completed as Valuation Waivers rather than full narrative appraisals. The use of Waiver Valuations also eliminates the need for review appraisals. It is possible that Rights of Entries can be utilized in certain situations, rather than TCE's, and Valuation Waivers will not be necessary in those situations. For proposal purposes, it will be assumed that Valuation Waivers will be necessary for all parcels.

The exhibits for the TCE's will be created from the right of way plans prepared by Willdan.

Cost Estimate

Proposed Fee Items

Item	Amount
Project Planning and Management: Includes project development, attendance at PDT meetings, status reporting and coordination with the Town staff, Caltrans and other members of the ROW team.	\$5,000
Right of Way Valuation: OPC will prepare Waiver Valuations in Caltrans' format for the 31 Temporary Construction Easements	\$7,750
Property Acquisition/Negotiations: OPC will perform the right of way acquisition activities as described in the Scope of Work. (31 TCE Ownerships)	\$38,750
Temporary Construction Easement Exhibits: OPC will provide suitable plats identifying the temporary construction easement areas for each parcel. We will utilize the original right of way plans completed by Willdan as a base to complete the plats.	\$1,085
Internal Escrow: OPC will record temporary easements and process for payment to the 31 temporary easement grantors.	\$3,100
Right of Way Certification: Preparation of the Right of Way portion of the Project Certification, submission to and interface with Caltrans	\$3,500
TOTAL PROJECT COST:	\$59,185

Schedule of Hourly Rates

2012 Schedule of Hourly Rates Overland, Pacific & Cutler, Inc.	
Right of Way Management & Implementation	
Program Manager / Principal	\$200.00 per hour
Senior Project Manager	\$150.00 per hour
Project Manager	\$130.00 per hour
Senior Acquisition Agent / Senior Relocation Agent / Senior Analyst	\$115.00 per hour
Acquisition Agent / Relocation Agent / Analyst	\$105.00 per hour
Real Estate Appraisal	
MAI Designated Appraiser	\$275.00 per hour
Senior Appraiser	\$225.00 per hour
Staff Appraiser	\$150.00 per hour
Assistant Appraiser	\$105.00 per hour
Utility Coordination	
Utility Project Manager	\$150.00 per hour
Senior Utility Coordinator	\$130.00 per hour
Utility Coordinator	\$115.00 per hour
Property Management	
Property Management Supervisor	\$150.00 per hour
Property Services Supervisor / Property Manager	\$115.00 per hour
Specialized Labor / GC / Plumber / Electrician	\$105.00 per hour*
Equipment Operator	\$73.00 per hour*
Landscape / Crew Leader	\$40.00 per hour*
Crew Member	\$27.50 per hour*
* Prevailing Wage Compliant	
Project Support / Administrative	
Project Support Specialist	\$75.00 per hour
Administrative Assistant	\$40.00 per hour

BILLING TERMS:

OPC considers local travel/mileage, photocopying, first class postage, telephone, facsimile, and mobile communication charges a normal part of doing business and such costs are included in the stated hourly rates. Out-of-pocket expenses including pre-approved travel and lodging, outside exhibit preparation, requested overnight courier or registered and/or certified mail (return receipt requested) charges, and specialty reproduction (unless otherwise specified) are in addition to the contract amount and will be charged at cost plus ten percent (+10%) for administration, coordination, and handling. Subcontracted services, other than those listed above, will be invoiced at cost plus ten percent (+10%).

In the event OPC is required to perform any act in relation to litigation arising out of any project with the Client (for example, expert consulting, responding to a complaint, or proceeding with discovery and trial), such services are not part of this contract, nor are they part of our normal fees. If required, these types of services will be invoiced at two times the regular hourly rates.

In the event this contract extends twelve (12) months beyond the initial date of execution, the hourly rates and any remaining amount in the contract shall be adjusted upwardly by five percent (5%) per annum, compounded annually, on the anniversary date of this contract.

Written communication services in other languages would be an additional cost and would be billed separately based on quoted hourly rates by independent translation services. Verbal communication in Spanish, if necessary, will be included at no additional charge.

OPC will submit monthly invoices for the professional and trade services rendered based on the hourly rate schedule provided above. The client shall promptly pay the uncontested amount due within no more than thirty (30) days after receipt of invoice. Upon completion of services, the remaining unbilled amount of the project balance shall become immediately due and payable.

OPC considers photocopying, first class postage, telephone, facsimile and cellular communication charges as a normal part of doing business. These charges are included in the stated hourly rates. Out-of-pocket expenses including pre-approved travel and lodging, outside exhibit preparation, requested overnight courier or registered and/or certified mail (return receipt requested) charges and specialty reproduction (unless otherwise specified) are in addition to the contract amount and will be charged at cost plus ten percent (+10%) for administration, coordination and handling. Subcontracted services, other than those listed above, will be invoiced at cost plus ten percent (+10%).

In the event OPC is required to perform any act in relation to litigation arising out of any project with the Client (for example, expert consulting, responding to a complaint, or proceeding with discovery and trial), such services are not part of this contract, nor are they part of our normal fees. If required, these types of services will be invoiced at two times the regular hourly rates.

In the event this contract extends twelve (12) months beyond the initial date of execution, the hourly rates and any remaining amount in the contract shall be adjusted upwardly by five percent (5%) per annum, compounded annually, on the anniversary date of this contract.

Written communication services in other languages would be an additional cost and would be billed separately based on quoted hourly rates by independent translation services. Verbal communication in Spanish, if necessary, will be included at no additional charge.

OPC may submit monthly invoices for the professional services rendered based on the hourly rate schedule provided above. Substantial changes in the required scope of work may result in the revision of the proposed fees.

Scopes of Service

Right of Way Program & Project Management Services

1. Provide ongoing general consultation and project coordination with the client, governmental entities and project team members.
2. Represent the client at public meetings, hearings and litigation related matters.
3. Prepare tracking reports that monitor the completion of project milestones of the various disciplines involved on the project.
4. Prepare and present a monthly written status report based on the agreed-upon guidelines on information to be provided. Confer weekly with client verbally on general status, problem areas, and progress.
5. Coordinate with federal and state oversight agencies such as Caltrans.
6. Subcontract for and manage all necessary disciplines needed for the project.

Title Investigation Services

1. Secure vesting deeds, property profile, and tax map for each property that require temporary construction easements.
2. Secure copies of recorded back-up documents as needed.
3. Share preliminary title information with right of way engineer, surveyor, and valuation staff for their use on the project.

Appraisal Services

1. OPC will mail a notification letter and acquisition policies brochure to the property owner, requesting permission to conduct an on-site inspection of the property, advising them of their right to accompany the staff member preparing the Valuation Waiver at the time of the inspection, and requesting information regarding the property valued which could influence the easement value.
2. Staff valuations consultant will review title information pertaining to respective ownerships and will review drawings and other pertinent information relative to the parcel.
3. Staff valuations consultant will inspect each property personally with the owner (if possible) and document the inspection with photographs for use in the report.
4. Staff valuations consultant will inventory all improvements affected by the proposed taking including notes on their manner of disposition (i.e., pay-for and remove vs. move back).
5. Staff valuations consultant will perform market research to support the selected appraisal methodologies and will document and confirm comparable sales information.
6. Staff valuations consultant will prepare Waiver Valuation report that conforms to Caltrans Standards on all of the takings that are estimated to be less than \$10,000 in value. From preliminary estimates, all easements will be valued below \$10,000. The Waiver Valuations are intended to serve as an acquisition basis.

Acquisition Services – Fee Owner

1. Establish and maintain complete and current ownership files in a form acceptable to the client.
2. Receive and analyze title information, approved staff prepared Waiver Valuations reports and legal descriptions in sufficient detail to negotiate with property owners and other parties.
3. Prepare all offer letters, summary statements, and lists of compensable items of fixtures and equipment, in accordance with state or federal regulations and approval of client.

4. Present written purchase offers to owners or their representatives in person, when possible. Secure receipt of delivery of offer as practical and present and secure tenant information statements, as applicable.
5. Follow-up and negotiate with each property owner, as necessary; prepare and submit recommended settlement justifications to client for review and approval; review any independent appraisal secured by property owner. Ongoing negotiations and settlement discussions will continue for 8 weeks after the initial offer or until we reach settlement or impasse.
6. Prepare and assemble acquisition contracts, deeds and related acquisition documents required for the acquisition of necessary property interests. Legal descriptions to accompany easements or to accompany partial acquisition deeds are not included in this Scope of Work.
7. Maintain a diary report of all contacts made with property owners or representatives and a summary of the status of negotiations indicating attitude of owners, problem areas, and other pertinent information. Copies of all applicable written correspondence will be maintained in files.
8. Prepare an impasse letter for any parcel where, after diligent attempts to settle by negotiation, it appears eminent domain will be needed or prudent to acquire the needed interest.
9. Transmit executed acquisition documents to client. Each transmittal package shall include a fully executed and properly notarized deed(s), fully executed acquisition contract with attachments, and a brief settlement memorandum which summarizes the pertinent data relative to the transaction.

Escrow Coordination Services

1. Record executed Temporary Construction Easements.
2. Provide for payment to property owners for Temporary Construction Easements.

Right of Way Certification Services

1. Attend certification planning meeting with client's Right of Way Local Assistance Coordinator and project team.
2. Prepare real estate components of right of way data sheet and provide current and escalated costs for acquisition and relocation; incorporate engineers' construction and utility information as provided to OPC.
3. Ensure appraisal maps/right of way maps and legal descriptions are all properly identified and prepared in conformance with approved right of way numbering system.
4. Ensure that all interests necessary for the project have been secured and all relocation activities have been performed in compliance with applicable law and regulations.
5. Prepare certification forms in coordination with engineer and client to include the compilation of all necessary back-up documents required including; deed, final order of condemnation, access easements, cooperative agreements, permits, right of entries, etc.
6. Attend and coordinate pre and post-audit submittal meetings.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: August 15, 2012
For Council Meeting: August 15, 2012
Subject: Warrant Register: August 21, 2012

Recommendation:

Ratify the Warrant Register total of \$ 712,610.25 for checks dated August 2, 2012 to August 9, 2012. Ratify the Payroll Registers total of \$ 157,124.33 dated August 3, 2012.

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. 6 dated August 3, 2012 total of \$ 157,124.33
- Warrant Register No. 9 dated August 2, 2012 total of \$ 129,306.44
- Warrant Register No. 11 dated August 9, 2012 total of \$ 583,303.81

Reviewed By:

Town Manager

CY

Admin. Services

Town Attorney

<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

TOWN OF YUCCA VALLEY

**PAYROLL REGISTER # 06
CHECK DATE - August 03, 2012**


Fund Distribution Breakdown

Fund Distribution

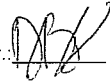
General Fund	\$139,356.79
Gas Tax Fund	10,582.62
Successor Agency	<u>7,184.92</u>

Grand Total Payroll \$157,124.33

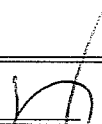
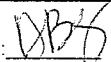
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 06 - Paid 08/03/2012
(July 14, 2012 - July 27, 2012)
Checks: 4451-4469



	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$7,701.59		\$7,701.59
Direct Deposit	75,534.09	-	75,534.09
Sub-total	83,235.68		83,235.68
<u>Employee Tax Withholding</u>			
Federal	13,691.91		13,691.91
Medicare	1,557.42	1,557.42	3,114.84
SDI - EE	-	-	-
State	4,329.62		4,329.62
Sub-total	19,578.95	1,557.42	21,136.37
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	3,185.09	902.69	4,087.78
PERS Survivor Benefit	43.00		43.00
Health Café Plan	2,216.65	14,386.44	16,603.09
American Fidelity Pre-Tax	259.76		259.76
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	681.29		681.29
PERS EE - Contribution 7%	681.42		681.42
PERS EE - Contribution 8%	6,539.49		6,539.49
PERS Retirement - Employee	-	763.81	763.81
PERS Retirement - Employer	-	15,192.89	15,192.89
Wage Garnishment - Employee	450.61		450.61
Life & Disability Insurance		1,061.57	1,061.57
Unemployment Insurance		1,940.27	1,940.27
Workers' Compensation		4,435.15	4,435.15
Sub-total	14,069.46	38,682.82	52,752.28
Gross Payroll	\$116,884.09	\$40,240.24	\$157,124.33
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		

WARRANT REGISTER # 9
CHECK DATE - AUGUST 2, 2012

FUND DISTRIBUTION BREAKDOWN

Checks # 41001 to # 41006 are valid:

GENERAL FUND # 001	\$105,816.65
COPS - SLESF FUND # 509	\$17,770.19
SAFE ROUTES TO SCHOOL FUND # 530	\$5,719.60
 GRAND TOTAL	 <u><u>\$129,306.44</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
August 2, 2012

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	41002	Aleshire & Wynder, LLC	May 2012 Professional Svcs.	\$25,269.59
	41002	Aleshire & Wynder, LLC	June 2012 Professional Svcs.	19,677.69
	41003	Hogle-Ireland Inc.	Development Code Update	3,265.00
	41004	Oasis Office Supply	Office Supplies	108.54
	41006	SBCO Sheriff's Dept	04-06/12 Vehicle Maintenance	57,495.83
Total 001	GENERAL FUND			<u>\$105,816.65</u>
509	COPS-SLESF FUND			
	41006	SBCO Sheriff's Dept	04-06/12 SLESF Overtime	\$17,770.19
Total 509	COPS-SLESF FUND			<u>\$17,770.19</u>
530	SAFE ROUTES TO SCHOOLS FUND			
	41005	Phoenix Highway Products, Inc.	Safe Routes to Schools Program	\$5,719.60
Total 530	SAFE ROUTES TO SCHOOLS FUND			<u>\$5,719.60</u>
***	Report Total			<u>\$129,306.44</u>

**WARRANT REGISTER #11
CHECK DATE - AUGUST 9, 2012**


FUND DISTRIBUTION BREAKDOWN

Checks # 41007 to # 41097 are valid

Checks # 41041, # 41072, # 41074 are included in SA Warrant # 11

GENERAL - FUND # 001	\$344,946.02
INTERNAL SERVICE FUND # 100	1,022.68
CUP DEPOSITS - FUND # 200	208.36
COPS SLESF FUND # 509	38.01
STREET MAINTENANCE - FUND # 515	4,707.97
MEASURE I MAJOR ARTERIAL FUND # 522	-7.50
MEASURE I FUND # 524	3,964.08
HUD/JERRY LEWIS FUND # 551	219,824.19
CAPITAL PROJECTS FUND # 800	8,600.00
GRAND TOTAL	<u><u>\$583,303.81</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
August 9, 2012

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	41007	Ace Alternators	Fleet Vehicle Maintenance	\$143.51
	41008	Alsco/American Linen, Inc.	Parks Uniform Service	143.81
	41009	Arrowhead Mountain Water	Office Supplies	388.02
	41010	ASCAP	Annual Music License	325.50
	41011	AT & T Mobility	Cell Phone Service	395.99
	41012	Avalon Urgent Care	Medical Services	360.00
	41013	Lauren Bastrup	Museum Shop Merchandise	207.00
	41014	Big 5 Corp.	Recreation Program Expense	177.73
	41015	Kristine Bost	Contract Instructor	26.60
	41016	Carol Boyer	Contract Instructor	56.00
	41017	BSN Sports	Recreation Program Supplies	265.55
	41018	Beverly Burkitt	Contract Instructor	19.60
	41019	Cynthia Caldwell	Adoption Refund	85.00
	41020	CAPRCBM	FY 12/13 Annual Dues	190.00
	41022	Chevron & Texaco Card Services	Vehicle Fuel	71.92
	41023	China Star USA	Museum Shop Merchandise	144.40
	41024	Janine Cleveland	Contract Instructor	343.00
	41025	Companion Animal Clinic	Veterinary Services	280.50
	41026	Wayne Coughlan	Sports Referee	66.00
	41027	CPRS - Calif Park & Rec Soc	FY 12/13 Annual Dues	145.00
	41028	Desert Hot Springs Animal Clinic	Veterinary Professional Svs.	1,612.00
	41031	Jennifer Emert	Recreation Program Refund	25.00
	41032	Farmer Bros. Co.	Office Supplies	88.99
	41032	Farmer Bros. Co.	Office Supplies	118.34
	41033	Catherine Fletcher	Contract Instructor	65.80
	41035	Mae Fox	Contract Instructor	37.80
	41036	Fulton Distributing Co.	Facilities Maintenance	155.05
	41038	Joy Groves	Contract Instructor	262.50
	41039	HdL Hinderliter, DeLlamas & Assoc	Sales Tax Service	1,399.26
	41040	Lori Herbel	Contract Instructor	756.00
	41041	Hi-Desert Water	Water Service	1,074.11
	41042	Hi-Desert Publishing	Public Hearing Advertising	50.00
	41044	Johnson Machinery Co.	Annual Generator Maintenance	476.86
	41045	Susan Jordan	Contract Instructor	147.00
	41046	Heather Kaczmarczk	Contract Instructor	395.50
	41047	Roger Keezer	Contract Instructor	43.40
	41048	Krames Staywell, LLC	YHHS Pool Program Expense	158.69
	41049	KV Vet Supply Co.	Veterinary Supplies	100.00
	41050	Lew Edwards Group	Professional Services	4,850.00
	41051	Jason Lewellyn	Sports Referee	66.00
	41052	Isa Loveless	Museum Professional Svs.	100.00
	41053	Bob Maddox	Contract Instructor	7.00
	41055	The Mallants Corp	Temporary Employment Svs.	1,933.70
	41056	Morongo Unified School District	YVHS Pool Utilities	2,755.77
	41057	Yucca Valley NAPA Auto Parts, Inc.	Maintenance Supplies	41.34
	41058	Sierra Oakes	Contract Instructor	50.40
	41059	Oasis Office Supply	Office Supplies	517.07
	41061	Carl Otteson	Backflow Testing Svs.	120.00

Town of Yucca Valley

Warrant Register

August 9, 2012

Fund	Check #	Vendor	Description	Amount
	41062	Pacific Telemanagement Svs.	Public Phone Svs.	82.64
	41063	Mirona D. Petrus, DVM Inc.	Emergency Veterinary Care	185.00
	41064	Pro Video	Town Council Meeting Taping	200.00
	41065	QuarterMaster	Shelter Uniform Expense	155.46
	41066	Jessica Rice	Meeting Expense	97.13
	41067	S & S Worldwide	Recreation Program Expense	357.31
	41068	Linda Sande	Contract Instructor	123.20
	41070	SBCO Sheriff's Dept	Cal-Id Assessment Fee	21,875.70
	41070	SBCO Sheriff's Dept	July 2012 Professional Svs.	283,755.00
	41071	SBCO Library-Yucca Valley Branch	Community Partnership 12/13	3,000.00
	41072	SCE	Electric Service	516.26
	41073	Beverly Schmuckle	Contract Instructor	35.00
	41074	So. Cal. Gas Co.	Natural Gas Service	328.64
	41075	Southwest Networks, Inc.	Technology Support Svs.	6,239.48
	41076	Sprint	Cell Phone Service	11.97
	41077	Stater Bros	Recreation Program Supplies	169.58
	41079	Sterling Codifiers, Inc.	Professional Services	433.00
	41080	Time Warner Cable	Cable TV Service	57.70
	41081	Trophy Express	Engraving Services	50.01
	41082	Delanford Truitt	Sports Referee	198.00
	41083	Shawna Tucker	Recreation Program Refund	72.00
	41084	Uline	Museum Shop Supplies	76.10
	41085	Unique Crafters Co.	Museum Shop Merchandise	505.55
	41086	Vagabond Welding Supply	Maintenance Supplies	61.42
	41087	VCA Yucca Valley Animal Hospital	Veterinary Services	109.80
	41088	Verizon	Long Distance Phone Svs.	206.62
	41090	Valley Independent	Printing Expense	159.22
	41091	Voyager Fleet Systems, Inc	Vehicle Fuel	60.92
	41092	Walmart Community	Shelter Pet Food & Supplies	1,647.19
	41094	Guy Wulf	Sports Referee	132.00
	41095	Elizabeth (Betty) Wulf	Contract Instructor	53.20
	41096	Yucca Valley Quick Lube	Fleet Maintenance	102.34
	41097	Robert Ziegenhirt, Sr.	Museum Shop Merchandise	68.00
	EFT	First Bankcard	Meetings & Supplies Expense	2,398.49
	EFT	The Home Depot	Facilities Maintenance	179.38
Total 001	GENERAL FUND			\$344,946.02
100 INTERNAL SERVICE FUND				
	41037	GE Capital Corporation	Animal Shelter Copier Lease	\$727.16
	41054	Mail Finance	Postage Meter Lease	295.52
Total 100	INTERNAL SERVICE FUND			\$1,022.68
200 DEPOSITS FUND				
	41059	Oasis Office Supply	Office Supplies	\$65.19
	41060	Oasis Health Care	Deposit Account Refund	143.17
Total 200	DEPOSITS FUND			\$208.36

Town of Yucca Valley
Warrant Register
August 9, 2012

Fund	Check #	Vendor	Description	Amount
509	COPS-SLESF FUND			
	41089	Verizon Wireless	Sheriff's Office Phone Svs.	\$38.01
Total 509	COPS-SLESF FUND			\$38.01
515	GAS TAX FUND			
	41008	AlSCO/American Linen, Inc.	Streets Uniform Service	\$79.05
	41021	Carquest Auto Parts	Streets Equip & Maintenance	12.22
	41034	Flint Trading, Inc.	Streets Supplies	999.99
	41043	Hi-Way Safety Inc.	Barricades & Traffic Cones	2,450.24
	41057	Yucca Valley NAPA Auto Parts, Inc.	Maintenance Supplies	140.79
	41069	SBCO-Vehicle Services	Vehicle Inspection & Svs.	412.00
	41072	SCE	Electric Service	165.31
	41078	Stepp Mfg	Streets Supplies	335.44
	41092	Walmart Community	Streets Supplies	25.77
	41093	Woods Auto Repair	Streets Vehicle Maintenance	87.16
Total 515	GAS TAX FUND			\$4,707.97
522	MEASURE I MAJOR ARTERIAL FUND			
	41059	Oasis Office Supply	Credit	-\$7.50
Total 522	MEASURE I MAJOR ARTERIAL FUND			-\$7.50
524	MEASURE I - 2010-2040 FUND			
	41072	SCE	Electric Service	\$3,964.08
Total 524	MEASURE I - 2010-2040 FUND			\$3,964.08
551	HUD- JERRY LEWIS PARK FUND			
	41029	Doug Wall Construction, Inc.	SS Park Project	\$219,824.19
Total 551	HUD- JERRY LEWIS PARK FUND			\$219,824.19
800	CAPITAL PROJECTS RESERVE FUND			
	41030	Elite Roofing	Welcome Center Roof Repair	\$8,600.00
Total 800	CAPITAL PROJECTS RESERVE FUND			\$8,600.00
***	Report Total			\$583,303.81

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jamie Anderson, Town Clerk
Date: August 16, 2012
For Council Meeting: August 21, 2012

Subject: Resolution Calling a Special Election on Tuesday, March 5, 2013.

Prior Council Review: None

Recommendation: Adopt the Resolution calling and giving notice of a Special Election on March 5, 2013, to fill a Town Council vacancy.

Summary: Council Member Hagerman resigned from the Town Council on July 20, 2012. Yucca Valley Municipal Code and California Government Code Section 36512 (b) provides that when a vacancy occurs on a Town Council, the Town Council must, within sixty days of the occurrence of such vacancy, fill the vacancy by appointment or by calling a special election.

Order of Procedure:

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

Discussion: In June of 2011, Council adopted Ordinance No. 227 relating to alternative procedures for the filling of councilmember vacancies consistent with California Government Code Section 36512. When a vacancy occurs on a city council, the city council must, within 60 days of occurrence of such vacancy, fill the vacancy by appointment or by calling a special election. The person appointed or elected at the special election to fill the vacancy shall hold office for the unexpired term of the former incumbent.

The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. Section (d) (1) of the code also states "notwithstanding any other provision of this section, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the Council having been appointed."

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

Due to the fact that the November 6, 2012 election is in 77 days, Council is unable to fill the vacancy at that election. In addition, Council is unable to make an appointment due to the fact that there are already two Council members appointed at this time. Even though one of the appointed members will be elected at the November 6th general municipal election, that election does not fall within the required 60 day time frame, therefore, an additional appointment would constitute a majority of members being appointed.

The Ordinance also allows for the Council to determine that the election will be conducted as an all-mailed ballot election if authorized by state law, however the requirements are very restrictive. One such requirement prevents additional measures from being on an all-mail ballot. Given the uncertainty at the state and local level, staff is not recommending an all-mail ballot.

Alternatives: None

Fiscal impact: Staff has requested, but has not received, a quote from the Registrar of Voters. Once final special election costs are known, staff will bring forward the necessary budget amendments.

Attachments: Resolution

RESOLUTION NO. 12-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013 TO FILL A TOWN COUNCIL VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, and as implemented by Ordinance No. 227 of the Town Council of the Town of Yucca Valley, a special election shall be held on March 5, 2013.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Yucca Valley, California, on Tuesday, March 5, 2013, a Special Election for the purpose of filling a vacancy on the Town Council, for a term to expire in 2014.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the San Bernardino County Register of Voters is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election will be given pursuant to section 12101 of the Elections Code and the San Bernardino County Registrar of Voters is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2012.

MAYOR

ATTEST:

TOWN CLERK