

**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.*

TOWN COUNCIL: 6:00 p.m.
(Immediately Following the Joint Town Council/Planning Commission Meeting)
TUESDAY, NOVEMBER 19, 2013
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

CLOSED SESSION: 6:00 p.m.
(Immediately Following the Regular Town Council Meeting)
TUESDAY, NOVEMBER 19, 2013
TOWN HALL CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

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

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

**AGENDA (Revised)
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY NOVEMBER 19, 2013
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 Huntington, Leone, Lombardo, Rowe, and Mayor Abel.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATION

- 1-1 1. Epilepsy Awareness Month Proclamation

AGENCY REPORTS

Hi Desert Water District

2. Monthly Water / Wastewater Report

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____

CONSENT AGENDA

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

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

1A. 4a. Rejection of One (1) Claim; Mirage Front Properties, LLC

Recommendation: Reject one (1) claim files against the Town of Yucca Valley submitted on October 21, 2013 by Thomas W. harris, Jr., Esq.

2-15 4b. Town Council Meeting Minutes of October 1, 2013 and October 15, 2013

Recommendation: Approve the Town Council Meeting minutes of October 1, 2013 and October 15, 2013 as presented

16-18 5. AB1234 Reporting Requirements

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of October 2013

19-28 6. Town-wide HVAC Service Agreement

Recommendation: Approve an expanded professional services agreement providing Town-wide Heating, Ventilation, and Air Conditioning (HVAC) maintenance with Honeywell Building Solutions through June 30, 2016, subject to annual budgetary authorization.

29-30 7. Treasurer’s Report for the Quarter Ending September 30, 2013

Recommendation: Receive and file the Treasurer’s Report for the first quarter of FY 2013-14

31-37 8. Budget Report for the Quarter Ending September 30, 2013

Recommendation: Receive and file the FY 2013-14 First Quarter Budget Report

Recommendation: Ratify the Payroll Registers total of 243,095.29 for checks dated October 11, 2013 and October 25, 2013; Ratify the Warrant Registers total of \$352,836.30 for checks dated October 17, 2013 and October 31, 2013

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)

Action: Move _____ 2nd _____ Vote _____

DEPARTMENT REPORTS

- 51-142 10. Public Lands Highway Discretionary Funds Project (PLHD)
 SR62, Apache Trail to Palm Avenue – Town Project No. 8661
 Federal Project No. PLHL04-5466(015)
 Award of Bid

Recommendation:

Award the construction contract to Match Corporation, in the amount of \$2,798,000, and authorizes a construction contingency in the amount of \$202,000, for a total contract amount not to exceed \$3,000,000.00, 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; directs staff to request Caltrans approval of project modification to include a left hand turn pocket for east bound traffic at the intersection of SR 62 and Palm Avenue; and directs staff to return to the Town Council in January 2014 with detailed analysis of developing alternative access routes including Pima Trail, between Church Street and Palm Avenue, and the alley, between Palm and Grand.

Action: Move _____ 2nd _____ Vote _____

- 143-151 11. Town Council Manual of Procedural Guidelines – Status Update and Approval of Interim Language Regarding Officers

Recommendation:

- **Receive and File a status update on the Council’s Manual of Procedural Guidelines**
- **Adopt Section 9.1 (a) of Article IX – Officers, and direct staff to include the adopted language in the final draft when presented to Council for action**

Action: Move _____ 2nd _____ Vote _____

- 151-174 12. Spay/Neuter Voucher Program

Recommendation:

Approve the spay/neuter voucher program as outlined within this staff report.

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

13. Council Member Leone
14. Council Member Rowe
15. Council Member Huntington

16. Mayor Pro Tem Lombardo

17. Mayor Abel

ANNOUNCEMENTS

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

6:00 p.m., Tuesday, December 10, 2013, Yucca Valley Community Center Yucca Room

ADJOURN TO CLOSED SESSION

CLOSED SESSION

(Public Comments will be taken before the Council adjourns to Closed Session)

1. Closed session pursuant to Government Code Section 54957 Public Employment (Town Manager Recruitment)

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

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

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

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

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

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

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

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

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

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

ACRONYM LIST

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

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	10:30 am 1st Wed	San Bernardino
MEASURE I	HUNTINGTON ROWE (ALT)	9:30 am 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LOMBARDO (ALT)	10:00am 2nd Thurs Feb, May, Aug, Nov	Victorville
SOLID WASTE ADVISORY TASK FORCE	HUNTINGTON	3 rd Wed. April & October	Highland
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	LOMBARDO ROWE (ALT)	10:00 am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	ABEL HUNTINGTON ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	ABEL ROWE (ALT)	10:00 am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
LEGISLATIVE TEAM	HUNTINGTON ROWE	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
FLOOD CONTROL ZONE 6	MAYOR		
CITY/COUNTY ANIMAL SERVICES JPA	HUNTINGTON LOMBARDO	12:00 p.m. last Thurs.	Yucca Valley
SPORTS COUNCIL	HUNTINGTON	March, June, Sept., Oct.	Yucca Valley
SBCO HOMELESS PARTNERSHIP AND INTERAGENCY COUNCIL ON HOMELESSNESS	LEONE	9:00 a.m. 4 th Wed	San Bernardino

LOMBARDO (ALT)

AD HOC COMMITTEES

SENIOR HOUSING

HUNTINGTON
ROWE

SEWER FINANCING

ROWE
LEONE

COUNCIL RULES & PROCEDURES

HUNTINGTON
LOMBARDO

MORONGO UNIFIED SCHOOL DISTRICT

ROWE

AUDIT

BREHM PARK

ABEL
LOMBARDO

COUNTY BUDGET COMMITTEE

ROWE
HUNTINGTON

SUBDIVISION COMMITTEE

HUNTINGTON
LEONE

PROCLAMATION

TOWN OF YUCCA VALLEY

WHEREAS, epilepsy is a neurological disorder producing brief disturbances in the normal electrical functions of the brain that temporarily affects a person's consciousness, bodily movements and/or sensations, while creating long term effects on the lifestyle of individuals with epilepsy; and

WHEREAS, 1 in 26 people will develop epilepsy and 1 and 10 people will have a seizure in their lifetime; and

WHEREAS, epilepsy can affect anyone no matter what their gender, race, age, religion, educational background or socioeconomic status; and

WHEREAS, epilepsy affects more than 65 million people worldwide and is more common than Parkinson's disease, multiple sclerosis, muscular dystrophy, and cerebral palsy combined; and

WHEREAS, epilepsy is a complex disorder that requires further research to find a cure and prevention

NOW THEREFORE, The Town of Yucca Valley does hereby announce that November 2013 is Epilepsy Awareness Month and calls to recommit our community to increasing awareness and understanding of epilepsy through education while ensuring that all individuals with epilepsy lead a full and productive life.

PRESENTED THIS 19th day of November, 2013.

MAYOR

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
OCTOBER 1, 2013**

OPENING CEREMONIES

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

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

Staff Present: Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Police Captain Boswell, Town Attorney Laymon, and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Abel

The Invocation was presented by Pastor Tye Bridges, Calvary Christian Fellowship

PRESENTATIONS

1. **Town Employee of the 2nd Quarter, 2013**

Human Resource and Risk Manager, Debra Breidenbach-Sterling announced the EOQ as Michele Linzner, Payroll Specialist. Mayor Abel presented a plaque and words of congratulations for her award.

AGENCY REPORTS

2. The Yucca Valley Chamber of Commerce monthly report was presented by Chamber President, Jim Lawless.

APPROVAL OF AGENDA

Council Member Huntington moved to approve the Yucca Valley Town Council meeting agenda for October 1, 2013. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

3. **Waive** further reading of all ordinances and read by title only.
4. **Adopt** Resolution No. 13-35, congratulating the City of Needles for 100 years of incorporation.
5. **Ratify** the Payroll Registers total of \$311,099.41 for checks dated August 30, 2013 to

September 13, 2013;

Ratify the Warrant Registers total of \$696,218.97 for checks dated September 5, 2013 to September 19, 2013

Mayor Abel opened public comment. With no members of the public wishing to speak, public comment was closed.

Council Member Rowe moved to approve items 3-5 of the consent agenda. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

6. **FY 2013-14 Community Partnerships**

Administrative Services Director Yakimow presented the staff report and gave background information on community partnerships with the Boys and Girls Club of the Hi Desert, the Yucca Valley Chamber of Commerce, and the Desert Regional Tourism Agency (DRTA). As part of the FY 2013-14 budget adopting cycle, preliminary discussion occurred with respect to the various community partnerships between the Town and its non-profit partners. The adopted budget included \$35,000 of initial partnership funding, with direction to staff to return to Council with final partnership proposals.

In reference to the Boys and Girls Club Facility Use Agreement, Yakimow stated the Town primarily uses the facility during the youth basketball program occurring December through March of each year. The use of the gymnasium in FY 2013-14 is anticipated to be approximately 400 hours. The proposed agreement formalizes the Town's use of the Boys and Girls Club facilities during the current fiscal year and allocates \$32,000 (\$16,000 for Facility Use and \$16,000 for Youth Afterschool Support) in partnership funding. The proposed agreement will expire on June 30, 2014.

In respect to the Yucca Valley Chamber of Commerce Yakimow explained that formal action for FY 2013-14 was not acted upon during the time of the Town's budget adoption, necessitating an update to the existing lease. A Scope of Services Schedule for FY 2013-14 was presented, identifying the joint marketing tasks that the chamber will provide on behalf of the Town. The proposed schedule also includes a line-item alternative in the amount of \$5,000 (combined cash and in-kind services) to support the chamber's efforts in hosting the annual Grubstakes Parade and related festivities.

Regarding DRTA, Yakimow explained that the partnership with the agency was to provide operational and financial support to operate the California Welcome Center and develop a program to promote Morongo Basin Tourism. The program was designed to support tourism outreach, education, and initiatives, and ideally contribute to the sales tax basis of the town. Proposed, is a modification of the current lease to provide in-kind utility contribution, paralleling the current agreement with the Chamber of Commerce.

The Town would assume the utility costs of the Agency, while the agency would assume all of the janitorial costs of the facility. This would be a net increase of in-kind contributions of approximately \$8,000 annually. In exchange for this contribution, the Agency would work with the Town to develop any requested tourism and/or marketing material that could be utilized for various economic development purposes. As part of this action, it is recommended that a waiver of existing unpaid utility balance of an \$18,000 liability be considered.

Mayor Abel opened public comment.

Sam Handley, Executive Director for the Boys and Girls Club of the Hi-Desert spoke of current programming and thanked the Town Council for their consideration.

Cheryl Nankervis, Executive Director and Tom Huls for the Yucca Valley Chamber of Commerce spoke of upcoming campaigns scheduled to launch for the coming year. Comments were also made regarding the challenges in presenting the Grubstakes parade.

Carey Harwin, DRTA, thanked the Town Council for continued support. Harwin stated that the California Welcome Center is experiencing approximately 16,000 visitors per year.

Ron Cohen, Yucca Valley spoke on item 6B and read the letter he sent to the Town Council prior to the meeting.

Margo Sturges, Yucca Valley spoke in agreement to Mr. Cohen's comments and spoke against including the three partnership agreements in one agenda item.

With no other members of the public wishing to speak, Mayor Abel closed public comment.

Town Attorney Lona Laymon commented on Mr. Cohen's letter, stating the Town Council Members do not have a financial interest with the Yucca Valley Chamber of Commerce as defined under Government Code Section 1090. In addition, an exception for non-salaried members of a non-profit corporation is allowed, as long as the membership of the corporation is disclosed to the body. Laymon continued to report that the body is being disclosed at this time for the record, as defined under Government Code Section 1091.587 as being qualified as non-interest within Government Code Section 1090. Town Council Member Huntington and Mayor Pro Tem Lombardo are not barred from the decision.

Council Members Leone and Rowe commented on the funding requirements and how this affects the projected use of funds for infrastructure.

Council Member Huntington commented on the importance of keeping the historical aspect of the community and would like to see the Grubstake festivities continue.

Huntington also inquired about the impact this would make to the proposed infrastructure funding.

Mayor Pro Tem Lombardo inquired on the funding specific to the parade cost.

Mayor Abel stated the benefits of community partners and local community events.

Council Member Rowe moved to approve the Facility Use Agreement and Partnership Funding in the amount of \$32,000 for FY 2013-14 Facility Use and Youth Programming Activities with the Boys and Girls Club of the Hi Desert, and direct staff to continue working with the Club to identify potential areas of future collaboration. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a roll call vote.

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

Council Member Leone moved to approve the Scope of Services schedule between the Town and the Yucca Valley Chamber of Commerce for FY 2013-14 Partnership Activities, and allocate funding in the amount of \$20,000 for FY 2013-14 Partnership Activities. Mayor Abel seconded. Motion carried 4-1 on a roll call vote.

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

Mayor Pro Tem Lombardo moved to approve Amendment Number One to the Lease Agreement between the Town and the Desert Regional Tourism Agency, allocate funding in the amount of \$25,000 for both unfunded FY 2012-13 and FY 2013-14 (\$7,000 & \$18,000 respectively) activities, and allocate \$18,000 in one-time funds to accommodate the proposed lease amendment. Council Member Huntington seconded. Motion carried 4-1 on a roll call vote.

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

Council Member Leone moved to amend the FY 2013-14 Adopted Budget by \$48,000, decreasing prior allocation to transportation funds as indicated to accommodate the recommendations. Mayor Abel seconded. Motion carried 4-1 on a roll call vote.

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

**7. Implementation of Town Council Policy & Budget Direction
 Park Maintenance Transition Plan
 Youth Sports Park Draft Lease Agreement**

Deputy Town Manager Stueckle presented the staff report. The draft lease between the Town of Yucca Valley and the Boys and Girls Club of the Hi-Desert formulates an agreement for the Town to lease Youth Sports Park at 56525 Little League Drive from the Boys and Girls Club of the Hi Desert. The lease term is 35 years, with a rental amount of one dollar (\$1.00) per year. The agreement implements an element of the Parks Maintenance Transition Plan, approved by the Town Council in April, 2013.

Mayor Abel opened public comment.

Cindy Melland, Yucca Valley spoke on behalf of the Basin Wide Foundation and the activity held at Youth Sports Park, including current use contracts with Morongo Basin Youth Soccer Association, and Morongo Unified School District.

With no other members of the public wishing to speak, Mayor Abel closed public comment.

Council Member Rowe moved to approve the Draft Lease between the Town of Yucca Valley and the Boys & Girls Club of the Hi-Desert, authorizing the Mayor and Town Attorney to sign the lease, and authorizing the Town Attorney to make non-substantive changes as necessary to finalize the Lease. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

8. Ordinance No.; Pit Bull and Pit Bull Type Dogs; Mandatory Spay and Neuter

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
 YUCCA VALLEY CALIFORNIA, ADDING TO TITLE 10
 CHAPTER 10.02 OF THE TOWN OF YUCCA VALLEY
 MUNICIPAL CODE RELATING TO ANIMAL CONTROL BY
 ADDING SECTIONS 10.02.175 AUTHORIZING MANDATORY
 SPAYING AND NEUTERING OF PIT BULLS

Animal Care and Control Manager Melanie Crider presented the staff report and gave an explanation of the California Health and Safety Code. The California State Law (Health and Safety Code Section 122330-122331) prohibits any breed from being deemed potentially dangerous or vicious, while allowing local agencies to enact breed-specific programs for spaying/neutering to control over population. Statistics of activity relating to

pit bull breeds in shelter and animal control cases were presented.

Crider continued to explain that the objective of the recommended Ordinance is to reduce the number of pit bull type dogs running at large in the community; to reduce the number of pit bull type dogs brought to the animal shelter; and to reduce the number of impounds of this breed. The proposed Ordinance would require any pit bull or pit bull type breeds over the age of 4 months to be spayed or neutered with few exceptions.

Mayor Abel opened public comment on the item.

Amy Fauls, Joshua Tree spoke in favor of the Ordinance.

Rae Packard, Yucca Valley spoke in favor of the Ordinance.

Gordon Larson, Yucca Valley commented on an issue he has had in his neighborhood with pit bulls and spoke favorably of the Ordinance.

Jeff Owen, Yucca Valley spoke highly of the Yucca Valley Animal Shelter and commented favorably of the Ordinance.

Melody Farnik, Yucca Valley representing Animal Action League spoke favorably of the Ordinance

George Hoagland, Yucca Valley spoke of an incident from a pit bull attack and spoke in favor of the Ordinance.

Mimi Mitz, Yucca Valley spoke as a representative of Morongo Basin Humane Society and stated that they can no longer accept pit bulls and pit bull type breeds at their facility. Mitz spoke favorably of the Ordinance.

Chelsea Fletcher, Yucca Valley spoke in favor of the Ordinance, but also believes there is a responsible owner problem.

With no other members of the public wishing to speak, Mayor Abel closed public comment.

Deputy Town Manager Stueckle read the title of the Ordinance.

Council Member Leone spoke of past incidents he has experienced with the particular breed and commented in favor of the Ordinance.

Council Member Huntington questioned how staff determines the breed and spoke in favor of the Ordinance

Mayor Pro Tem Lombardo inquired about spay and neutering costs and spoke of

correspondence received from Tami Roleff who voiced opposition of the Ordinance. Lombardo spoke in favor of the Ordinance.

Council Member Rowe spoke in favor of the Ordinance, and if a spay and neuter voucher program could be implemented using the Cyla Wells Estate funding and the General Fund to continue its existence, Rowe stated that an all-breed, mandatory spay and neuter program should be considered.

Mayor Abel inquired about the overpopulation of pets in Yucca Valley and of the adoption rate of pit bulls and pit bull mixes. Abel also inquired about the ability to enforce such an ordinance.

Deputy Town Manager stated that information regarding the spay and neuter voucher program should be before the Town Council in November 2013.

Council Member Leone moved to introduce the Ordinance, establishing mandatory spay and neuter regulations for pit bulls and pit bull type dogs. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

- AYES:** Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

9. Council Appointment to the San Bernardino County Homeless Partnership and Interagency Council on Homelessness

Administrative Services Director Yakimow presented the staff report and explained the potential commitment required for a representative for the San Bernardino County Homeless Partnership and Interagency Council on Homelessness.

Mayor Pro Tem Lombardo stated he would be interested but is concerned of the travel commitment and inquired about the availability of teleconferencing and believed the position of alternate might be a better fit.

Council Member Leone expressed his interest to represent the Town of Yucca Valley in this capacity.

Mayor Abel moved to appoint Council Member Leone to serve on the Interagency Council on Homelessness (ICH) and Mayor Pro Tem Lombardo serving as the alternate representative. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

Mayor Pro Tem Lombardo stated he would like to have a discussion on volunteering

opportunities with the Town of Yucca Valley. Deputy Town Manager explained that staff is working on the memorandum to the Town Council regarding the Town's Volunteer Program.

PUBLIC COMMENTS- none

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle congratulated Michele Linzner for her Employee of the Quarter award and gave a brief update on Tractor Supply moving into a portion of the old Wal Mart building.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

10. Council Member Leone congratulated Michele Linzner for her Employee of the Quarter award and thanked everyone who participated in today's Safety Fair.
11. Council Member Rowe stated it was nice to see everyone gathered at the Community Center for the safety fair and congratulated Michele Linzner for her award.
12. Council Member Huntington thanked Michele Linzner for her hard work with the Town and reported that he recently visited the replacement animal shelter and it looks like it is coming along nicely.
13. Mayor Pro Tem Lombardo congratulated Michele Linzner for being Employee of the Quarter and is happy to see the new playground equipment at the Community Center.
14. Mayor Abel stated he recently met with MBTA. New routes and services are in place and are well received. Abel also reported he will be traveling to Needles to present the Resolution passed earlier this evening.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Town Council will be held on Tuesday, October 15, 2013 at 6:00 pm, in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

With no further business, Mayor Abel adjourned the meeting at 8:40 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
OCTOBER 15, 2013**

OPENING CEREMONIES

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

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

Staff Present: Deputy Town Manager Stueckle, Administrative Services Director Yakimow,
Police Captain Boswell, Town Attorney Laymon, and Town Clerk Copeland

The Pledge of Allegiance was led by Council Member Leone

The Invocation was presented by Pastor Wayne Morrow, Desert Hills Presbyterian Church

PRESENTATIONS

1. **Fire Prevention Week Proclamation**

Mayor Abel presented the Fire Prevention Week Proclamation to San Bernardino County Fire Battalion Chief Gary Bush.

AGENCY REPORTS

2. The Hi Desert Water District monthly Water/Wastewater Report was given by Mark Ban, Operations Manager for Hi Desert Water.

APPROVAL OF AGENDA

Council Member Huntington moved to approve the Yucca Valley Town Council meeting agenda for October 15, 2013. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

3. **Waive** further reading of all ordinances and read by title only.
4. **Adopt** Ordinance No. 243, and repeal Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development

Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTERS 9.60 THROUGH 9.77, PERMIT PROCEDURES AND REPEALING SECTIONS 83.010105 THRU 83.0103.15, SECTIONS 83.010325 THRU 83.010335, SECTION 83.010505, SECTIONS 83.020105 THRU 83.020210, SECTIONS 83.030805 THRU 83.030855, SECTIONS 83.030145 THRU 83.030175, SECTIONS 83.030205 THRU 83.030230, SECTIONS 83.030310 THRU 83.030325, SECTION 83.030405, SECTION 83.030505, SECTION 83.030605 SECTIONS 83.030705 THRU 83.030765, SECTIONS 83.030905 THRU 83.030955 OF DIVISION 3 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE AND SECTIONS 41.151 THRU 41.1569 FROM CHAPTER 15, DIVISION 1 TITLE 4 OF THE YUCCA VALLEY MUNICIPAL CODE.

5. **Adopt** Resolution No. 13-36 for the annual Measure I, Five-Year Capital Improvement Plan and Expenditure Strategy for Fiscal Years 2013/2014 to 2017/2018 under Measure I 2010-2040.
6. **Adopt** Ordinance 244, establishing mandatory spay and neuter regulations for pit bulls and pit bull type dogs.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, ADDING TO TITLE 10 CHAPTER 10.02 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATING TO ANIMAL CONTROL BY ADDING SECTIONS 10.02.175 AUTHORIZING MANDATORY SPAYING AND NEUTERING OF PIT BULLS

7. **Approve** the third amendment to the Subdivision Improvement Agreement, extending the period of time for completion of improvements an additional twenty-four (24) months through November 22, 2015, authorizing release of the Performance and Labor/Material Bonds, and accepting the Irrevocable Standby letters of Credit for the remaining public improvements.
8. **Receive and file** the AB1234 Reporting Requirement Schedule for the month of September 2013
9. **Ratify** the Payroll Registers total of \$142,906.84 for checks dated September 27, 2013; **Ratify** the Warrant Registers total of \$474,209.65 for checks dated October 3, 2013

Mayor Abel opened public comment for the consent items.

Margo Sturges, Yucca Valley commented on expansion thresholds as stated on the proposed Development Code Ordinance (Item 4)

Richard Harwin, Yucca Valley questioned the enforcement capability of the proposed Mandatory Spay and Neutering of Pit Bull and Pit Bull type breed Ordinance. (Item 6)

Gina Corser, Yucca Valley spoke in opposition of the Mandatory Spay and Neutering of Pit Bull and Pit Bull type breed Ordinance. (Item 6)

With no other members of the public wishing to speak, Mayor Abel closed public comment.

Council Member Leone suggested that in the future, additional public discussions would be helpful to review proposed complex ordinances, using Article 4 presented this evening as an example.

Mayor Abel clarified that he was aware of what changes were being proposed at the last meeting with the Article 4 Ordinance was introduced. Mayor also spoke in favor of a spay and neuter voucher program.

Council Member Rowe moved to approved Consent Items 3-9. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

- AYES:** Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

DEPARTMENT REPORTS

10. Recreation Program Review- Summer 2013; Program Offerings Review- Winter 2013-14

Recreation Supervisor Earnest presented a visual review of the 2013 summer activities offered by the Town of Yucca Valley. Administrative Services Director Yakimow gave an overview of revenue and expenditures relating to the summer programs.

Mayor Abel opened public comment. With no members of the public wishing to speak on the item, the public comment period was closed.

Mayor Abel thanked the Recreation and Museum staff for a summer full of wonderful activities.

Council Member Rowe thanked staff for their hard work.

Mayor Pro Tem Lombardo stated he enjoyed the visual presentation and inquired about the attendance compared to prior years.

Council Member Huntington also thanked staff and their dedication in presenting quality programs.

Council Member Leone suggested staff research the possibility of getting the Marine Corps Band from Camp Pendleton for future functions.

Mayor Pro Tem Lombardo moved to receive and file the Recreation Program Review for the 2013 summer period; and review and approve the winter 2013-14 programs and events to be organized and conducted by the Community Services Department. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

11. Affordable Healthcare Act Impact Update

Human Resources and Risk Manager, Debra Breidenbach-Sterling presented a brief update to the Town Council for the Affordable Healthcare Act and how this affects the Town of Yucca Valley's employee benefit program. After review of information available, the Town of Yucca Valley has met all current requirements and there is no employer impact at this time.

Mayor Abel opened public comment. With no members of the public wishing to speak on the item, the public comment period was closed.

Council Member Huntington moved to receive and file the review of the Affordable Healthcare Act impact on the Town's employee benefit program. Council Member Leone seconded. Motion carried 5-0 on a voice vote.

12. Community Center Playground Improvement – Town Project No. 8961 Notice of Completion; JMJ Construction, Inc. Winchester, CA

Town Project Engineer, Alex Qishta presented the staff report explaining the Community Center Playground Improvement project is substantially complete. Town Project No. 8961 included the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. Qishta reported that the project cost was \$206,719.00.

Mayor Able opened public comment. With no members of the public wishing to speak on the item, the public comment period was closed.

Council Member Leone inquired about the type of wood used for the play surfaces.

Council Member Rowe moved to accept the project as substantially complete; authorize

staff to file the Notice of Completion; Authorize the reduction of the Faithful Performance Bond to 10% and; Direct staff to retain the labor and Material Bond for six (6) months for Project No. 8961. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

None stated.

PUBLIC COMMENTS

Margo Sturges, Yucca Valley commented on the need for transparency and spoke in opposition of the use of ad-hoc committees.

Dave Bradley, Yucca Valley presented a petition representing 56 business owners requesting the Town stop construction projects underway for State Highway 62.

Andy Pitts, Yucca Valley spoke in opposition to the projects along State Highway 62 and stated concern with the lack of alternative routes.

Ross Meyers, Yucca Valley spoke in opposition to the projects along State Highway 62 and was concerned about the lack of communication to business owners along the highway.

Richard Harwin, Yucca Valley inquired on the funding sources for the highway projects.

Deputy Town Manager Stueckle spoke on the use of ad-hoc committees and how a full report is brought back to the full council for discussion and review. Stueckle also explained that an outreach program is currently underway for the highway projects, and that no general fund dollars are being used for the highway projects.

Administrative Services Director Yakimow announced the collection of events planned for the upcoming Halloween season.

STAFF REPORTS AND COMMENTS

None Stated

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

13. Council Member Leone commented on the Highway 62 projects.
14. Council Member Rowe thanked the citizens who came out to the workshops for the highway projects. The workshops were very informative.

15. Council Member Huntington commented on County road funding.
16. Mayor Pro Tem Lombardo stated he also attended a recent workshop for the highway projects; found the information very useful and hopes the dialog continues with the public throughout the construction period.
17. Mayor Abel thanked the quilting guild for inviting him to help with their recent fund raising efforts. Abel also thanked the Recreation staff for their hard work in presenting events and activities to the public.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Town Council will be held on Tuesday, November 5, 2013 at 6:00 pm, in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

With no further business, Mayor Abel adjourned the meeting at 7:25 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk

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.

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 October 2013

Date of Travel	Organization	Description	Location
Mayor Abel 10/8/2013	City of Needles	100 Year Anniversary Celebration	Needles, CA
Mayor Pro Tem Lombardo 10/3/2013	Morongo Basin Economic Partnership	Public Safety Forum	Joshua Tree, CA
Councilmember Huntington	No Reportable Meetings		
Councilmember Rowe	No Reportable Meetings		
Councilmember Leone 10/3/2013	Morongo Basin Economic Partnership	Public Safety Forum	Joshua Tree, CA

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Jerry McPheeters, Facility Maintenance Supervisor
Date: November 13, 2013
For Council Meeting: November 17, 2013
Subject: Approval of a Town-wide HVAC Service Agreement

Prior Council Review: This professional services agreement is reviewed annually. There have been no significant changes in the scope or terms of the agreement over the past three years.

Recommendation: That the Town Council approve an expanded professional services agreement providing Town-wide Heating, Ventilation and Air Conditioning (HVAC) maintenance, with Honeywell Building Solutions through June 30, 2016, subject to annual budgetary authorization.

Summary: In 1993, the Town of Yucca Valley entered into a ten-year agreement with Honeywell Business Solutions for the maintenance of the HVAC equipment in the Town's Community Center complex. Following the original term, the agreement has continued on a year-to-year basis. Staff recommendation is for the approval of an expanded professional services agreement for continuation of the service through June 2016, at an annual amount of approximately \$37,000.

Order of Procedure:


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


Discussion: The Town of Yucca Valley has been party to a maintenance agreement for Community Center HVAC mechanical systems with Honeywell Business Solutions since 1993. With the exception of the replaced components and the recently replaced Library main unit, the HVAC equipment in buildings at the Community Center complex is original equipment installed in the early 1970's. Specific knowledge of, and experience with, the equipment and ducting in these buildings is important in order to provide proper system maintenance and to expedite solutions to problems. Through the agreement, Honeywell

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

has provided satisfactory service and response to maintenance issues.

The proposed professional services agreement is an expansion and revision of the prior agreement in place through June 30, 2013. The proposed agreement makes the following modifications to the prior agreement:

1. Covers all HVAC equipment at all Town facilities with the exception of the replacement animal shelter. Prior agreement only covered equipment at the Community Center complex.
2. Covers the replacement of serviceable components and parts that have been found to be defective or failed. Prior agreement was for maintenance only, and not parts or materials.
3. Agreement is provided in conjunction with Southern California Edison's HVAC Optimization Program to assist in efficiency maximization of all Town HVAC assets.
4. Term of the agreement is for a three-year period, subject to annual budgetary appropriation.
5. Cost of the agreement is \$41,546 in year one and includes a 2% escalator in years 2 and 3. The Town will receive a total of \$15,000 in rebate awards from Southern California Edison over the course of the agreement, netting the annual cost to approximately \$37,000. The prior agreement cost was \$25,000 annually.

Historical Summary of HVAC Costs

The following table identifies direct costs associated with HVAC maintenance and repair over the past six years along with a projection for the current fiscal year:

Expenditure Type							Proposed
	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14
Honeywell Service Contract	23,000	23,500	24,000	25,000	25,000	25,000	36,564
Staff Time - non-covered units	5,000	5,000	5,000	5,000	5,000	5,000	250
Honeywell Non Contract Cost	19,155	3,090	3,092	6,185	472	9,000	1,000
Harrison	7,426	3,761	235	852	7,215	13,313	-
Paul's Air Conditioning & Heating	-	4,975	-	6,100	6,700	-	-
Totals	54,581	40,326	32,327	43,136	44,388	52,313	37,814

Additionally, the proposed service agreement will allow staff to ensure that adequate maintenance schedules, activities and adjustments are done on a regular and routine basis for all of the various Town HVAC units. Finally, it will cover the majority of repair costs previously paid for by the Town outside of the scope of prior maintenance agreements.

Alternatives: Pay all maintenance costs directly to vendors as individual service calls; continue with the limited professional services agreement as in prior years, and pay as you go for necessary repairs.

Fiscal impact: The first year agreement amount will be accommodated by the adopted FY 2013-14 budget. The adopted budget includes provision of \$25,000 for service agreements, and the remaining \$17,000 will be funded through a transfer in maintenance budget resulting from a reduction in anticipated repair costs. The Town will receive a rebate of \$15,000 in efficiency incentives, paid in four equal installments over the three-year term of the agreement, netting the annual contract costs to approximately \$37,000.

Attachments: Proposed Honeywell Business Solutions Agreement

Honeywell Building Solutions

SERVICE AGREEMENT

Project Name:
Proposal Number: 921-0000130703
Date:
Agreement Number: 921-40100364

Final

(PROVIDER)

(CUSTOMER)

Honeywell Building Solutions
22 Centerpointe Dr. #100
La Palma, CA 90623

Town of Yucca Valley
57090 29 Palms Hwy
Yucca Valley, CA 92284

Service Location Name: Various Locations
Service Location Address: Various Locations

Scope of Work: HONEYWELL HBS shall provide the following equipment and services ("the Work") in accordance with the attached work scope documents and terms and conditions, which form a part of this Agreement.

- | | |
|---|---|
| <input type="checkbox"/> Preferred Temperature Control Services | <input type="checkbox"/> Site Services |
| <input type="checkbox"/> Flex Temperature Control Services | <input type="checkbox"/> Honeywell Energy Analysis Reporting |
| <input type="checkbox"/> Preferred Automation Maintenance Services | <input checked="" type="checkbox"/> Air Filter Services |
| <input type="checkbox"/> Flex Automation Services | <input type="checkbox"/> Water Treatment Services |
| <input type="checkbox"/> Preferred Fire Alarm Maintenance Services | <input type="checkbox"/> Critical Parts Stocking |
| <input type="checkbox"/> Fire Alarm Test and Inspect Services | <input type="checkbox"/> Thermography Services |
| <input type="checkbox"/> Preferred Security System Inspect Services | <input type="checkbox"/> Emergency Generator Services |
| <input type="checkbox"/> Flex Security System Services | <input type="checkbox"/> In Suite Services |
| <input checked="" type="checkbox"/> Preferred Mechanical Maintenance Services | <input type="checkbox"/> Remote Monitoring/Radionics |
| <input type="checkbox"/> Flex Mechanical Maintenance Services | <input type="checkbox"/> Indoor Air Quality Auditing Services |
| <input type="checkbox"/> ServiceNet™ Remote Monitoring and Control Services | <input type="checkbox"/> Service Management Software |
| <input type="checkbox"/> EBI Services | <input type="checkbox"/> FM Worksite |
| <input type="checkbox"/> Online Services | <input checked="" type="checkbox"/> Other/Special Provisions - SCE Optimization |
| <input type="checkbox"/> Advanced Support | <input type="checkbox"/> Honeywell Users Group |

Contract Term: three (3) years from the Effective Date. Customer _____ Honeywell _____
(INITIALS)

Contract Effective Date:

Price for Year 1: Forty-One Thousand Five Hundred and Sixty-four dollars, (\$ 41,764), (plus applicable taxes).

Payment Terms: quarterly

- Sales Tax will be invoiced separately Use Tax is included in the Price This sale is tax exempt

Renewal: The Contract Term will automatically be renewed for consecutive terms of one year unless terminated by either party by the delivery of written notice to the other at least sixty (60) days prior to the end of such term, or unless terminated as provided herein.

Submitted by HBS: (signature) _____
Name: Ty Carter
Title: Account Executive
Date: _____

This proposal is valid for 30 days.

Acceptance: This proposal and the pages attached shall become an Agreement in accordance with Article 13 below and only upon signature below by an authorized representative of HONEYWELL and CUSTOMER.

Accepted by:
HONEYWELL BUILDING SOLUTIONS

CUSTOMER: (Town of Yucca Valley)

Signature: _____
Name: _____
Title: _____
Date: _____

Signature: _____
Name: _____
Title: _____
Date: _____

Preferred Mechanical Maintenance Services

1.1 Scope - HONEYWELL will maintain the mechanical systems, components, and hardware listed below:

1.2 Preventive Maintenance - Each preventive maintenance call will be scheduled by a computer-generated service report detailing the tasks to perform, the skill levels required, and the special tools and instrumentation required to maintain the systems. Maintenance intervals will be determined by either equipment run time or a frequency determined from consideration of equipment operation, application, location, or criticality of end use. Upon completion of each service call, a summary of the preventive maintenance tasks completed will be provided to CUSTOMER.

1.3 Component Replacements - HONEYWELL will maintain CUSTOMER'S presently installed system within the functional limitations of presently installed hardware, firmware, and software found on CUSTOMER'S system(s).

HONEYWELL will repair or replace serviceable components and parts found on the List of Covered Equipment that have been found to be defective or have failed. Replaced components will be new or reconditioned components of compatible design as required to maintain CUSTOMER'S system. At HONEYWELL'S sole discretion, marginal components may also be repaired or replaced. These replacements will be based upon commercial availability of parts and/or components. All exchanged parts shall become the property HONEYWELL. Automatic valve and damper maintenance and repair are included in this Agreement. The labor required for their removal and installation is not included.

Notwithstanding the foregoing, at initial inspection, at initial seasonal start-up, or following twelve (12) months of service, if any individual component cannot, in the sole or exclusive opinion of HONEYWELL, be properly repaired, due to obsolescence, lack of commercial availability of standard parts, and/or excessive wear or deterioration, HONEYWELL may remove said component from the List of Covered Equipment, with sixty (60) days written notice. Non-maintainable components will be eliminated from coverage under this Agreement and HONEYWELL shall adjust the price accordingly.

1.4 Emergency Service - Activities performed under this Agreement are designed to minimize the incidence of emergency situations. However, should an emergency arise, HONEYWELL personnel will assess the situation either by phone or remote diagnostics, or both, and will determine the required course of action with CUSTOMER. If it is determined that a site visit is required, HONEYWELL personnel will arrive at CUSTOMER site within 4 hours. If the resolution of the emergency service call requires HONEYWELL to provide service for equipment that is not listed in Article 1.1 above, CUSTOMER will be liable for charges prevailing for such service.

Emergency Service will be provided during the following periods during the term of this Agreement (check box for desired level of emergency service coverage):

- Continuous Emergency Service:**
24 hours per day, seven days per week, federal holidays included
- Extended Hours Emergency Service:**
12 hours per day, five days per week, federal holidays excluded.
Specified hours: 6:00 a.m. - 6:00 p.m., Monday through Friday.
- Regular Business Hours Emergency Service:**
8.5 hours per day, five days per week, federal holidays excluded.
Specified hours: 8:00 a.m. - 4:30 p.m., Monday through Friday.

1.5 Performance Review - A review of the Services provided within this Agreement will be performed by HONEYWELL on an annual basis at CUSTOMER'S request. HONEYWELL and CUSTOMER will discuss work performed since the last review, answer questions pertaining to Service delivery, and identify opportunities to further improve performance of the Equipment.

1.6 Honeywell ServicePortal - HONEYWELL will provide customer access to an Internet-based application that will allow the CUSTOMER to securely submit non-emergency service requests online; view status of all service calls, whether scheduled, open or closed; view appointments and task detail of work performed on contracted service calls; and view contract and equipment coverage details (12 month history and includes only service performed per the HONEYWELL contract). Functionality enhancements or deletions are at the discretion of HONEYWELL.

**ADDENDUM A
(FOR PUBLIC ENTITIES)**

The following article is hereby incorporated and made a part of the above referenced Agreement as evidenced by the signatures affixed below:

ARTICLE 8. Appropriations and Essential Use

8.1 CUSTOMER reasonably believes that sufficient funds can be obtained to make all payments for the initial term, as described in Paragraph 3.1. of the Agreement. CUSTOMER hereby covenants that it shall do all things lawfully within its power to obtain funds from which such payments may be made, including making provisions for such payments, to the extent necessary, in each budget submitted for the purpose of obtaining funding, using its bona fide best efforts to have such portion of the budget approved and exhausting all available administrative reviews and appeals in the event such portion of the budget is not approved. It is CUSTOMER'S intent to make the payments for the initial term if funds are legally available therefor and in that regard CUSTOMER represents that (a) the use of the Equipment and Services is essential to its proper, efficient and economic functioning or to the services that is provided to its citizens; (b) CUSTOMER has an immediate need for and expects to make immediate use of substantially all the Equipment and Services, which need is not temporary or expected to diminish in the foreseeable future; and (c) the Equipment and Services shall be used by CUSTOMER only for the purpose of performing one or more of its governmental or proprietary functions consistent with the permissible scope of its authority.

8.2. In the event no funds or insufficient funds are appropriated and budgeted for the acquisition, retention or operation of the Equipment and Services under the Agreement, then CUSTOMER shall, not less than sixty (60) days prior to the end of such applicable fiscal period, in writing, notify HONEYWELL (and its assignee, if any) of such occurrence. The Agreement shall thereafter terminate and be rendered null and void on the last day of the fiscal period for which appropriations were made without penalty, liability or expense to CUSTOMER of any kind, except as to (i) the portions of the payments herein agreed upon for which funds have been appropriated and budgeted or are otherwise available, and (ii) CUSTOMER'S other obligations and liabilities under the Agreement relating to, accruing or arising prior to such termination. In the event of such termination, CUSTOMER agrees to peaceably surrender possession of any Equipment (provided by HONEYWELL under the Agreement) to HONEYWELL (or its assignee, if any) on the date of such termination, packed for shipment in accordance with manufacturer's specifications and eligible for manufacturer's maintenance, and freight prepaid and insured to any location in the continental United States designated by HONEYWELL, all at CUSTOMER'S expense. HONEYWELL (or its assignee, if any) may exercise all available legal and equitable rights and remedies in retaking possession of any Equipment provided by HONEYWELL under this Agreement.

8.3 Notwithstanding the foregoing, CUSTOMER agrees (a) that if the Agreement is terminated in accordance with the preceding paragraph, CUSTOMER shall not purchase, lease or rent equipment which performs the same functions as, or functions taking the place of, those performed by the Equipment nor shall it contract for any services similar to or that take the place of the Services provided under the Agreement, and shall not permit such functions to be performed by its own employees or by any agency or entity affiliated with or hired by CUSTOMER for the balance of the fiscal period in which such termination occurs or the next succeeding fiscal period thereafter, and (b) that it shall not, during the initial term, give priority in the application of funds to any other functionally similar equipment or services.

Except as expressly set forth in this Addendum, all of the terms and conditions of the Agreement remain in full force and effect.

List of Covered Equipment: Town Hall Complex

Quantity	Description	Model Number	Location
1	Rheem RTU – 5 Tons	RJNL-A060CM	Rooftop
1	Rheem RTU – 5 Tons	RRNL-C060CK	Rooftop
1	Carrier RTU – BTU / 4 Ton	585HP048080	Rooftop
1	McQuay Condenser - 40 Tons	RCS045DYY	Ground Mount
1	Airfan AHU	KE3218	Ground Mount
2	Reznors	X250S2Y	Ground Mount
1	McQuay Condenser – 60 Tons	AHP060CD	Ground Mount
1	Airfan AHU (8 Zones)	KE3-317	Ground Mount
3	Reznors	XR250S2Y	Ground Mount
1	McQuay Condenser – 20 Tons	AHP-020CS	Ground Mount
1	Airfan AHU	KE3-117	Ground Mount
1	Reznor	X250S2Y	Ground Mount

List of Covered Equipment: Senior Center

Quantity	Description	Model Number	Location
1	Lennox RTU– 15 Ton	GCS11185376A	Rooftop / Split
2	Landmark IV- 4 Ton	HS 14-413V-IQ	Ground
2	Heater	C5-620	Ground

List of Covered Equipment: Public Works Building A

Quantity	Description	Model Number	Location
1	Lennox RTU – 4 Ton	GCS16-513	Rooftop / Split
1	Lennon RTU – 4 Ton	GCS16-414	Rooftop / Split
1	Lennon RTU – 4 Ton	GCS16-414	Rooftop / Split

List of Covered Equipment: Paradise Park

Quantity	Description	Model Number	Location
1	Rheem RTU - 5 Ton	RGPS-07NAMGR	Ground Mounted / Split

List of Covered Equipment: Jacobs Park

Quantity	Description	Model Number	Location
1	Rheem – 3 Ton	RRPL-B036JK06X	Rooftop/ Split

List of Covered Equipment: California Welcome Center

Quantity	Description	Model Number	Location
1	Carrier Split System – 7 1/2 Tons	38ARZ008	Ground Mount
1	Carrier Split System – 7 1/2 Tons	38AK-008	Ground Mount
1	Carrier Split System – 10 Tons	38AK-012	Ground Mount

Financial Description

Proposed New 3 Year Contract Amount

- Year (1) \$ 41,564.00
- Estimated 3 years \$ 124,833.00
- Less Rebate 3 years..... \$ 109,833.00

Does not include 2% escalation

SCE HVAC Optimization Program

Estimate Rebate..... \$15,000.00

Incentives:

- Your Incentive is based on the HVAC units included in your Maintenance Agreement. Subsequent incentive payments are based on the number of HVAC units that continue to meet all eligibility requirements.
- The Incentive amounts are calculated based on the building and HVAC units' characteristics factors such as the size, age, economizers and number of HVAC units per Site, and documentation provided by you.
- HVAC Optimization energy efficiency measure(s) must be completely performed and fully operational within six (6) months to bring all applicable HVAC units to a minimum performance level from the date that the Maintenance Plan was created. SCE reserves the right to cease making Incentive payment(s), require the return of the total or prorated Incentive payments or terminate this Agreement if the Measure(s) and/or Treatment(s) are not completely installed and fully operational within six (6) months.
- SCE will make the applicable Incentive payment to the designated payee, in four installments, only after all required and/or requested documents have been submitted to, and approved by, SCE, and the appropriate inspection(s) of the Site have been completed in accordance with the rules set forth in the Program's policies and procedures.

General Terms and Conditions

1. WORKING HOURS

Unless otherwise stated, all labor and services under this Agreement will be performed during the hours of 8:00 a.m. - 4:30 p.m. local time Monday through Friday, excluding federal holidays. If for any reason Customer requests Honeywell to furnish any labor or services outside of the hours of 8:00 a.m. - 4:30 p.m. local time Monday through Friday (or on federal holidays), any overtime or additional expenses, such as repairs or material costs not included in this Agreement, will be billed to and paid by Customer.

2. TAXES

2.1 Customer agrees to pay the amount of any new or increased taxes or governmental charges upon labor or the production, shipment, sale, installation, or use of equipment or software which become effective after the date of this Agreement. If Customer claims any such taxes do not apply to transactions covered by this Agreement, Customer shall provide Honeywell with a tax exemption certificate acceptable to the applicable taxing authorities.

2.2 Tax-Related Cooperation. CUSTOMER agrees to execute any documents and to provide additional reasonable cooperation to HONEYWELL related to HONEYWELL tax filings under Internal Revenue Code Section 179D. HONEYWELL will be designated the sole Section 179D beneficiary.

3. PROPRIETARY INFORMATION

3.1 All proprietary information (as defined herein) obtained by Customer from Honeywell in connection with this Agreement will remain the property of Honeywell, and Customer will not divulge such information to any third party without prior written consent of Honeywell. The term "proprietary information" means written information (or oral information reduced to writing), or information in machine-readable form, including but not limited to software supplied to Customer which Honeywell deems proprietary or confidential and characterizes as proprietary at the time of disclosure to Customer by marking or labeling the same "Proprietary," "Confidential", or "Sensitive". The Customer shall incur no obligations hereunder with respect to proprietary information which: (a) was in the Customer's possession or was known to the Customer prior to its receipt from Honeywell; (b) is independently developed by the Customer without the utilization of such confidential information of Honeywell; (c) is or becomes public knowledge through no fault of the Customer; (d) is or becomes available to the Customer from a source other than Honeywell; (e) is or becomes available on an unrestricted basis to a third party from Honeywell or from someone acting under its control; (f) is received by Customer after notification to Honeywell that the Customer will not accept any further information.

3.2 Customer agrees that Honeywell may use nonproprietary information pertaining to the Agreement, and the work performed under the Agreement, for press releases, case studies, data analysis, promotional purposes, and other similar documents or statements to be publicly released, as long as Honeywell submits any such document or statement to Customer for its approval, which will not be unreasonably withheld. Honeywell may, during and after the term of this Agreement, compile and use, and disseminate in anonymous and aggregated form, all data and information related to building optimization and energy usage obtained in connection with this Agreement. The rights and obligations in this Section 3 shall survive termination of this Agreement.

4. INSURANCE OBLIGATIONS

Honeywell shall, at its own expense, carry and maintain in force at all times from the effective date of the Contract through final completion of the work the following insurance. It is agreed, however, that Honeywell has the right to insure or self-insure any of the insurance coverages listed below:

- a) Commercial General Liability Insurance to include contractual liability, products/completed operations liability with a combined single limit of USD \$5,000,000 per occurrence. Such policy will be written on an occurrence form basis;
- b) If automobiles are used in the execution of the Contract, Automobile Liability Insurance with a minimum combined single limit of USD \$5,000,000 per occurrence. Coverage will include all owned, leased, non-owned and hired vehicles.
- c) Where applicable, "All Risk" Property Insurance, including Builder's Risk Insurance, for physical damage to property which is assumed in the Contract.
- d) Workers' Compensation Insurance Coverage A - Statutory limits and Coverage D-Employer's Liability Insurance with limits of USD \$1,000,000 for bodily injury each accident or disease.

Prior to the commencement of the Contract, Honeywell will furnish evidence of said insurance coverage in the form of a Memorandum of Insurance which is accessible at: <http://www.honeywell.com/sites/emea/>. All insurance required in this Article will be written by companies with a rating of no less than "A-, XII" by A.M. Best or equivalent rating agency. Honeywell will endeavor to provide a thirty (30) day notice of cancellation or non-renewal to the Customer. In the event that a self-insured program is implemented, Honeywell will provide adequate proof of financial responsibility.

5. HAZARDOUS SUBSTANCES, MOLD AND UNSAFE WORKING CONDITIONS

5.1 Customer has not observed or received notice from any source (formal or informal) of (a) Hazardous Substances or Mold, either airborne or on or within the walls, floors, ceilings, heating, ventilation and air conditioning systems, plumbing systems, structure, and other components of the Site, or within furniture, fixtures, equipment, containers or pipelines in a Site; or (b) conditions that, to Customer's knowledge, might cause or promote accumulation, concentration, growth or dispersion of Hazardous Substances or Mold on or within such locations.

5.2 Honeywell is not responsible for determining whether the Covered Equipment or the temperature, humidity and ventilation settings used by Customer, are appropriate for Customer and the Site except as specifically provided in an attached Work Scope Document.

5.3 If any such materials, situations or conditions, whether disclosed or not, are in fact discovered by Honeywell or others and provide an unsafe condition for the performance of the work or Services, the discovery of the condition shall constitute a cause beyond Honeywell's reasonable control and Honeywell shall have the right to cease the work or Services until the area has been made safe by Customer or Customer's representative, at Customer's expense. Honeywell shall have the right to terminate this Agreement if Customer has not fully remediated the unsafe condition within sixty (60) days of discovery.

5.4 Customer represents that Customer has not retained Honeywell to discover, inspect, investigate, identify, prevent or remediate Hazardous Substances or Mold or conditions caused by Hazardous Substances or Mold.

5.5 TO THE FULLEST EXTENT ALLOWED BY LAW, CUSTOMER SHALL INDEMNIFY AND HOLD HONEYWELL HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS AND COSTS OF WHATEVER NATURE, INCLUDING BUT NOT LIMITED TO, CONSULTANTS' AND ATTORNEYS' FEES, DAMAGES FOR BODILY INJURY AND PROPERTY DAMAGE, FINES, PENALTIES, CLEANUP COSTS AND COSTS ASSOCIATED WITH DELAY OR WORK STOPPAGE, THAT IN ANY WAY RESULTS FROM OR ARISES UNDER THE BREACH OF THE REPRESENTATIONS AND WARRANTIES IN THIS SECTION, THE EXISTENCE OF MOLD OR A HAZARDOUS SUBSTANCE AT A SITE, OR THE OCCURRENCE OR EXISTENCE OF THE SITUATIONS OR CONDITIONS DESCRIBED IN THIS SECTION, WHETHER OR NOT CUSTOMER PROVIDES HONEYWELL ADVANCE NOTICE OF THE EXISTENCE OR OCCURRENCE AND REGARDLESS OF WHEN THE HAZARDOUS SUBSTANCE OR OCCURRENCE IS DISCOVERED OR OCCURS. THIS INDEMNIFICATION SHALL SURVIVE TERMINATION OF THIS AGREEMENT FOR WHATEVER REASON.

5.6 Customer is responsible for the containment of any and all refrigerant stored on or about the premises. Customer accepts all responsibility for and agrees to indemnify Honeywell against any and all claims, damages, or causes of action that arise out of the storage, consumption, loss and/or disposal of refrigerant, except to the extent Honeywell has brought refrigerant onsite and is directly and solely negligent for its mishandling.

6. WARRANTY AND LIMITATION OF LIABILITY

6.1 Honeywell will replace or repair any product Honeywell provides under this Agreement that fails within the warranty period (one) 1 year because of defective workmanship or materials, except to the extent the failure results from Customer negligence, or from fire, lightning, water damage, or any other cause beyond the control of Honeywell. This warranty applies to all products Honeywell provides under this Agreement, whether or not manufactured by Honeywell. The warranty is effective as of the date of Customer acceptance of the product or the date Customer begins beneficial use of the product, whichever occurs first.

6.2 THE WARRANTIES SET FORTH HEREIN ARE EXCLUSIVE, AND HONEYWELL EXPRESSLY DISCLAIMS AND CUSTOMER EXPRESSLY WAIVES ALL OTHER WARRANTIES, WHETHER WRITTEN OR ORAL, IMPLIED OR STATUTORY, INCLUDING BUT NOT LIMITED TO, ANY WARRANTY OF WORKMANSHIP, CONSTRUCTION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO THE SERVICES, EQUIPMENT, AND MATERIALS PROVIDED HEREUNDER. HONEYWELL SHALL NOT BE LIABLE FOR ANY PROPERTY DAMAGE, PERSONAL INJURY, LOSS OF INCOME, EMOTIONAL DISTRESS, DEATH, LOSS OF USE, LOSS OF VALUE, ADVERSE HEALTH EFFECT OR ANY SPECIAL, INCIDENTAL, INDIRECT, SPECULATIVE, REMOTE, CONSEQUENTIAL, PUNITIVE, OR EXEMPLARY DAMAGES, ARISING FROM, OR RELATING TO, THIS LIMITED WARRANTY OR ITS BREACH.

6.3 Honeywell makes no representation or warranty, express, implied or otherwise, regarding Hazardous Substances or Mold. Honeywell shall have no duty, obligation or liability, all of which Customer expressly waives, for any damage or claim, whether known or unknown, including but not limited to property damage, personal injury, loss of income, emotional distress, death, loss of use, loss of value, adverse health effect or any special, consequential, punitive, exemplary or other damages, regardless of whether such damages may be caused by or otherwise associated with defects in the Services, in whole or in part due to or arising from any investigation, testing, analysis, monitoring, cleaning, removal, disposal, abatement, remediation, decontamination, repair, replacement, relocation, loss of use of building, or equipment and systems, or personal injury, death or disease in any way associated with Hazardous Substances or Mold.

7. INDEMNITY

Honeywell agrees to indemnify and hold Customer and his agents and employees harmless from all claims for bodily injury and property damages to the extent such claims result from or arise under Honeywell's negligent actions or willful misconduct in its performance of the Work required under this Agreement, provided that such indemnity obligation is valid only to the extent (i) Customer gives Honeywell immediate notice in writing of any such claims and permits Honeywell, through counsel of its choice and Honeywell's sole cost and expense, to answer the claims and defend any related suit and (ii) Customer gives Honeywell all needed information, assistance and authority, at Honeywell's expense, to enable Honeywell to defend such suit. Honeywell is not responsible for any settlement without its written consent. Honeywell is not liable for loss or damage caused by the negligence of Customer or any other party or such party's employees or agents. This obligation shall survive termination of this Agreement. Notwithstanding the foregoing, Customer agrees that Honeywell will not be responsible for any damages caused by Mold or any other fungus or biological material or agent, including but not limited to property damage, personal injury, loss of income, emotional distress, death, loss of use, loss of value, adverse health effect or any special, consequential, punitive, exemplary or other damages, regardless of whether such damages may be caused by or otherwise associated with defects in the Services.

8. LIMITATION OF LIABILITY

8.1 IN NO EVENT SHALL HONEYWELL BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, SPECULATIVE, REMOTE, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES, WHETHER ARISING OUT OF OR AS A RESULT OF BREACH OF CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, MOLD, MOISTURE, INDOOR AIR QUALITY, OR OTHERWISE, ARISING FROM, RELATING TO, OR CONNECTED WITH THE SERVICES, EQUIPMENT, MATERIALS, OR ANY GOODS PROVIDED HEREUNDER.

8.2 NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, IF A PORTION OF THE SERVICES INVOLVES THE INSTALLATION AND/OR MAINTENANCE OF SYSTEMS ASSOCIATED WITH SECURITY AND/OR THE DETECTION OF AND/OR REDUCTION OF RISK OF LOSS ASSOCIATED WITH FIRE, HONEYWELL'S TOTAL LIABILITY ARISING OUT OF OR AS A RESULT OF ITS PERFORMANCE UNDER THIS AGREEMENT SHALL NOT EXCEED THE AMOUNT OF THIS AGREEMENT.

9. EXCUSABLE DELAYS

Honeywell is not liable for damages caused by delay or interruption in Services due to fire, flood, corrosive substances in the air, strike, lockout, dispute with workmen, inability to obtain material or services, commotion, war, acts of God, the presence of Hazardous Substances or Mold, or any other cause beyond Honeywell's reasonable control. Should any part of the system or any Equipment be damaged by fire, water, lightning, acts of God, the presence of Hazardous Substances or Mold, third parties or any other cause beyond the control of Honeywell, any repairs or replacement will be paid for by Customer. In the event of any such delay, date of shipment or performance will be extended by a period equal to the time lost by reason of such delay, and Honeywell will be entitled to recover from Customer its reasonable costs, overhead, and profit arising from such delay.

10. PATENT INDEMNITY

10.1 Honeywell shall, at its expense, defend or, at its option, settle any suit that may be instituted against Customer for alleged infringement of any United States patents related to the hardware or software manufactured and provided by Honeywell under this Agreement ("the equipment"), provided that a) such alleged infringement consists only in the use of such equipment by itself and not as part of, or in combination with, any other devices, parts or software not provided by Honeywell hereunder, b) Customer gives Honeywell immediate notice in writing of any such suit and permits Honeywell, through counsel of its choice, to answer the charge of infringement and defend such suit, and c) Customer gives Honeywell all needed information, assistance and authority, at Honeywell's expense, to enable Honeywell to defend such suit.

10.2 If such a suit has occurred, or in Honeywell's opinion is likely to occur, Honeywell may, at its election and expense: a) obtain for Customer the right to continue using such equipment; b) replace, correct or modify it so that it is not infringing; or if neither a) or b) is not reasonable then c) remove such equipment and grant Customer a credit therefore, as depreciated.

10.3 In the case of a final award of damages in any such suit, Honeywell will pay such award. Honeywell will not, however, be responsible for any settlement made without its written consent.

10.4 THIS ARTICLE STATES HONEYWELL'S TOTAL LIABILITY AND CUSTOMER'S SOLE REMEDY FOR ANY ACTUAL OR ALLEGED INFRINGEMENT OF ANY PATENT BY THE HARDWARE MANUFACTURED AND PROVIDED BY HONEYWELL HEREUNDER.

11. SOFTWARE LICENSE

All software provided in connection with this Agreement shall be licensed and not sold. The end user of the software will be required to sign a license agreement with provisions limiting use of the software to the equipment provided under these specifications, limiting copying, preserving confidentiality, and prohibiting transfer to a third party. Licenses of this type are standard for computer-based equipment of the type covered by this Agreement. Customer shall be expected to grant Honeywell access to the end user for purposes of obtaining the necessary software license.

12. DISPUTE RESOLUTION

With the exception of any controversy or claim arising out of or related to the installation, monitoring, and/or maintenance of fire and/or security systems, the Parties agree that any controversy or claim between Honeywell and Customer arising out of or related to this Agreement, or the breach thereof, will be settled by arbitration in a neutral venue, conducted in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. Any award rendered by the arbitrator will be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. Any controversy or claim arising out of or related to the installation, monitoring, and/or maintenance of systems associated with security and/or the detection of, and/or reduction of risk of loss associated with fire will be resolved in a court of competent jurisdiction.

13. ACCEPTANCE

This proposal and the pages attached shall become an Agreement upon signature above by Honeywell and Customer. The terms and conditions are expressly limited to the provisions hereof, including Honeywell's General Terms and Conditions attached hereto, notwithstanding receipt of, or acknowledgment by, Honeywell of any purchase order, specification, or other document issued by Customer. Any additional or different terms set forth or referenced in Customer's purchase order are hereby objected to by Honeywell and shall be deemed a material alteration of these terms and shall not be a part of any resulting order.

14. MISCELLANEOUS

- 14.1 This Agreement represents the entire Agreement between Customer and Honeywell for the Work described herein and supersedes all prior negotiations, representations or Agreements between the Parties related to the work described herein.
- 14.2 None of the provisions of this Agreement shall be modified, altered, changed or voided by any subsequent Purchase Order or other document unilaterally issued by Customer that relates to the subject matter of this Agreement. This Agreement may be amended only by written instrument signed by both Parties.
- 14.3 This Agreement is governed by the law of the State where the work is to be performed.
- 14.4 Any provision or part of this Agreement held to be void or unenforceable under any laws or regulations will be deemed stricken, and all remaining provisions will continue to be valid and binding upon Honeywell and Customer, who agree that this Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
- 14.5 Customer may not assign its rights or delegate its obligations under this Agreement, in whole or in part, without the prior written consent of Honeywell. Honeywell may assign its right to receive payment to a third party.

15. COVERAGE

- 15.1 Customer agrees to provide access to all Equipment covered by this Agreement. Honeywell will be free to start and stop all primary equipment incidental to the operation of the mechanical, control, automation, and life safety system(s) as arranged with Customer's representative.
- 15.2 It is understood that the repair, replacement, and emergency service provisions apply only to the Equipment included in the attached List of Covered Equipment. Repair or replacement of non-maintainable parts of the system such as, but not limited to, ductwork, piping, shell and tube (for boilers, evaporators, condensers, and chillers), unit cabinets, boiler refractory material, heat exchangers, insulating material, electrical wiring, hydronic and pneumatic piping, structural supports and other non-moving parts, is not included under this Agreement. Costs to repair or replace such non-maintainable parts will be the sole responsibility of Customer.
- 15.3 Honeywell will not reload software, nor make repairs or replacements necessitated by reason of negligence or misuse of the Equipment by persons other than Honeywell or its employees, or caused by lightning, electrical storm, or other violent weather or by any other cause beyond Honeywell's control. Honeywell will provide such services at Customer's request and at an additional charge. Customer is entitled to receive Honeywell's then current preferred-Customer labor rates for such services.
- 15.4 Honeywell may install diagnostic devices and/or software at Honeywell's expense to enhance system operation and support. Upon termination of this Agreement, Honeywell may remove these devices and return the system to its original operation. Customer agrees to provide, at its sole expense, connection to the switched telephone network for the diagnostic devices and/or software.
- 15.5 Honeywell will review the Services delivered under this Agreement on an annual basis, unless otherwise noted.
- 15.6 This Agreement assumes that the systems and/or Equipment included in the attached List of Covered Equipment are in maintainable condition. If repairs are necessary upon initial inspection or initial seasonal start-up, repair charges will be submitted for approval. Should these charges be declined, those non-maintainable items will be eliminated from coverage under this Agreement and the price adjusted accordingly.
- 15.7 In the event that the system or any equipment component thereof is altered, modified, changed or moved, this Agreement may be immediately adjusted or terminated, at Honeywell's sole option. HONEYWELL is not responsible for any damages resulting from such alterations, modifications, changes or movement.
- 15.8 Honeywell is not responsible for maintaining a supply of, furnishing and/or replacing lost or needed chlorofluorocarbon (CFC) based refrigerants not otherwise required under this Agreement. Customer is solely responsible for the cost of material and labor of any such refrigerant not otherwise provided for under this Agreement at current market rates.
- 15.9 Maintenance, repairs, and replacement of Equipment parts and components are limited to restoring to proper working condition. Honeywell is not obligated to provide replacement software, equipment, components and/or parts that represent a significant betterment or capital improvement to Customer's system(s) hereunder.
- 15.10 Unless otherwise specified, Customer retains all responsibility for maintaining LANs, WANs, leased lines and/or other communication mediums incidental or essential to the operation of the system(s) or Equipment found included in the attached List of Covered Equipment.
- 15.11 Customer will promptly notify Honeywell of any malfunction in the system(s) or Equipment covered under this Agreement that comes to Customer's attention.

16. TERMS OF PAYMENT

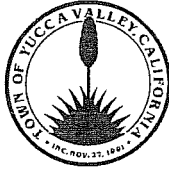
- 16.1 Subject to Honeywell's approval of Customer's credit, Customer will pay or cause to be paid to Honeywell the full price for the Services as specified on the first page of this Agreement. Honeywell will submit quarterly invoices to Customer in advance for Services to be performed during the subsequent billing period, and payment shall be due within twenty (20) days after Customer's receipt of each such invoice. Payments for Services past due more than five (5) days shall accrue interest from the due date to the date of payment at the rate of one and one-half percent (1.5%) per month, compounded monthly, or the highest legal rate then allowed. Customer will pay all attorney and/or collection fees incurred by Honeywell in collecting any past due amounts.
- 16.2 Price Adjustment. Honeywell may annually adjust the amounts charged for the Services provided.

17. TERMINATION

- 17.1 Customer may terminate this Agreement for cause if Honeywell defaults in the performance of any material term of this Agreement, or fails or neglects to carry forward the Services in accordance with this Agreement, after giving Honeywell written notice of its intent to terminate. If, within thirty (30) days following receipt of such notice, Honeywell fails to cure or perform its obligations, Customer may, by written notice to Honeywell, terminate this Agreement.
- 17.2 Honeywell may terminate this Agreement for cause (including, but not limited to, Customer's failure to make payments as agreed herein) after giving Customer written notice of its intent to terminate. If, within thirty (30) days following receipt of such notice, Customer fails to make the payments then due, or otherwise fails to cure or perform its obligations, Honeywell may, by written notice to Customer, terminate this Agreement and recover from Customer payment for Services performed and for losses sustained for materials, tools, construction equipment and machinery, including but not limited to, reasonable overhead, profit and applicable damages.
- 17.3 Cancellation - This Agreement may be canceled at Honeywell's option in the event Honeywell equipment on Customer's premises is destroyed or substantially damaged. Likewise, this Agreement may be canceled at Customer's option in the event Customer's premises are destroyed. In the event of such cancellation, neither party shall be liable for damages or subject to any penalty, except that Customer will remain liable for Services rendered to the date of cancellation.

18. DEFINITIONS

- 18.1 "Hazardous substance" includes all of the following, whether naturally occurring or manufactured, in quantities, conditions or concentrations that have, are alleged to have, or are believed to have an adverse effect on human health, habitability of a Site, or the environment: (a) any dangerous, hazardous or toxic pollutant, contaminant, chemical, material or substance defined as hazardous or toxic or as a pollutant or contaminant under state or federal law, and (b) any petroleum product, nuclear fuel or material, carcinogen, asbestos, urea formaldehyde, foamed-in-place insulation, polychlorinated biphenyl (PCBs), and (c) any other chemical or biological material or organism, that has, is alleged to have, or is believed to have an adverse effect on human health, habitability of a Site, or the environment.
- 18.2 "Mold" means any type or form of fungus or biological material or agent, including mold, mildew, moisture, yeast and mushrooms, and any mycotoxins, spores, yeasts, or by-products produced or released by any of the foregoing. This includes any related or any such conditions caused by third parties.
- 18.3 "Covered Equipment" means the equipment covered by the Services to be performed by Honeywell under this Agreement, and is limited to the equipment included in the respective work scope attachments.
- 18.4 "Services" means those services and obligations to be undertaken by Honeywell in support of, or to maintain, the Covered Equipment, as more fully detailed in the attached work scope document(s), which are incorporated herein.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Sharon Cisneros, Senior Accountant
Date: November 6, 2013
For Council Meeting: November 19, 2013
Subject: Treasurer's Report for the Quarter Ending September 30, 2013
Recommendation: Receive and file the Treasurer's Report for the first quarter of FY 2013-14.

Order of Procedure:

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

Discussion: The investment policy and Town Code of the Town of Yucca Valley requires that quarterly Treasurer's reports be filed with the Town Council. The attached Treasurer's Report is for the 1st Quarter of FY 2013-14, and reflects the composition, value, yield and maturity of the Town's investment portfolio.

Attachments: Treasurer's report 1st quarter FY2013-14

Reviewed By:


Town Manager

Town Attorney


Admin Services


Finance

Department Report
 Consent

Ordinance Action
 Minute Action

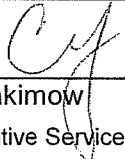
Resolution Action
 Receive and File

Public Hearing
 Study Session

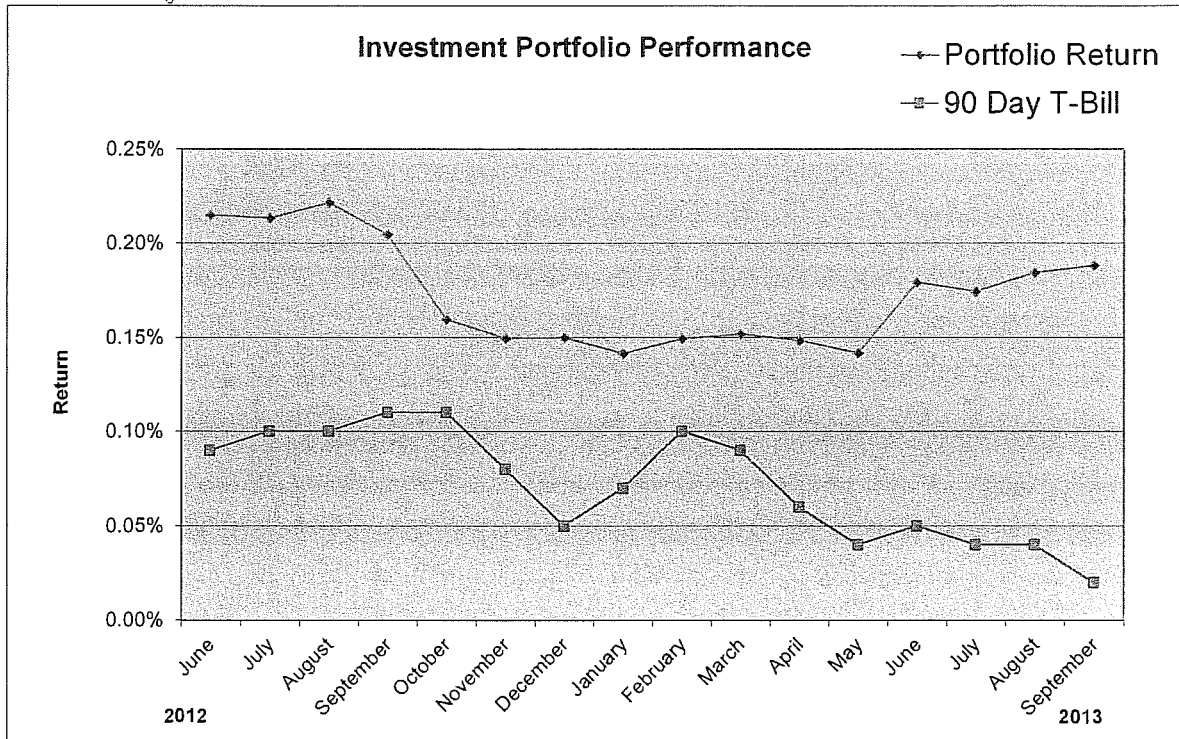
Town of Yucca Valley
Treasurer's Report
As of September 30, 2013

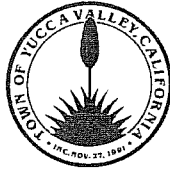
Institution/Investment	Market Value	Percent of Portfolio	Yield	Maturity Date
Pacific Western-Checking Acct	\$ 957,103	5.40%	0.00%	Liquid
Local Agency Investment Fund (LAIF)	10,415,654	58.76%	0.26%	Liquid
Pac Western-Successor Agency	6,350,808	35.83%	0.00%	Liquid
Petty Cash	3,390	0.02%	0.00%	Liquid
Total Cash & Investments	\$ 17,726,955	100.00%	0.15%	Fully Liquid

I certify that to the best of my knowledge, this report accurately reflects all pooled investments, and is in conformity with the Town's investment policy effective February 2010, which complies with the California Government Code. A copy of this investment policy, along with the supporting banking and investment statements, is available in the office of the Town Clerk. This investment program provides sufficient cash flow liquidity to meet the next six months of budgeted expenditures.



Curtis Yakimow
Administrative Services Director





TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council

From: Curtis Yakimow, Director of Administrative Services
Sharon Cisneros, Senior Accountant

Date: November 6, 2013

For Council Meeting: November 19, 2013

Subject: Budget Report for the Quarter Ending September 30, 2013

Recommendation: Receive and file the FY2013-14 First Quarter Budget Report

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


Discussion: The attached report summarizes the Town's General Fund fiscal performance through the first quarter of the current fiscal year. As indicated in the report, the Town's fiscal performance for the first quarter is in line with the levels included in the FY 2013-14 budget as amended for carry forwards on September 17, 2013. Revenue and expenditures are tracking in line with the FY 2013-14 amended budget. Although expenditures track evenly throughout the fiscal year, revenues are normally received later in the year.

At this time, the Town does not expect actual annual fiscal results to vary significantly from the financial plan incorporated in the Fiscal Year 2013-14. As trends become more fully developed in the year, there may be more than a minimal impact on the projected annual revenues, expenditures and fund balance.

Reviewed By:


Town Manager

Town Attorney


Admin Services


Finance

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

Alternatives: None.

Fiscal impact: The Town's first quarter results are currently generally aligned with the financial plan incorporated in the FY 2013-14 amended budget.

Attachments:
First Quarter FY 2013-14 Budget Report



Town of Yucca Valley
First Quarter Budget Report
Fiscal Year 2013-14

September 30, 2013

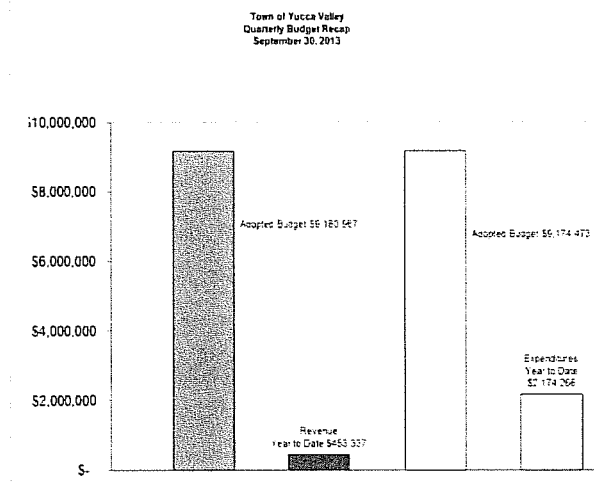
Town of Yucca Valley
First Quarter Budget Report
Fiscal Year 2013-14

Quarterly Financial Highlights

Revenues

- Sales and Use tax decreased from prior year due to a change in accounting which resulted in additional taxes being accrued at end of last fiscal year.

- Property tax revenues are generally not received until after the first quarter of the fiscal year.
- Community development revenues decreased from prior year by over 30% due to a reduction in administrative citation fines received.



Expenditures

- Salaries and benefit expenditures increased from prior year by 3.3% reflecting one time employment related costs. The impact of these charges will decrease over the remainder of the year.
- Major non-personnel expenditure remains Contract safety, accounting for 40% of 1Q expenditures, or \$887,608.
- Other expenditure categories remain in line for the quarter reflecting typical even expenditure patterns throughout the fiscal year.

Upcoming Financial Events

- **November**
- Continued advances and apportionments of Sales & Use and Vehicle License Fee tax revenues.

December

- Presentation of the FY 2012-13 Comprehensive Annual Financial Report
- First major receipts of FY 2013-14 Property tax revenues.
- Continued advances and apportionments of Sales & Use and Vehicle License Tax revenues.

Town of Yucca Valley

**General Fund Revenues and Expenditures
First Quarter Budget Report**

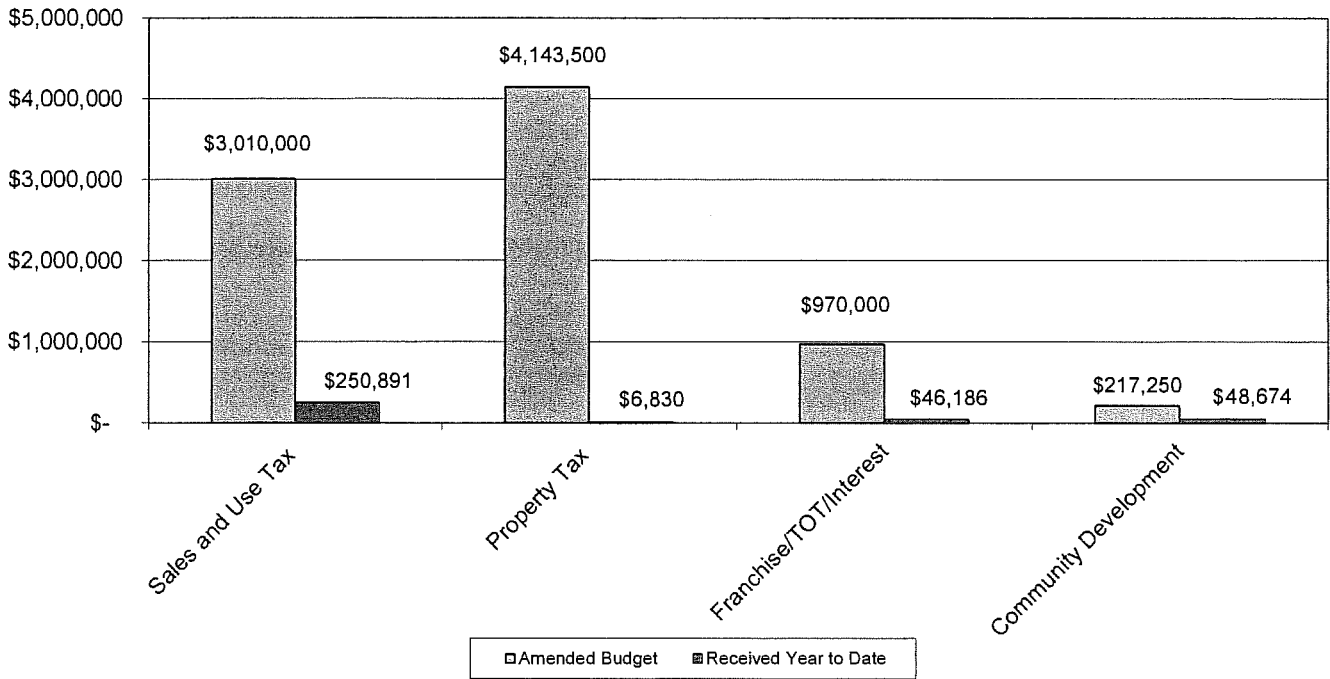
September 30, 2013

	Prior Year FY 2012-13			Current Year FY 2013-14		
	Amended Budget	Revenue Year to Date	% of Budget	Amended Budget	Revenue Year to Date	% of Budget
REVENUES						
Sales and Use Tax	\$ 3,100,000	\$ 393,951	12.71%	\$ 3,010,000	\$ 250,891	8.34%
Property Tax	4,074,000	-	0.00%	4,143,500	6,830	0.16%
Franchise/TOT/Interest	1,008,500	60,256	5.97%	970,000	46,186	4.76%
Community Development	459,000	73,308	15.97%	217,250	48,674	22.40%
Community Services	587,000	71,181	12.13%	620,500	64,809	10.44%
Administrative/Other	251,800	40,564	16.11%	219,717	35,947	16.36%
Total Revenues	\$ 9,480,300	\$ 639,260	6.74%	\$ 9,180,967	\$ 453,337	4.94%
EXPENDITURES						
Personnel Services	\$ 3,414,963	\$ 839,557	24.58%	\$ 2,894,587	\$ 866,956	29.95%
Contract Safety	3,600,711	857,989	23.83%	3,738,000	887,608	23.75%
Operating Supplies and Services	2,108,110	471,234	22.35%	2,049,986	388,546	18.95%
Partnerships	109,000	45,650	41.88%	54,500	13,500	24.77%
Capital Projects	15,000	19,981	133.21%	437,400	17,656	4.04%
Total Expenditures	\$ 9,247,784	\$ 2,234,411	24.16%	\$ 9,174,473	\$ 2,174,266	23.70%

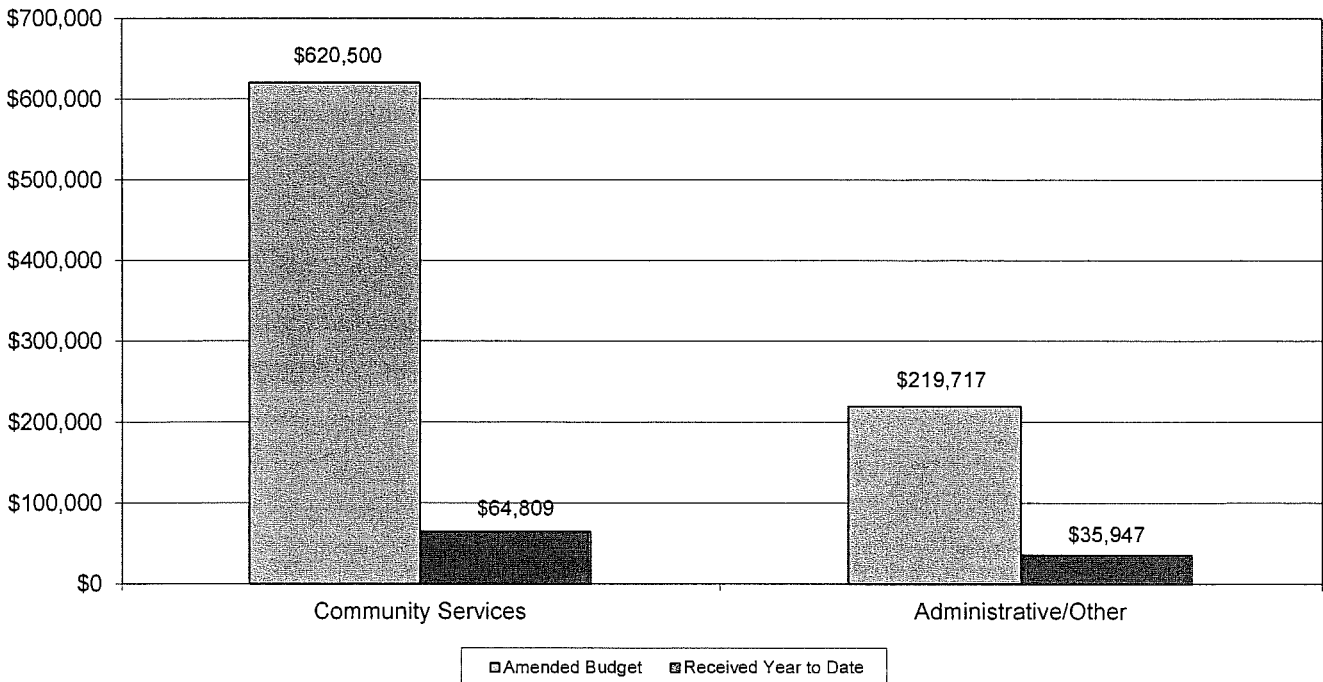
Notes

1. Personnel services actual in FY2013-14 includes one time employment related charges.
2. Amended budget reflects FY2012-13 carryover amounts approved 9/17/13.

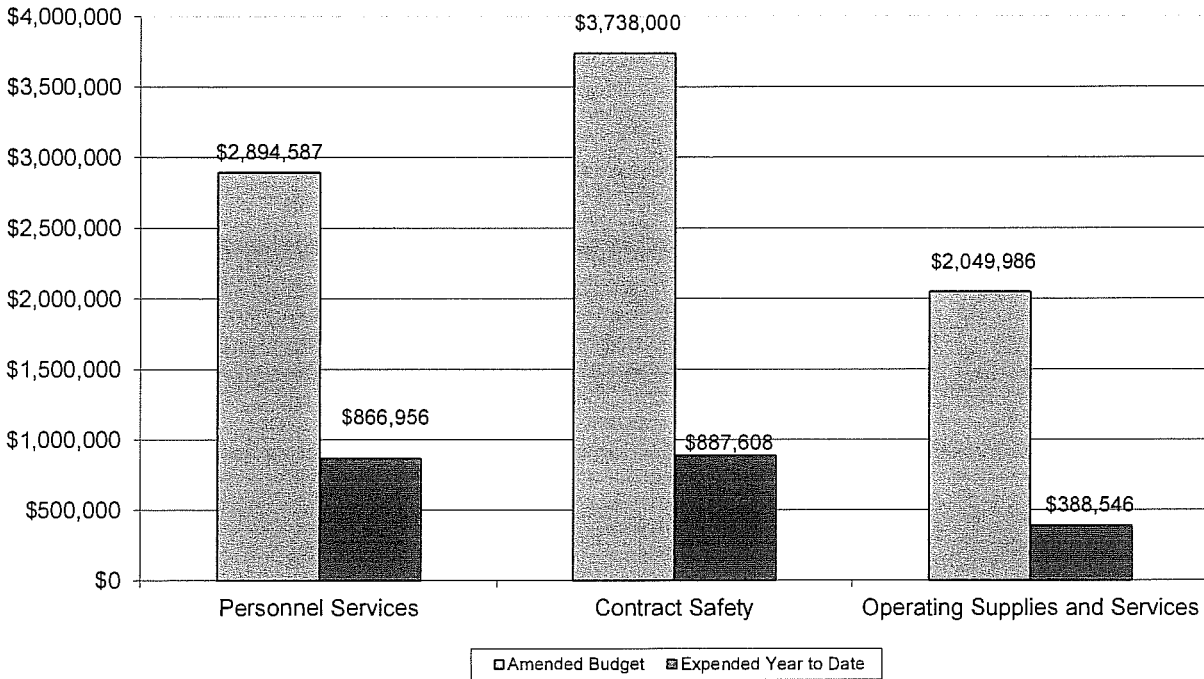
**Town of Yucca Valley
Major Revenue Sources
September 30, 2013**



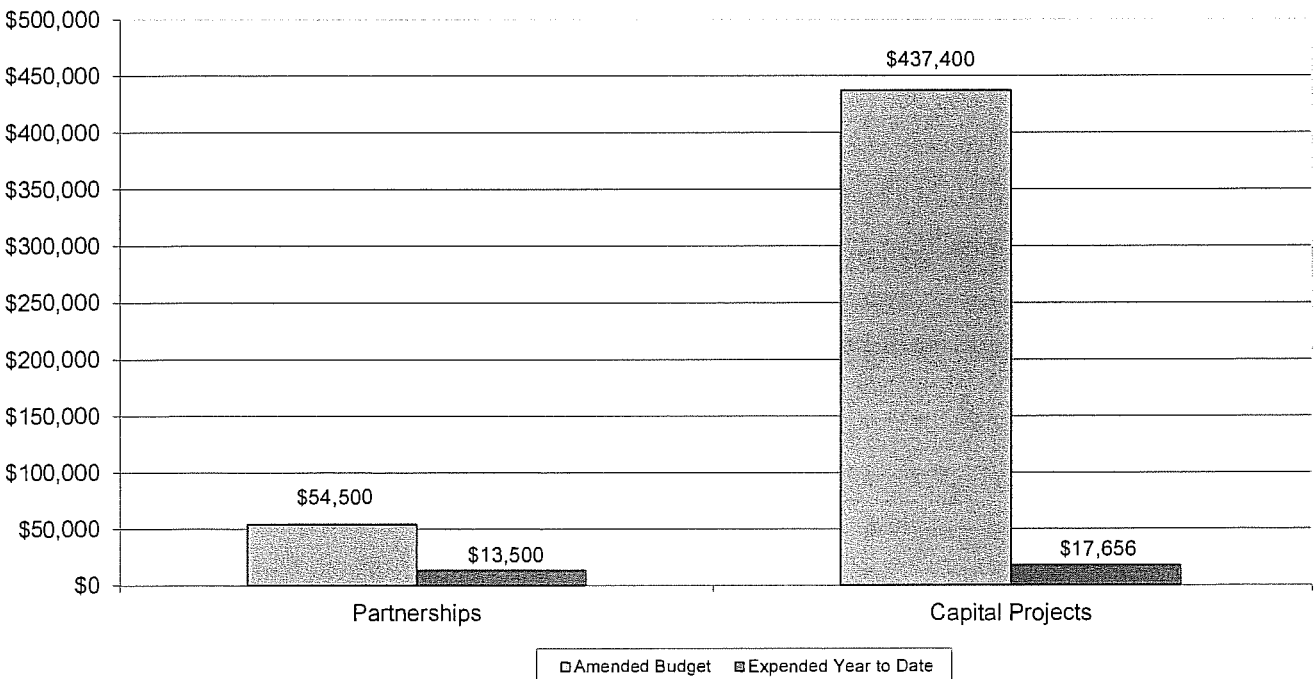
**Town of Yucca Valley
Other Revenue Sources
September 30, 2013**

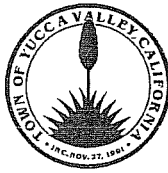


**Town of Yucca Valley
Major Expenditure Categories
September 30, 2013**



**Town of Yucca Valley
Other Expenditure Categories
September 30, 2013**





TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: November 19, 2013
Council Meeting: November 19, 2013

Subject: Warrant Register

Recommendation:

Ratify the Payroll Registers total of \$ 243,095.29 for checks dated October 11, 2013 and October 25, 2013
Ratify the Warrant Registers total of \$ 352,836.30 for checks dated October 17, 2013 and October 31, 2013

Order of Procedure:

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

Attachments:

Payroll Register No. 14 dated October 11, 2013 total of \$ 118,519.14
Payroll Register No. 16 dated October 25, 2013 total of \$ 124,576.15
Warrant Register No. 21 dated October 17, 2013 total of \$ 94,554.88
Warrant Register No. 23 dated October 31, 2013 total of \$ 258,281.42

Reviewed By:


Town Manager

Town Attorney


Admin. Services


Finance

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

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 14
CHECK DATE - October 11, 2013

Fund Distribution Breakdown

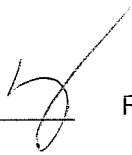
Fund Distribution

General Fund	\$108,191.31
Gas Tax Fund	10,327.83
Successor Agency	<u>0.00</u> **

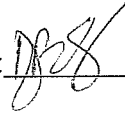
Grand Total Payroll \$118,519.14

****This is not an obligation of the Town of Yucca Valley.**

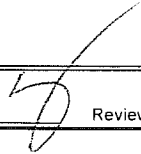
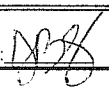
Prepared by P/R & Financial Specialist: _____



Reviewed by H/R & Risk Mgr.: _____



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 14 - Paid 10/11/2013
(September 21, 2013 - October 04, 2013)
Checks: 4763 - 4768

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$3,360.48		\$3,360.48
Direct Deposit	58,151.75	-	58,151.75
Sub-total	61,512.23		61,512.23
<u>Employee Tax Withholding</u>			
Federal	9,766.97		9,766.97
Medicare	1,138.58	1,138.57	2,277.15
SDI - EE	-	-	-
State	2,976.70		2,976.70
Sub-total	13,882.25	1,138.57	15,020.82
<u>Employee Benefit & Other Withholding</u>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	2,172.85	813.29	2,986.14
PERS Survivor Benefit	34.00		34.00
Health Café Plan	1,534.58	11,077.34	12,611.92
American Fidelity Pre-Tax	77.94		77.94
American Fidelity After-Tax	97.40		97.40
American Fidelity-FSA	627.86		627.86
PERS EE - Contribution 6.25 %	160.97		160.97
PERS EE - Contribution 7%	909.05		909.05
PERS EE - Contribution 8%	4,539.64		4,539.64
PERS Retirement - Employer 6.25 %	-	160.97	160.97
PERS Retirement - Employer 7.846 %	-	1,045.27	1,045.27
PERS Retirement - Employer 18.586 %	-	11,070.93	11,070.93
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		799.58	799.58
Other Post Employee Benefit's		2,239.61	2,239.61
Unemployment Insurance		1,404.52	1,404.52
Workers' Compensation		3,210.29	3,210.29
Sub-total	10,164.29	31,821.80	41,986.09
Gross Payroll	\$85,558.77	\$32,960.37	\$118,519.14
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 16
CHECK DATE - October 25, 2013

Fund Distribution Breakdown

Fund Distribution

General Fund	\$114,995.82
Gas Tax Fund	9,580.33
Successor Agency	<u>0.00</u> **

Grand Total Payroll

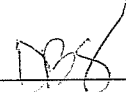
\$124,576.15

****This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 16 - Paid 10/25/2013
 (October 05, 2013 - October 18, 2013)
 Checks: 4769 - 4774


	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$3,387.43		\$3,387.43
Direct Deposit	59,324.07	-	59,324.07
Sub-total	62,711.50		62,711.50
<u>Employee Tax Withholding</u>			
Federal	10,280.59		10,280.59
Medicare	1,201.63	1,201.64	2,403.27
SDI - EE	-	-	-
State	3,011.64		3,011.64
Sub-total	14,493.86	1,201.64	15,695.50
<u>Employee Benefit & Other Withholding</u>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	3,147.32	2,367.42	5,514.74
PERS Survivor Benefit	44.00		44.00
Health Café Plan	1,534.58	12,054.77	13,589.35
American Fidelity Pre-Tax	77.94		77.94
American Fidelity After-Tax	97.40		97.40
American Fidelity-FSA	627.86		627.86
PERS EE - Contribution 6.25 %	160.97		160.97
PERS EE - Contribution 7%	941.67		941.67
PERS EE - Contribution 8%	4,661.92		4,661.92
PERS Retirement - Employer 6.25 %	-	160.97	160.97
PERS Retirement - Employer 7.846 %	-	1,082.79	1,082.79
PERS Retirement - Employer 18.586 %	-	11,369.15	11,369.15
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		772.88	772.88
Other Post Employee Benefit's		2,283.06	2,283.06
Unemployment Insurance		1,453.10	1,453.10
Workers' Compensation		3,321.35	3,321.35
Sub-total	11,303.66	34,865.49	46,169.15
Gross Payroll	\$88,509.02	\$36,067.13	\$124,576.15
Prepared by P/R & Financial Specialist: <i>[Signature]</i>	Reviewed by H/R & Risk Mgr.: <i>[Signature]</i>		


**WARRANT REGISTER # 21
CHECK DATE OCTOBER 17, 2013**


FUND DISTRIBUTION BREAKDOWN

Checks # 43542 to # 43603 are valid:

GENERAL FUND # 001	\$64,614.95
CENTRAL SUPPLIES FUND # 100	\$488.59
CLEEPS HIGH TECH FUND # 504	\$2,388.94
GAS TAX FUND # 515	\$19,670.98
MEASURE I - 2010 -2040 FUND # 524	\$7,140.33
PUBLIC LANDS FEDERAL GRANT FUND # 524	\$41.68
CDBG FUND # 560	\$26.94
CAPITAL PROJECT RESERVE FUND # 800	\$182.47
	<u><u>\$94,554.88</u></u>

Prepared by Shirlene Doten, Accounting Technician II. 

Reviewed by Sharon Cisneros, Senior Accountant 

Approved by Curtis Yakimow, Administrative Services Director 

Town of Yucca Valley

Warrant Register

October 17, 2013

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	43543	Merl Abel	Mileage Expense	\$178.54
	43545	Alpha Omega	Facility Rental Refund	80.00
	43546	AlSCO/American Linen, Inc.	Facilities Operating Supplies	141.47
	43547	Janet Anderson	Professional Svs. & COBRA Liab.	2,085.25
	43548	Arrowhead Mountain Water	Office Supplies	75.72
	43549	Blue Shield of California	Medical Insurance	1,407.56
	43550	Broadcast Music, Inc.	Membership Dues	327.00
	43551	Builders Supply-Yucca Valley	Maintenance Supplies	37.76
	43552	California Building Standards Com.	07-09/13 SB 1473 Fees	10.80
	43553	Calvary Christian Fellowship	Facility Rental Refund	700.00
	43554	Brian Clement	Aquatics Facility Seminar	82.00
	43555	Janine Cleveland	Contract Instructor	280.00
	43556	C.S. Legacy Construction, Inc.	Duplicate Business Registration	56.00
	43557	Data Ticket	Citation Processing	109.00
	43558	Department of Conservation	07-09/13 SMIP Fees	25.03
	43559	Desert Pacific Exterminators, LLC	Exterminator Services	202.00
	43560	Candy Drake	COBRA Liability	437.66
	43562	FedEx	Delivery Service	122.81
	43565	Lori Herbel	Contract Instructor	472.50
	43566	Hi-Desert Air, Inc.	Facilities Maintenance	275.00
	43567	Hi-Desert Water	Water Service	1,291.85
	43568	Hi-Desert Publishing	Ordinance Advertising	435.00
	43569	Hi Desert Round Up	Facility Rental Refund	200.00
	43570	Robert Kirschmann	COBRA Liability	1,557.95
	43571	Legacy Office Products	Office Supplies	151.01
	43572	George Martin	Animal Control Hearing Official	100.00
	43573	Joyce Martini	Aquatics Facility Seminar	202.35
	43575	Morongo Basin Econ. Partnership	Public Safety Forum	60.00
	43576	Bonnie Millage	Recreation Program Refund	25.00
	43577	Mojave Desert & Mtn. JPA	FY 13/14 Member Contribution	4,719.00
	43578	Benno Neeleman	Professional Services	302.50
	43579	Oasis Office Supply, Inc.	Office Supplies	767.45
	43580	Pacific Telemanagement Svs.	Public Phone Service	82.64
	43581	Public Agency Retirement Services	Professional Services	300.00
	43582	Petty Cash	Miscellaneous Supplies	486.61
	43584	Rogers,Anderson, Malody & Scott	Professional Services	5,500.00
	43585	SBCO-Vehicle Services	Fleet Vehicle Inspections	981.75
	43586	SBCO - Hazardous Material Div	10-12/13 Hazardous Waste Svs.	6,920.00
	43587	SCAG	FY 13/14 Membership Dues	2,054.00
	43588	SCE	Electric Service	13,317.72

Town of Yucca Valley

Warrant Register

October 17, 2013

Fund	Check #	Vendor	Description	Amount
	43589	Shor-Line	Shelter Cat Cages	9,996.73
	43590	Simplot Partners, Inc.	Parks Maintenance Supplies	494.64
	43591	So. Cal. Gas Co.	Natural Gas Vehicle Fuel	13.00
	43592	Southwest Networks, Inc.	Technology Support	1,180.00
	43593	Sprint	Cell Phone Service	2.63
	43594	Division of the State Architect	07-09/13 SB 1186 Fee	225.00
	43595	TFI Resources, Inc.	Temporary Employment Svs.	1,515.26
	43596	Trophy Express	Engraving Service	34.02
	43597	Valley Independent	Museum Flyer Printing	302.40
	43598	US Bank Voyager Fleet Systems	Natural Gas Vehicle Fuel	125.43
	43599	Walmart Community	Recreation Supplies	669.77
	43600	Guy Wulf	Sports Referee	375.00
	43601	Yucca Valley Quick Lube, LLC	Fleet Vehicle Maintenance	140.52
	43602	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	38.21
	43603	Z 107.7 Mobile Music	Recreation Program Talent	175.00
	EFT	The Home Depot	Maintenance Supplies	1,079.02
	EFT	First Bankcard	Operating Supplies	1,687.39
Total 001 GENERAL FUND				<u>\$64,614.95</u>
100 INTERNAL SERVICE FUND				
	43564	GE Capital Corporation	Annual Property Tax	\$488.59
Total 100 INTERNAL SERVICE FUND				<u>\$488.59</u>
504 CLEEPS HIGH TECH FUND				
	43561	The Ear Phone Connection	Sheriff's Equipment	\$2,388.94
Total 504 CLEEPS HIGH TECH FUND				<u>\$2,388.94</u>
515 GAS TAX FUND				
	43542	A Cone Zone, Inc.	Street Name Signage	\$348.62
	43544	Ace Alternators	Streets Equipment Maintenance	300.56
	43546	Alsco/American Linen, Inc.	Streets Uniform Service	33.00
	43563	Fred's Tires	Vehicle Maintenance	810.02
	43567	Hi-Desert Water	Water Service	159.88
	43574	Matich Corporation	Streets Maintenance Supplies	3,778.33
	43583	Quality Street Services, Inc.	Street Sweeping Service	13,560.00
	43588	SCE	Electric Service	634.85
	43602	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	45.72
Total 515 GAS TAX FUND				<u>\$19,670.98</u>
524 MEASURE I - 2010-2040 FUND				
	43588	SCE	Electric Service	\$7,140.33
Total 524 MEASURE I - 2010-2040 FUND				<u>\$7,140.33</u>

Town of Yucca Valley

Warrant Register

October 17, 2013

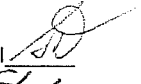

Fund	Check #	Vendor	Description	Amount
527		PUBLIC LANDS FEDERAL GRANT FUND		
	43562	FedEx	Delivery Service	\$41.68
Total 527		PUBLIC LANDS FEDERAL GRANT FUND		\$41.68
560		CDBG FUND		
	43562	FedEx	Delivery Service	\$26.94
Total 560		CDBG FUND		\$26.94
800		CAPITAL PROJECTS RESERVE FUND		
	43567	Hi-Desert Water	Water Service	\$182.47
Total 800		CAPITAL PROJECTS RESERVE FUND		\$182.47
***		Report Total		\$94,554.88

WARRANT REGISTER # 23
CHECK DATE - OCTOBER 31, 2013

FUND DISTRIBUTION BREAKDOWN

Checks # 43604 to # 43685 are valid:

GENERAL FUND # 001	\$165,487.19
INTERNAL SERVICE FUND # 100	\$1,197.00
DEPOSITS FUND # 200	\$2,359.65
COPS-LLESA FUND # 511	\$18,797.54
AB2928 FUND # 513	\$45.81
GAS TAX FUND # 515	\$9,287.35
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$25,168.98
CMAQ FUND # 542	\$29.61
CDBG FUND # 560	\$21,426.80
MELLO ROOS CFD FUND # 583	\$300.00
CAPITAL PROJECT RESERVE FUND # 800	\$14,181.49
GRAND TOTAL	<u><u>\$258,281.42</u></u>

Prepared by Shirlene Doten, Accounting Technician II 
Reviewed by Sharon Cisneros, Senior Accountant 
Approved by Curtis Yakimow, Administrative Services Director _____

Town of Yucca Valley

Warrant Register

October 31, 2013

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	43605	Action Pumping, Inc.	Annual Septic Maintenance	\$ 320.00
	43606	AlSCO/American Linen, Inc.	Facilities Operating Supplies	145.48
	43607	Janet Anderson	Professional Services	240.00
	43608	Arrowhead Mountain Water	Office Supplies	115.07
	43609	ASCE/Am Society of Civil Eng	Membership Renewal	280.00
	43610	AT & T Mobility	Cell Phone Service	304.12
	43611	Boys & Girls Club	Facility Rental Partnership	16,000.00
	43612	Bickmore Risk Services, Inc.	Global Harmonized Sys. Training	750.00
	43613	Builders Supply-Yucca Valley	Maintenance Supplies	148.58
	43614	C & S Electric	Shelter Equipment	36.29
	43615	Vanessa Cantu	Professional Services	2,240.00
	43616	Carquest Auto Parts	Vehicle Maintenance	36.16
	43617	Charles Abbott & Assoc, Inc.	Plan Check Services	21,251.45
	43618	Chevron & Texaco Card Services	Vehicle Fuel	87.29
	43619	Companion Animal Clinic	Veterinary Services & Supplies	911.52
	43620	Corelogics Information Solutions	Property Search Information	155.50
	43621	CSMFO	Finance Seminar Fee	150.00
	43622	Desert Pacific Exterminators, LLC	Exterminator Services	251.00
	43623	Desert Arc	Park Maintenance Services	100.00
	43624	Desert Hot Springs Animal Clinic	Veterinary Services	695.00
	43625	Desert Regional Tourism Agency	FY 13/14 Partnership	6,000.00
	43626	Farmer Bros. Co.	Office Supplies	714.44
	43627	Fatty's Fence	Facilities Maintenance	150.00
	43630	Fulton Distributing Co.	Facilities Maintenance	355.68
	43631	G & K Propane	Shelter Propane Svs.	39.41
	43633	Golden State Overnight	Delivery Service	36.18
	43635	Hardesty Custom Floors	New Shelter Expense	615.24
	43636	HdL Software, LLC	Animal Licensing Software	3,232.85
	43637	Lori Herbel	Contract Instructor	94.50
	43638	Hi-Desert Water	Water Service	313.33
	43639	Hi-Desert Publishing	Legal Notice Advertising	1,329.52
	43640	Intervet, Inc.	Shelter Adoption Supplies	931.07
	43642	Legacy Office Products	Office Supplies	39.07
	43643	Jackson Lewis, LLP	09/13 Professional Svs.	106.00
	43646	Morongo Basin CERT	Program Support	250.00
	43647	Miracle Playground	Animal Shelter Shade Structure	1,836.00
	43648	Morongo Unified School District	Fleet Vehicle Fuel	4,199.95
	43649	Navitas Lease Corp.	Shelter Phone Equipment	527.19
	43651	Oasis Office Supply, Inc.	Office Supplies	1,879.63
	43652	OnTrac	Delivery Service	3.59
	43654	P.A.P.A.	Membership Dues	90.00

Town of Yucca Valley

Warrant Register

October 31, 2013

Fund	Check #	Vendor	Description	Amount
	43658	SBCO - Information Services	09/13 Radio Access	2,058.11
	43659	SBCO Sheriff's Dept	07-09/13 Berkley OT Chgs	8,464.28
	43659	SBCO Sheriff's Dept	07-09/13 Vehicle Expense	12,897.31
	43659	SBCO Sheriff's Dept	07-09/13 Overtime Chgs	12,313.45
	43661	Office of the County Recorder	Pendency Filing Fee	42.00
	43662	SCE	Electric Service	51.31
	43663	Shor-Line	Animal Shelter Equipment	1,950.85
	43664	So. Cal. Gas Co.	Natural Gas Service	544.10
	43665	Southwest Material Handling, Inc.	Equipment Rental	75.60
	43666	Stater Bros	Recreation Program Expense	13.48
	43667	Stotz Equipment	Vehicle Maintenance	254.43
	43668	Tease Shirts	Recreation Program Expense	265.68
	43669	TFI Resources, Inc.	Temporary Employment Svs.	1,559.64
	43670	That Shirt Place	Recreation Program Expense	446.36
	43671	The Planning Center	General Plan Update Svs.	48,649.04
	43672	Richard Thompson	Recreation Trip Refund	120.00
	43674	Trophy Express	Engraving Services	243.59
	43675	Unisource Worldwide, Inc.	Facilities Maintenance Supplies	1,042.02
	43676	Vagabond Welding Supply	Animal Shelter Equipment	1,188.00
	43677	VCA Yucca Valley Animal Hospital	Veterinary Services	1,167.26
	43678	Verizon	Phone Service	3,657.77
	43679	Thomas Vincent	Staff Event Expense	509.87
	43680	Walmart Community	Shelter Supplies	568.02
	43681	Woods Auto Repair	Fleet Vehicle Maintenance	51.50
	43682	Guy Wulf	Recreation Program Expense	300.00
	43684	Yucca Valley Quick Lube, LLC	Fleet Vehicle Maintenance	78.42
	43685	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	13.99
Total 001	GENERAL FUND			\$ 165,487.19
	100 INTERNAL SERVICE FUND			
	43632	GE Capital Corporation	Shelter Copier Lease	\$ 653.67
	43644	Mail Finance	Postage Meter Lease	543.33
Total 100	INTERNAL SERVICE FUND			\$ 1,197.00
	200 DEPOSITS FUND			
	43639	Hi-Desert Publishing	Legal Notice Advertising	\$ 152.15
	43650	NRO Engineering	Engineering Services	2,157.50
	43657	SBCO-Clerk/Board of Supervisors	Filing Fee	50.00
Total 200	DEPOSITS FUND			\$ 2,359.65
	511 COPS-LLESA FUND			
	43659	SBCO Sheriff's Dept	Sweep Programs	\$ 18,732.55
	43673	Time Warner Cable	Internet Access	64.99
Total 511	COPS-LLESA FUND			\$ 18,797.54

Town of Yucca Valley

Warrant Register

October 31, 2013

Fund	Check #	Vendor	Description	Amount
513 AB2928-TCRP FUND				
	43628	FedEx	Delivery Service	\$ 45.81
Total 513	AB2928-TCRP FUND			\$ 45.81
515 GAS TAX FUND				
	43604	Ace Alternators	Streets Equipment Maintenance	\$ 204.12
	43606	Alsco/American Linen, Inc.	Streets Uniform Service	33.00
	43629	Fred's Tires	Vehicle Maintenance	360.00
	43634	Granite Construction, Inc.	Asphalt Recycling Svs.	424.00
	43645	Matich Corporation	Streets Maintenance Supplies	1,816.73
	43655	Quality Street Services, Inc.	Street Sweeping Service	6,235.00
	43683	Yucca Rentals	Streets Equipment Rental	214.50
Total 515	GAS TAX FUND			\$ 9,287.35
527 PUBLIC LANDS FEDERAL GRANT FUND				
	43628	FedEx	Delivery Service	\$ 173.73
	43653	Overland Pacific & Cutler, Inc.	PLHD ROW Services	24,995.25
Total 527	PUBLIC LANDS FEDERAL GRANT FUND			\$ 25,168.98
542 CMAQ FUND				
	43628	FedEx	Delivery Service	\$ 29.61
Total 542	CMAQ FUND			\$ 29.61
560 CDBG FUND				
	43628	FedEx	Delivery Service	\$ 321.80
	43641	JMJ Construction	CC Playground Equipment	20,805.00
	43650	NRO Engineering	Engineering Services	300.00
Total 560	CDBG FUND			\$ 21,426.80
583 MELLO ROOS CFD				
	43660	SBCO-Property Tax Division	Special Assessment District Fee	\$ 300.00
Total 583	MELLO ROOS CFD			\$ 300.00
800 CAPITAL PROJECT RESERVE FUND				
	43656	Quick Crete Product Corp.	Parks Picnic Tables	\$ 14,181.49
Total 800	CAPITAL PROJECT RESERVE FUND			\$ 14,181.49
***	Report Total			\$ 258,281.42

TOWN COUNCIL STAFF REPORT



To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
 Alex Qishta, Project Engineer
Date: November 11, 2013
For Council Meeting: November 19, 2013

Subject: Public Lands Highway Discretionary Funds Project (PLHD)
 SR62, Apache Trail to Palm Avenue – Town Project No. 8661
 Federal Project No. PLHL04-5466(015)
 Award of Bid

Prior Council Review: The PLHD project was initiated in 2004, and there have been numerous Council actions since the inception of the project, including cooperative agreements with Caltrans, contracts with RBF for preparation of Plans, Specifications, and Estimates, funding agreements with the San Bernardino Associated Governments, professional services agreements for right of way consulting services, authorization for SAFETEA-LU grant application submittal and associated efforts. At the September 3, 2013 meeting, the Town Council approved the Notice Inviting Bids and a Resolution for the purpose of advertising and receiving bid for project.

Recommendation: That the Town Council awards the construction contract to Match Corporation, in the amount of \$2,798,000, and authorizes a construction contingency in the amount of \$202,000, for a total contract amount not to exceed \$3,000,000.00, 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; directs staff to request Caltrans approval of project modification to include a left hand turn pocket for east bound traffic at the intersection of SR 62 and Palm Avenue; and directs staff to return to the Town Council in January 2014 with detailed analysis of developing alternative access routes including Pima Trail, between Church Street and Palm Avenue, and the alley, between Palm and Grand.

Executive Summary: Project No. 8661 involves the construction of raised medians on SR 62 between Acoma/Mohawk Trail and Palm Avenue. The project also includes curb, gutter, ADA compliant ramps, and sidewalk improvements from Apache Trail to Palm Avenue. It also includes the construction of a new traffic signal light at Church Street and SR62, modification to the existing traffic signal light at Acoma/Mohawk and SR62, and the installation of street light between Acoma/Mohawk Trail and Palm Avenue.

Reviewed By:	 Town Manager	_____ Town Attorney	 Mgmt Services	SRS _____ Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Town Council action is required to award public works construction contracts.

Order of Procedure:

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

Discussion: The PLHD project will be constructing curb, gutter, sidewalks, street lights and raised median islands on SR 62, between Apache and Palm Avenue, and constructing a traffic signal at SR 62 and Church Street and traffic signal modifications at SR 62 and Acoma/Mohawk.

On October 24, 2013, the Town received one bid for Project 8661 as follow:

BIDDER	BID AMOUNT
Matich Corporation	\$2,798,000.00

The lowest apparent and only bidder is Matich Corporation of San Bernardino, California, with a bid of \$2,798,000.00. The Town has reviewed the only bid package and confirmed that Matich Corporation is the lowest responsible and responsive bidder. If awarded by the Town Council, construction is anticipated to begin in February 2014, and to be substantially complete by June 2014.

The construction period for this project is estimated at four months (120 days). During the construction project, staff will coordinate monthly outreach meetings with the business community to minimize impacts to business operations during the construction process. This project will cause traffic delays on SR 62, and local drivers will be encouraged to use alternative routes during project construction.

Town Staff held public outreach meetings on October 14th, 15th, 23rd and again on the 30th, with the property/business owners who are affected by the project. Following feedback from the business community, items of concern regarded the lack of a left hand turns at SR 62 and Palm Avenue and/or the complete elimination of the median on SR62 and Palm Avenue.

In addition, alternative access improvements were identified as essential to assist property and businesses owners affected by the construction of the raised median islands.

Staff presented two alternatives to Caltrans in reference to the intersection of Palm Avenue and SR62. One option would be to completely eliminate the median from Palm Avenue easterly approximately 300 feet to the proposed end of median. The second option would be to provide a left turn pocket for north turns (eastbound traffic) only. Dual left hand turns are not possible due to the off-set intersection. Staff met with Caltrans personnel whom were completely opposed to the elimination of the raised median; however they were willing to discuss the left turn option.

Town Staff submitted plans of their preferred option to Caltrans. If Caltrans agrees with the left turn pocket modification it is assumed the changes to the plans can be made prior to the start of construction therefore not delaying the project start date. Town Staff has no further recommendations or suggested action at this time, and are awaiting feedback from Caltrans.

Staff also evaluated the improvement to the alleys and prepared a preliminary rough construction cost estimate for both potential projects.

Alley north of SR 62 between Palm Ave & Grand Ave.	\$69,325.00
Pima Trail, approximately 500' east of Church Street To Palm Avenue	\$104,200.00

Neither of these segments are included in the Town's Maintained Road System, therefore there has been no maintenance performed. The recommendation action includes staff returning to the Town Council in January with a detailed analysis of how these two road segments may be addressed to improve off-highway circulation.

Alternatives: Staff recommends no alternative action.

Fiscal impact: The estimated project costs, as well as available funding in the adopted 2013-2014 Capital Projects Budget, are summarized below.

	<u>Estimated Project Cost</u>
Base Bid Amount	\$2,798,000.00
Construction Contingency	\$162,000.00
Total Contract Work	\$2,960,000.00

Funding

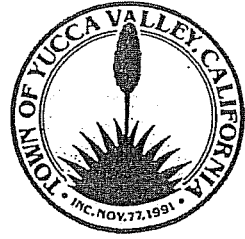
Fund 527 – PLHD	\$2,964,447.00
Total Project Funding	\$2,964,447.00

Staff will value engineer components of the project to ensure project delivery below the adopted budget.

- Attachments:**
- Bid Summary List
 - Matich Corporation Bid
 - Historical Project Information

TOWN OF YUCCA VALLEY
BID OPENING LOG SHEET

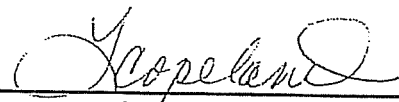
BID OPENING DATE: October 24, 2013, 3:00 p.m.



PROJECT DESCRIPTION:

SR62 Traffic & Pedestrian Safety Improvements (PLHD);
Town Project No. 8661

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>BID BOND</u>
1. <u>Matick, Inc</u>	<u>2,798,000⁰⁰</u>	<u>10%</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____



Lesley Copeland
Town Clerk

CC: *Town Clerk (1)*
Initiating Department (2)

CONTRACTOR'S PROPOSAL

Matich Corporation

Company

1596 Harry Sheppard Blvd.

Address

San Bernardino, CA 92406

909 382-7400

Telephone Number

149783

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 8661: SR62 TRAFFIC & PEDESTRIAN SAFETY IMPROVEMENTS, FEDERAL PROJECT NO. PLHL04-5466(015), 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. *
G	PRS INC	Yucca Valley	A	
STORM DRAIN	SURINA CONSTR	BLOOMINGTON, CA	B	
STRIPING	CAL STRIPE	COTTON, CA	A	
LANDSCAPE	PRG	PERRIS, CA	A	

* 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 **One Hundred Twenty (120) calendar days** from the execution of the first contract. **Project must be completed by April 30, 2014.**

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 A: General Engineering Contractor

SCHEDULE OF WORK ITEMS "A"
 Project No. 8661,
 SR62 Traffic & Pedestrian Safety Improvements
 Federal Project No. PLHL04-5466(015)

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
<u>EARTHWORK</u>					
1	1	LS	Develop Water Supply <u>THREE THOUSAND DOLLARS</u>	<u>3,000-</u>	<u>3,000-</u>
2	1	LS	General Overhead and Mobilization / Demobilization <u>ONE HUNDRED THIRTY THOUSAND NINE HUNDRED DOLLARS</u>	<u>130,900-</u>	<u>130,900-</u>
3	1,200	CY	Earthwork <u>NINE DOLLARS</u>	<u>9-</u>	<u>10,800-</u>
4	2,500	CY	Roadway Excavation <u>FOURTEEN DOLLARS</u>	<u>14</u>	<u>35,000-</u>
5	1	LS	Clearing & Grubbing <u>THIRTY ONE THOUSAND THREE HUNDRED DOLLARS</u>	<u>31,300</u>	<u>31,300-</u>
<u>ROADWAY</u>					
6	35,000	SY	Cold Plane Asphalt Concrete Pavement <u>ONE DOLLAR SIXTY CENTS</u>	<u>160</u>	<u>56,000-</u>
7	4,600	LF	Remove Concrete Curb & Gutter <u>FIVE DOLLARS SEVENTY FIVE CENTS</u>	<u>5⁷⁵</u>	<u>26,450-</u>
8	10,000	SF	Remove Concrete Sidewalk <u>SEVENTY FIVE CENTS</u>	<u>0⁷⁵</u>	<u>7,500-</u>
9	13,000	SF	Remove Concrete Driveway <u>EIGHTY CENTS</u>	<u>0⁸⁰</u>	<u>10,400-</u>
10	200	LF	Remove Concrete Gutter <u>FIVE DOLLARS SEVENTY FIVE CENTS</u>	<u>5⁷⁵</u>	<u>1,150-</u>
11	35,000	SF	Remove Asphalt Concrete (Misc. Areas) <u>EIGHTY CENTS</u>	<u>0⁸⁰</u>	<u>28,000-</u>
12	1,000	LF	Remove Asphalt Concrete Dike <u>ONE DOLLAR SEVENTY CENTS</u>	<u>1⁷⁰</u>	<u>1,700-</u>

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
13	1,000	CY	Furnish & Install Class 3 Aggregate Base <u>NINETY NINE DOLLARS</u>	<u>99-</u>	<u>99,000-</u>
14	6	TON	Furnish & Install Liquid Asphalt (Prime Coat) <u>NINETY DOLLARS</u>	<u>90-</u>	<u>540-</u>
15	6	TON	Furnish & Install Tack Coat <u>ONE HUNDRED DOLLARS</u>	<u>100-</u>	<u>600-</u>
16	5,000	TON	Furnish & Install Hot Mix Asphalt (Type A-3/4 Max. Aggregate Sz.) <u>NINETY THREE DOLLARS AND SIXTY FIVE CENTS</u>	<u>93.65-</u>	<u>468,250-</u>
17	150	CY	Install Minor Concrete (Curb-Type B1-6) <u>FOUR HUNDRED TEN DOLLARS</u>	<u>410-</u>	<u>61,500-</u>
18	400	CY	Install Minor Concrete (C&G-Type A2-8) <u>THREE HUNDRED FOURTEEN DOLLARS</u>	<u>314-</u>	<u>125,600-</u>
19	50	CY	Install Retaining Curb <u>SIX HUNDRED EIGHT DOLLARS</u>	<u>608-</u>	<u>30,400-</u>
20	400	CY	Install Sidewalk <u>THREE HUNDRED SIXTY FIVE DOLLARS</u>	<u>365-</u>	<u>146,000-</u>
21	400	CY	Install Driveway <u>THREE HUNDRED FORTY EIGHT DOLLARS</u>	<u>348-</u>	<u>139,200-</u>
22	30	CY	Install Curb Ramp <u>FIVE HUNDRED FIFTY DOLLARS</u>	<u>550-</u>	<u>16,500-</u>
23	100	LF	Remove, Salvage & Reconstruct Chain Link Fence <u>SIXTY DOLLARS</u>	<u>60-</u>	<u>6,000-</u>
<u>DRAINAGE</u>					
24	4	EA	Remove Flared End Section <u>SEVEN HUNDRED SEVENTY DOLLARS</u>	<u>770-</u>	<u>3,080-</u>

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
25	50	LF	Furnish & Install Corrugated Steel Pipe Arch (35"x24") <u>ONE HUNDRED TWENTY NINE DOLLARS</u>	<u>129-</u>	<u>6,450-</u>
26	2	EA	Furnish & Install Corrugated Steel Pipe Arch Flared End Section (35"x24") <u>TWO THOUSAND DOLLARS</u>	<u>2,000-</u>	<u>4,000-</u>
27	200	CY	Install Concrete Minor Structure <u>FIVE HUNDRED TWENTY DOLLARS</u>	<u>520-</u>	<u>104,000-</u>
28	10	CY	Install Channel Lining <u>SIX THOUSAND DOLLARS</u>	<u>6,000-</u>	<u>60,000-</u>
29	50	CY	Install Minor Concrete (Backfill) <u>ONE HUNDRED THIRTY SIX DOLLARS</u>	<u>136-</u>	<u>6,800-</u>
30	150	LF	Furnish & Install Corrugated Steel Pipe Arch (24"x18") <u>ONE HUNDRED EIGHT DOLLARS</u>	<u>108</u>	<u>16,200-</u>
31	4	EA	Furnish & Install Corrugated Steel Pipe Arch Flared End Section (24"x18") <u>TWO THOUSAND DOLLARS</u>	<u>2,000</u>	<u>8,000-</u>
32	1,500	LB	Furnish & Install Misc. Iron and Steel <u>ONE DOLLAR</u>	<u>1-</u>	<u>1,500-</u>

SPECIALTY ITEMS

33	1	LS	Utility Coordination <u>TWENTY THOUSAND DOLLARS</u>	<u>20,000-</u>	<u>20,000-</u>
34	1	LS	Prepare Storm Water Pollution Prevention Plan (SWPPP) <u>ONE THOUSAND DOLLARS</u>	<u>1,000-</u>	<u>1,000-</u>
35	1	LS	Prepare Storm Water Annual Report <u>ONE THOUSAND DOLLARS</u>	<u>1,000-</u>	<u>1,000-</u>
36	1	LS	Prepare Lead Compliance Plan <u>THREE THOUSAND SEVEN DOLLARS</u>	<u>3,007-</u>	<u>3,007-</u>

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
37	1 <i>ONE HUNDRED</i>	LS	Provide Construction Site Management <i>FIFTY FOUR THOUSAND DOLLARS</i>	<i>154000</i>	<i>154000</i>
38	4,000	FT	Furnish & Install Gravel Bag Berm <i>TWO DOLLARS</i>	<i>2-</i>	<i>8000</i>
39	2,300	SF	Furnish & Install Temporary Cover (Geotextiles, Plastic Covers, Recept) <i>TWO DOLLARS</i>	<i>2-</i>	<i>4600</i>
40	1	LS	Provide Street Sweeping <i>FORTY SEVEN THOUSAND DOLLARS</i>	<i>47,000-</i>	<i>47,000-</i>
41	7	EA	Provide Temporary Concrete Washout Bin <i>THREE HUNDRED DOLLARS</i>	<i>300-</i>	<i>2,100-</i>
42	12,000	SF	Temporary Soil Binders <i>FIFTEEN CENTS -</i>	<i>0.15</i>	<i>1800-</i>

TRAFFIC ITEMS

43	1	LS	Traffic Control System <i>THIRTY SEVEN THOUSAND DOLLARS</i>	<i>37,000</i>	<i>37,000-</i>
44	2	EA	Furnish & Install Construction Signs (with posts) <i>ONE THOUSAND DOLLARS</i>	<i>1,000-</i>	<i>2,000-</i>
45	1	LS	Traffic Control <i>FORTY THOUSAND DOLLARS</i>	<i>40,000-</i>	<i>40,000-</i>
46	410	EA	Furnish & Install Channelizer (Surface Mounted) <i>TWENTY SIX DOLLARS</i>	<i>26 -</i>	<i>10,660-</i>
47	3,000	LF	Remove Thermoplastic Traffic Strip <i>ONE DOLLAR</i>	<i>1-</i>	<i>3,000-</i>
48	6,500	LF	Remove Yellow Thermoplastic Traffic Strip (Hazardous Waste) <i>ONE DOLLAR</i>	<i>1-</i>	<i>6,500-</i>
49	1	LS	Disposal of Yellow Thermoplastic Strip <i>THREE THOUSAND DOLLARS</i>	<i>3,000</i>	<i>3,000-</i>

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
50	500	SF	Remove Thermoplastic Pavement Marking <u>TWO DOLLARS FIFTY CENTS</u>	<u>250</u>	<u>1250-</u>
51	10	EA	Remove Roadside Sign <u>ONE HUNDRED THREE DOLLARS</u>	<u>103-</u>	<u>1030-</u>
52	16	EA	Relocate Roadside Sign - One Post <u>TWO HUNDRED FIFTY DOLLARS</u>	<u>250-</u>	<u>4000-</u>
53	3	EA	Relocate Roadside Sign - Two Post <u>ONE THOUSAND TWO HUNDRED DOLLARS</u>	<u>1200-</u>	<u>3600-</u>
54	55	EA	Furnish & Install Roadside Sign - One Post <u>THREE HUNDRED FORTY DOLLARS</u>	<u>340-</u>	<u>18700-</u>
55	2	EA	Furnish & Install Sign (Strap & Saddle Bracket Method) <u>TWO HUNDRED SIXTY DOLLARS</u>	<u>260-</u>	<u>520-</u>
56	4	EA	Furnish & Install Object Marker (Type K-1) <u>TWO HUNDRED FIFTY DOLLARS</u>	<u>250-</u>	<u>1000-</u>
57	41	EA	Furnish & Install Object Marker (Type N) <u>EIGHTY THREE DOLLARS</u>	<u>83-</u>	<u>3403-</u>
58	11,000	LF	Furnish & Install Thermoplastic Traffic Stripe 4" <u>SEVENTY TWO CENTS</u>	<u>072</u>	<u>7920-</u>
59	700	LF	Furnish & Install Thermoplastic Traffic Strip 8" <u>TWO DOLLARS</u>	<u>2-</u>	<u>1400-</u>
60	1,200	LF	Furnish & Install Thermoplastic Stripe 12" <u>THREE DOLLARS</u>	<u>3-</u>	<u>3600-</u>
61	1,000	SF	Furnish & Install Pavement Marking <u>FIVE DOLLARS SIXTY CENTS</u>	<u>580</u>	<u>5800-</u>

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
62	2,000	LF	Furnish & Install Traffic Strip 4" (Broken 17-7) <u>SEVENTY CENTS</u>	<u>070</u>	<u>1,400-</u>
63	1	LS	Furnish & Install Pavement Marker (Retro reflective) <u>ONE THOUSAND EIGHT HUNDRED DOLLARS</u>	<u>1,800</u>	<u>1,800-</u>
64	1	LS	Furnish & Install New Signal & Lighting At SR62 and Church Avenue. <u>ONE HUNDRED SIXTY FIVE THOUSAND DOLLARS</u>	<u>165,000-</u>	<u>165,000-</u>
65	1	LS	Modify Signal & Lighting at SR62 and Acoma/Mohawk <u>ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS</u>	<u>105,000-</u> 175,000-	<u>105,000-</u> 175,000-
		RMM			RMM
66	1	LS	Street Lighting Conduits <u>EIGHTY SEVEN THOUSAND DOLLARS</u>	<u>87,000</u>	<u>87,000</u>

LANDSCAPING & IRRIGATION ITEMS

67	230	LF	Furnish & Install Irrigation Sleeve <u>NINETEEN DOLLARS</u>	<u>19-</u>	<u>4,370-</u>
68	370	LF	Furnish & Install Corrugated High Density Polyethylene Pipe Conduit 8" <u>THIRTY SIX DOLLARS</u>	<u>66-</u> 36	<u>24,420-</u> 13,320
		RMM			RMM
69	1,200	SF	Furnish & Install Minor Concrete (Exposed Aggregate Concrete) <u>THREE DOLLARS</u>	<u>3-</u>	<u>3,600-</u>
70	400	SY	Furnish & Install Rock Blanket <u>ONE HUNDRED TWENTY DOLLARS</u>	<u>120-</u>	<u>48,000-</u>
71	10,000	SF	Furnish & Install Decomposed Granite (Misc. Areas) <u>FIVE DOLLARS ONE CENTS.</u>	<u>509</u>	<u>50,900-</u>
72	300	CY	Furnish & Install Imported Topsoil <u>FIFTY ONE DOLLAR FIFTY CENTS</u>	<u>5150</u>	<u>15,450-</u>
73	1	LS	Furnish & Install Highway Planting <u>FIFTY THOUSAND DOLLARS</u>	<u>50,000</u> 20,000	<u>50,000</u> 20,000
		RMM			RMM
			<u>TWENTY THOUSAND DOLLARS</u> <u>FIVE THOUSAND DOLLARS</u>		

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
74	1	LS	Furnish & Install Roadside Clearing <u>TWENTY FIVE THOUSAND DOLLARS</u>	<u>25,000</u>	<u>25,000</u>
75	1	LS	Furnish & Install Irrigation System <u>FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS</u>	<u>5,750</u>	<u>5,750</u>
76	1	LS	Furnish & Install Plant Establishment Work (12 month) <u>TWELVE THOUSAND DOLLARS</u>	<u>12,000</u>	<u>12,000</u>
77	1	EA	Furnish & Install Water Meter (1") <u>TWENTY THREE THOUSAND SIX HUNDRED RAM TWENTY DOLLARS</u>	<u>23,600</u>	<u>23,600</u>
78	1	LS	Apply Pesticides <u>TEN THOUSAND DOLLARS</u>	<u>10,000</u>	<u>10,000</u>

SUPPLEMENTAL ITEMS

79	1	LS	Furnish & Install Resident Engineer Office/Trailer <u>ONE THOUSAND DOLLARS</u>	<u>1,000</u>	<u>1,000</u>
80	1	LS	Additional Pollution Control Work <u>DM 27 TWENTY SEVEN THOUSAND DOLLARS</u>	<u>27,000</u>	<u>27,000</u>
81	1	LS	Storm Water Sampling & Analysis <u>ONE THOUSAND DOLLARS</u>	<u>1,000</u>	<u>1,000</u>
82	1	LS	Maintain Existing Electrical System <u>TWO THOUSAND DOLLARS</u>	<u>2,000</u>	<u>2,000</u>
83	1	EA	Construction Survey <u>TWENTY FIVE THOUSAND DOLLARS</u>	<u>25,000</u>	<u>25,000</u>
84	25,000	SF	Install Stamped Concrete in Medians (Texture Paving) <u>FIVE DOLLARS SQUARE FEET</u>	<u>5</u>	<u>140,000</u>
85	1	EA	Implement COZEEP Contract <u>TWENTY ONE THOUSAND DOLLARS</u>	<u>21,000</u>	<u>21,000</u>

TOTAL BASIC BID ITEMS 1-85 (IN FIGURES):

~~2,798,000~~ 2,798,000
RMM

TOTAL BASIC BID ITEMS 1-85 (IN WORDS):

TWO MILLION SEVEN HUNDRED NINETY EIGHT THOUSAND DOLLARS

BIDDER: Matich Corporation

BY: Matich Corporation

DATE October 10, 2013

See Attached Corporate Resolution

(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.)

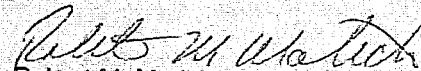
See Attached Corporate Resolution

1598 Harry Sheppard Blvd.

San Bernardino, CA 92408

Business Address

Dated: October 10, 2013

By: 
Robert M. Matich Vice President

By: _____

By: _____

CORPORATE RESOLUTION

At a meeting of the Board of Directors of MATICH CORPORATION, a California Corporation duly called and held on the 1st day of October 2013, a quorum being present, the following RESOLUTION was adopted:

“Resolved, the Corporate Officers for Matich Corporation are

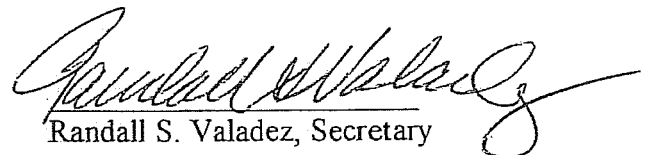
PRESIDENT	Stephen A. Matich
VICE PRESIDENT & TREASURER	Randall S. Valadez
VICE PRESIDENT & CORPORATE SECRETARY	Randall S. Valadez
VICE PRESIDENT – ENGINEERING	Robert M. Matich

FURTHER RESOLVED, that the above listed Corporate Officers are duly authorized to sign documents (bids, contracts, etc.) as may be necessary on behalf of MATICH CORPORATION

I, Randall S. Valadez, Secretary of MATICH CORPORATION have compared the foregoing RESOLUTION with original thereof, as it appears on the records of the Board of Directors of said company, and do so certify that the same is a true and correct transcript there from, and of the whole said original RESOLUTION.

I further certify that said RESOLUTION has not been amended or revoked and is still in full force and effect.

IN WITNESS THEREOF, I have hereunto set my hand as such Secretary this 1st day of October, 2013.


Randall S. Valadez, Secretary

NON-COLLUSION AFFIDAVIT

To: The Town of Yucca Valley:

State of California)
County of San Bernardino) ss.

Robert M. Match, being first duly sworn, deposes and says that he or she is Vice President of Match Corporation 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.

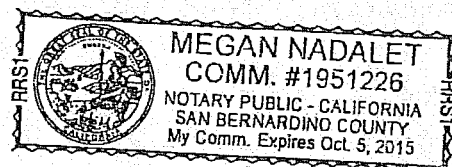
Robert M. Match
Robert M. Match Signature Vice President

STATE OF CALIFORNIA)
COUNTY OF) ss.

Subscribed and sworn to before me this 10 day of October, 2013.

Megan Nadalet
Notary Public in and for the County of San Bernardino, State of California.

My Commission expires October 5, 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 10 day of October, 2013, at San Bernardino, California.
(place of execution)



Signature

Robert M. Matich

Name (print or type)

Vice President

Title

Match Corporation

Name of company

BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE) - PART I

The bidder shall list all subcontractors (both DBE and non-DBE) in accordance with Section 2-1.054 of the Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE Subcontractors elsewhere in the proposal. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP	Phone/ Fax		Annual Gross Receipts	Description of Portion of Work to be Performed	Local Agency Use Only (Certified DBE?) YES NO If YES list DBE #:
	Phone	Fax			
Name Address City State ZIP	Phone Fax		<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	Age of Firm (Yrs.) YES NO If YES list DBE #:	
Name Address City State ZIP	Phone Fax		<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	Age of Firm (Yrs.) YES NO If YES list DBE #:	
Name Address City State ZIP	Phone Fax		<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	Age of Firm (Yrs.) YES NO If YES list DBE #:	
Name Address City State ZIP	Phone Fax		<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	Age of Firm (Yrs.) YES NO If YES list DBE #:	

Distribution: 1) Original - Local Agency File

WILL SUBMIT ON AWARD IF LOW WITHIN 4 BUSINESS DAYS

Bidder's List of Subcontractors (DBE and Non-DBE)

BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE)- PART II

The bidder shall list all subcontractors who provided a quote or bid but were not selected to participate as a subcontractor on this project. This is required for compliance with Title 49, Section 26 of the Code of Federal Regulations. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP		Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	DBE/Non-DBE (Certified DBE?)
Name		Phone	<input type="checkbox"/> < \$1 million		YES
Address			<input type="checkbox"/> < \$5 million		NO
City State ZIP		Fax	<input type="checkbox"/> < \$10 million		If YES list DBE #:
			<input type="checkbox"/> < \$15 million		Age of Firm (Yrs):
Name		Phone	<input type="checkbox"/> < \$1 million		YES
Address			<input type="checkbox"/> < \$5 million		NO
City State ZIP		Fax	<input type="checkbox"/> < \$10 million		If YES list DBE #:
			<input type="checkbox"/> < \$15 million		Age of Firm (Yrs):
Name		Phone	<input type="checkbox"/> < \$1 million		YES
Address			<input type="checkbox"/> < \$5 million		NO
City State ZIP		Fax	<input type="checkbox"/> < \$10 million		If YES list DBE #:
			<input type="checkbox"/> < \$15 million		Age of Firm (Yrs):
Name		Phone	<input type="checkbox"/> < \$1 million		YES
Address			<input type="checkbox"/> < \$5 million		NO
City State ZIP		Fax	<input type="checkbox"/> < \$10 million		If YES list DBE #:
			<input type="checkbox"/> < \$15 million		Age of Firm (Yrs):
Name		Phone	<input type="checkbox"/> < \$1 million		YES
Address			<input type="checkbox"/> < \$5 million		NO
City State ZIP		Fax	<input type="checkbox"/> < \$10 million		If YES list DBE #:
			<input type="checkbox"/> < \$15 million		Age of Firm (Yrs):

Distribution: 1) Original - Local Agency File

WILL SUBMIT ON AWARD IF LOW IN 4 BUSINESS DAYS

EXHIBIT 15-G LOCAL AGENCY BIDDER DBE COMMITMENT (CONSTRUCTION CONTRACTS)

NOTE: PLEASE REFER TO INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM

LOCAL AGENCY: _____ LOCATION: _____

PROJECT DESCRIPTION: _____

TOTAL CONTRACT AMOUNT: \$ _____

BID DATE: _____

BIDDER'S NAME: _____

CONTRACT DBE GOAL: _____

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED (or contracted if the bidder is a DBE)	DBE CERT NO. AND EXPIRATION DATE	NAME OF EACH DBE (Must be certified on the date bids are opened - include DBE address and phone number)	DOLLAR AMOUNT DBE

For Local Agency to Complete:

Local Agency Contract Number: _____
 Federal-aid Project Number: _____
 Federal Share: _____
 Contract Award Date: _____

Local Agency certifies that all DBE certifications have been verified and information is complete and accurate.

Print Name _____ Signature _____ Date _____
 Local Agency Representative
 (Area Code) Telephone Number: _____

Total Claimed DBE Participation \$ _____
 %

Signature of Bidder _____
 Date _____ (Area Code) Tel. No. _____
 Person to Contact _____ (Please Type or Print)

Local Agency Bidder DBE Commitment (Construction Contracts)
 (Rev 6/26/09)

- Distribution:**
- (1) Copy - Fax or scan a copy to the Caltrans District Local Assistance Engineer (DLAE) within 30 days of contract execution. Failure to send a copy to the DLAE within 30 days of contract execution may result in de-obligation of funds for this project.
 - (2) Copy - Include in award package to Caltrans District Local Assistance
 - (3) Original - Local agency files

WILL SUBMIT IF L.P. 73 IN 4 BUSINESS DAYS

INSTRUCTIONS - LOCAL AGENCY BIDDER DBE COMMITMENT (CONSTRUCTION CONTRACTS)

ALL BIDDERS:

PLEASE NOTE: This information may be submitted with your bid. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in the Special Provisions. Failure to submit the required DBE commitment will be grounds for finding the bid nonresponsive.

The form requires specific information regarding the construction contract: Local Agency, Location, Project Description, Total Contract Amount, Bid Date, Bidder's Name, and Contract DBE Goal.

The form has a column for the Contract Item Number and Item of Work and Description or Services to be Subcontracted or Materials to be provided by DBEs. Prime contractors shall indicate all work to be performed by DBEs including, if the prime is a DBE, work performed by its own forces, if a DBE. The DBE shall provide a certification number to the Contractor and expiration date. Enter the DBE prime's and subcontractors' certification numbers. The form has a column for the Names of DBE contractors to perform the work (who must be certified on the date bids are opened and include the DBE address and phone number).

IMPORTANT: Identify all DBE firms participating in the project regardless of tier. Names of the First-Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the DBE participation dollar amount. Enter the Total Claimed DBE Participation dollars and percentage amount of items of work submitted with your bid pursuant to the Special Provisions. (If 100% of item is not to be performed or furnished by the DBE, describe exact portion of time to be performed or furnished by the DBE.) See Section "Disadvantaged Business Enterprise (DBE)," of the Special Provisions (construction contracts), to determine how to count the participation of DBE firms.

Exhibit 15-G must be signed and dated by the person bidding. Also list a phone number in the space provided and print the name of the person to contact.

Local agencies should complete the Local Agency Contract Award, Federal-aid Project Number, Federal Share, Contract Award Date fields and verify that all information is complete and accurate before signing and filing.

EXHIBIT 15-H DBE INFORMATION — GOOD FAITH EFFORTS

DBE INFORMATION - GOOD FAITH EFFORTS

Federal-aid Project No. _____ Bid Opening Date _____

The _____ (City/County of) _____ established a Disadvantaged Business Enterprise (DBE) goal of _____% for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the "Local Agency Bidder DBE Commitment" form indicates that the bidder has met the DBE goal. This will protect the bidder's eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Submittal of only the "Local Agency Bidder DBE Commitment" form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in the Section entitled "Submission of DBE Commitment" of the Special Provisions:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates

WILL SUBMIT IF LOWEST 75% IN 4 BUSINESS DAYS

C. The items of work which the bidder made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the work above:

E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

WILL SUBMIT IF LOW P. 76 4 BUSINESS DAYS

F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results
_____	_____	_____
_____	_____	_____

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

Will submit if work in 4 business days

TOWN of YUCCA VALLEY

NON-DEBARMENT CERTIFICATION

1. Instructions for Certification.

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why they cannot provide the certification set out below. The certification or explanation will be considered in connection with the Town's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Town determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the Town to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Town or agency entering into this transaction.
6. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this

covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.

8. Nothing contained in the foregoing shall be construed to require establishment of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower Tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies to the Federal Government, the Town may terminate this transaction for cause or default.

11. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.

STATE OF California]

STATE OF _____]

Robert M. Malich

being first

(President or duly authorized Company official)

duly sworn deposes and says that he is Vice President

of Matich Corporation
(official capacity)

_____ with the intention of becoming
(name of company)

a primary participant on Town of Yucca Valley Construction.

Project 01641
(Project Number)

and that he certifies to the best of his knowledge and belief that said company and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification: and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Further affiant sayeth not.

Robert M. Match

(Signature)

Robert M. Match Vice President

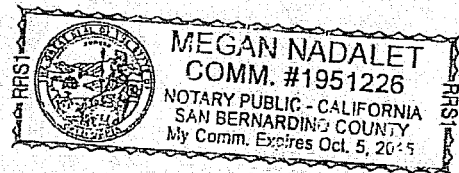
(Print Name)

SUBSCRIBED AND SWORN to before me a notary public this 10

Day of October, 2013

Megan Nadalet
Notary Public

My commission expires: October 5, 2015



Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Matich Corporation
1596 Harry Sheppard Blvd.
San Bernardino, CA 92408

SURETY:

(Name, legal status and principal place of business)

Liberty Mutual Insurance Company
330 N. Brand Blvd., Ste 500
Glendale, CA 91203
Mailing Address for Notices

Same as Above

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

OWNER:

(Name, legal status and address)

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

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: \$ 10% Ten Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)


Project No. 8661, Public Lands Highway Discretionary Funds Project (PLHD): SR62, Apache Trail to Palm Avenue - Federal Project # PLHL04-5466(015)

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

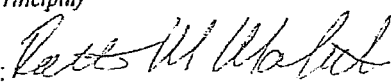
If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.


Signed and sealed this 4th day of October, 2013



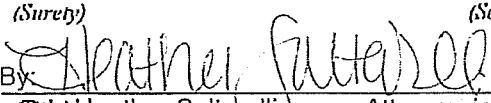
(Witness) Megan Nadalet

Matich Corporation
(Principal) _____ (Seal)
By: 

(Title) Robert M. Matich Vice President



(Witness) Kim Luu

Liberty Mutual Insurance Company
(Surety) _____ (Seal)
By: 

(Title) Heather Saltarelli Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On OCT 04 2013
Date

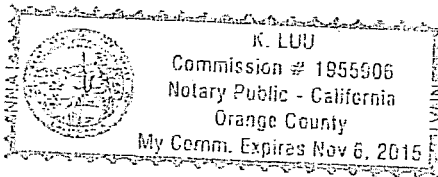
before me, K. Luu, Notary Public
Here Insert Name and Title of the Officer

personally appeared Heather Saltarelli
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~it~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature _____

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

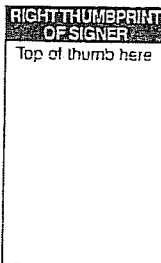
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 6282043

American Fire and Casualty Company
The Ohio Casualty Insurance Company

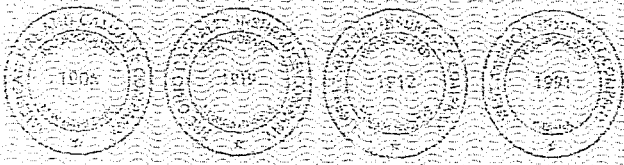
Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Heather Saltarelli; James A. Schaller; Jeri Apodaca; Kim Lur; Michael D. Parizino; Rachelle Rheault; Rhonda C. Abel

all of the city of Newport Beach, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 11th day of September, 2013.



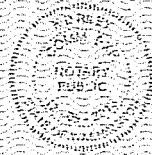
American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss
COUNTY OF KING

On this 11th day of September, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12: Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

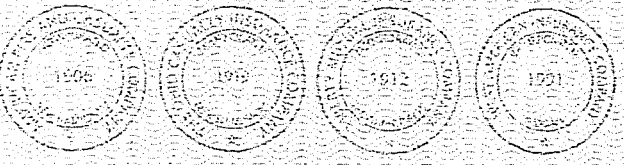
ARTICLE XIII - Execution of Contracts - SECTION 5: Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this OCT 04 2013 day of 20.



By: David M. Carey
David M. Carey, Assistant Secretary

Currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

October 8, 2013


To: All Bidders - Town of Yucca Valley Project 8661,
SR 62 Traffic & Pedestrian Safety Improvements
Federal Project No.PLHL04-5466(015)

From: Alex Qishta, Project Engineer

Subject: Addendum No. 1

Addendum No. 1 is attached. Please sign the attached letter acknowledging receipt of Addendum No. 1 and include it in your bid.

TOWN OF YUCCA VALLEY
ENGINEERING DIVISION



Alex Qishta, P.E.
Project Engineer

ADDENDUM NO. 1

TO THE
BID DOCUMENTS
FOR

PROJECT 8661
SR62 Traffic & Safety Improvements
FEDERAL PROJECT NO.PLHL04-5466(015)

To: ALL BID DOCUMENT HOLDERS

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

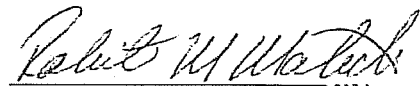
1. The bid opening day is October 24, 2013 at 3:00 pm at the Town of Yucca Valley Town Clerk Office.

TOWN OF YUCCA VALLEY
ENGINEERING DIVISION



Alex Qishta
Project Engineer

Acknowledgment of Receipt
ADDENDUM NO. 1



Signature of Bidder

**SPECIAL TOWN COUNCIL MEETING
FRIDAY, FEBRUARY 13, 2004**

Mayor Leone called the meeting to order at 4:02 p.m. with Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone present.

DISCUSSION ITEMS

1. **Federal Appropriations, \$500,000.00, SR 62 Traffic and Pedestrian Safety Improvements, Identification of Preferred alternatives, Authorization to submit grant application**

Acting Town Manager Stueckle reported that Congressman Lewis obtained \$500,000.00 in the current Federal Appropriations for Traffic and Pedestrian Safety Improvements on SR 62. Initially the application was to have been due on February 23rd and scheduled for the February 19th Council meeting for discussion, however on Wednesday, February 11th, staff received a letter revising the application date to February 17th. For a project to be eligible there must be a relationship between the project and federal lands, therefore, the Town's application must be tied to access to Joshua Tree National Park. Engineering staff looked at Federal and Caltrans requirements and tried to come up with the best matching project. With everything in mind, one set of projects is a portion of the median islands identified as part of the State \$3.2 million project. In the original State Project, the medians went from Kickapoo to the west side of Church Street. With the \$500,000 median islands could be constructed from the east side of Acoma to slightly past the driveway that goes into the movie theater, and can accommodate a left turn pocket to go north bound on Cholla. It was noted that the medians are non landscaped. A good safety measure would also be to wrap median islands, west of Acoma to a little past Apache Trail, which goes past the corner of triangle and past the pawn shop. If Council wishes to make that eligible and wants to fund it in the future from some transportation funds, staff should structure the application to place medians from Cholla to Apache if that is the desire. Additional projects could be to make improvements to the California Welcome Center, but with the discussions going on, it is not positive that the center will exist there in one year. A third alternative would be to place street/intersection lighting to improve traffic and pedestrian safety. Staff did look at several other types of projects, such as traffic signals, utility undergrounding etc but felt that some would not meet warrants, some are not eligible, and some will be too timely to meet Caltrans requirements.

Mayor Leone questioned if the fact that the medians will not be landscaped is just initial construction or not in the future either. Acting Town Manager Stueckle advised that is just because of the dollars available, but staff did include the cost to make sure we have water and electricity to them. It was noted that the Caltrans requirements for medians if they are not landscaped are required to be blacktopped. However, if we have a plan they may allow us to maintain them without for a time. If Council does

SPECIAL YUCCA VALLEY TOWN COUNCIL MINUTES February 13, 2004

choose to fund the landscaping out of the RDA bond, by the time the Town gets to the construction phase the SR 62 Master Plan will be done and we will have the proceeds from the bond, and may be able to put money into the landscaping. Mayor Leone questioned where the median inclusive of the theater would begin. Acting Town Manager Stueckle advised it would begin at Acoma and go past Church Street to the westerly driveway from Cholla. It does not extend to the easterly driveway of the Hi Desert Star. Mayor Leone advised that would take care of the left hand turn to the theater.

It was noted that funding can also be used to do engineering studies and prepare construction plans, such as design of a box culvert on SR 62 where it floods in front of John's Place Restaurant.

Council Member Cook questioned if medians would exacerbate the flood conditions on SR 62. Acting Town Manager Stueckle advised they will be designed so they won't stop the flow of water.

Mayor Leone questioned if the median would go all the way across at Church or if it would it be open. Acting Town Manager Stueckle advised the biggest problem at that intersection is the turning movements, and allowing them to continue without a traffic signal will become worse year after year.

Council Member Cook questioned if it could be a right turn only. Acting Town Manager Stueckle advised engineering can design it to provide for left hand turns going east and west bound off the highway, but not allowing left hand turns coming on to the highway.

Council Member Mayes questioned if he has a conflict of interest because of the fact that his folks own property at the west end of the proposed median at Cholla. Acting Town Manager Stueckle advised no.

Council Member Earnest questioned where the median was to end in the original \$3.2 million project. Acting Town Manager Stueckle advised the west side of Church, noting the Town has a preliminary design and project study for that area and it would be easy to design it further. Council Member Earnest questioned how that effects the \$3.2 million. Acting Town Manager Stueckle advised staff will remove that money and can put it into sidewalks etc., noting it is not problem to amend it. In terms of the State \$3.2, what was discussed in the past was that it would be available in 2009, but the most recent rumor is that the Governor believes the TCRP was illegal and he would like to abolish that completely. He advised that the California Transportation Commission will be reprioritizing.

Council Member Cook advised he would be in favor of the median islands.

Mayor Leone commented that isn't going to effect the intersection of Palm, which is very dark.

Council Member Cook questioned if the suggestion on the median islands is either or with regard to Kickapoo to Acoma or Acoma to Church. Acting Town Manager Stueckle advised staff was providing examples, and funding is one or the other. Council Member Cook questioned which is better in staff's opinion in terms of safety. Acting Town Manager Stueckle advised Apache Trail to the theater.

Council Member Neeb agreed that Council should bite off as much as it can on the medians and then landscape with other funds, and questioned if a light could be added at Palm with RDA funding. Acting Town Manager Stueckle advised that it can.

Council Member Earnest advised that Council was thinking of using Town funds in front of movie theater because of the bad situation, and questioned how quickly the Town will get the funds to do this. Acting Town Manager Stueckle advised the goal is to obligate the funds in September of 04' have a completed design and construction plans done and submitted to Caltrans for a construction permit, and then go to bid for construction after September.

Mayor Leone questioned if Caltrans could be apprised of the timing. Acting Town Manager Stueckle advised they already are, noting if Sanbag slows down putting this project into the RTIP it will also back up the project. It was noted that District 8 of Caltrans sounds grim as far as staffing, and it is unknown how that is going to effect any project. The Town has a role with 3 other public agencies.

Council Member Cook advised his only concern is that Caltrans has been talking about cuts, and if Council decides on medians today, staff has to get moving real quick to send letter to Sanbag to amend the RTIP, noting that nothing will happen until they get that request.

Mayor Leone questioned if Council is interested in getting 2,500 feet of un-landscaped median as opposed to 1,600 ft. of landscaped.

Council Member Neeb questioned if staff will approach Caltrans with the idea that the Town is going to landscape the medians with future funds so we don't have to pave them. Acting Town Manager Stueckle advised staff will make sure the irrigation and electric utilities are installed and that Caltrans will let us maintain it as dirt until the landscaping can be installed.

Council Member Cook questioned if the money can be allocated and the Town still have some flexibility with the design. Acting Town Manager Stueckle questioned if

SPECIAL YUCCA VALLEY TOWN COUNCIL MINUTES February 13, 2004

Council would like staff to prepare the design, notify the business owners and bring the item back to the Council at a meeting. Council consensus was to work with the businesses on the staff level.

Council Member Cook moved to allocate the \$500,000 specifically for median island projects to encompass Apache to Cholla on SR 62, to include lighting at Palm. Council Member Earnest seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Earnest, Mayes, Neeb and Mayor Leone
NOES: None
ABSTAIN: None
ABSENT: None

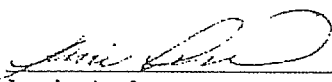
PUBLIC COMMENTS

None

ADJOURNED

There being no further business, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,



Jamie Anderson
Town Clerk

YUCCA VALLEY TOWN COUNCIL MINUTES

June 28, 2007

6. Longevity Awards

15 year pin awarded to Jimmy Gleason.

APPROVAL OF AGENDA

Town Manager Takata requested to pull Item No. 23.

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

CONSENT AGENDA

- 7. Approve, Regular Town Council Meeting Minutes of June 14, 2007 as presented.
- 8. Waive, further reading of all ordinances (if any in the agenda) and read by title only.
- 10. Adopt, Resolution No. 07-23, establishing the spending limitation for Fiscal Year 2007-08 in accordance with state law.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE SPENDING LIMITATION FOR FISCAL YEAR 2007-2008

- 11. Award, RBF Consultants a contract to prepare a Project Study Report/Project Report for PLHD SR 62 Median Improvement Project on SR 62 from Apache Trail to Palm Avenue.
- 13. Award, Value Management Strategies a contract to prepare a Value Analysis Study Report for SR 62 Old Town Re-alignment Project in the amount of \$41,738.
- 15. Accept, construction of Bicycle Lockers Project, Town Project No. 8704 by T. J. Janca Construction Inc., in the amount of \$21,976 as substantially complete; authorize Town staff to file the Notice of Completion with the County Recorder; authorize staff to release retention monies due the contractor thirty-five (35) calendar days after recordation of the Notice of Completion; and authorize the Town Manager to file the claim for reimbursement from San Bernardino Associated Governments.
- 16. Accept, construction of improvements to Yucca Mesa Road, Town Project No. 8109 by Manhole Adjusters Inc., as substantially complete; authorize Town staff to file the Notice of Completion with the County Recorder; and authorize staff to release retention monies due the contractor thirty-five (35) calendar days after recordation of the Notice of Completion.

YUCCA VALLEY TOWN COUNCIL MINUTES

June 28, 2007

- 17. **Approve**, Fourteenth Amendment to the contract with the San Bernardino County Sheriff's Department and authorize the Town Manager to sign on behalf of the Town.
- 18. **Authorize**, Director of Administrative Services to file a claim with the San Bernardino County Associated Governments (SANBAG) for Local Transportation Funds (LTF) in the amount of \$247,530.
- 19. **Ratify**, Warrant Registers in the amount of \$471,867.97 for expenses dated June 8, 2007 through June 15, 2007.

Bill Souder, Yucca Valley, spoke with reference to Item 11 noting that he is concerned about the type of street lighting that may be used. Regarding Item 16, he noted he is not happy with the roadwork on Yucca Mesa at all because of some particularly rough spots on the road. Public Works Director Glowitz advised that staff will work with Caltrans to make sure the night sky policy is incorporated into the design on SR 62, and noted the rehabilitation work on Yucca Mesa Road is an interim measure for a 3-5 year fix, not a complete rebuild. The issues were investigated and the work was done in accordance with the specifications. However, Staff will review Mr. Souder's concerns.

Council Member Luckino requested to pull Item 14. Council Member Mayes requested to pull Item 9. Mayor Neeb pulled Item 12 for an explanation of the project.

Council Member Leone moved to adopt Consent Agenda Items 7, 8, 10, 11, 13, 15, 16, 17, 18 and 19. Council Member Mayes seconded. Motion carried 5-0 on a roll call vote.

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

9. AB 1234 Reporting Requirements.

Council Member Mayes advised that he played golf as a member of a foursome for the Yucca Valley Career Pathways that should be added to the report.

Council Member Leone moved to receive and file the AB 1234 Reporting Requirement Schedule for the month of May, 2007, as amended. Council Member Herbel seconded. Motion carried 5-0 on a voice vote.

12. Authorization to Advertise, SR 62 Project Approval/Environmental Documentation Project, Fairway to Camino Del Cielo, Sage to Airway, Cholla to Trojan.

Deputy Town Manager Stueckle advised the item is authorization to advertise for design services for 3 components on SR 62 at Camino Del Cielo, from Sage to Airway, and from

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

14. **Approve**, Amendment #1 to the Agreement with RBF Consultants, Inc., to prepare a Project Study Report/Project Report for PLHD SR 62 Median Improvement project on SR 62 from Apache Trail to Palm Avenue, increasing the Agreement value from \$75,000 to \$175,480.
15. **Adopt**, Resolution No. 07-32, amending and adopting the Measure I 3 Year Plan and Expenditure Strategy for 2007/2008 through 2009/2010.

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

16. **Approve**, Final Map, PM 17012, and direct staff to record the Final Map, Sprecher, Southwest Corner of Jemez Trail and Mountain View Trail, Assessor Parcel Number 586-211-05
17. **Amend**, the 2007/2008 FY Budget appropriating \$105,000 from the Internal Service Fund and establish Special Equipment – Road Grader line item (100 00-00 8542) in that amount; authorize purchase of the 2002 John Deere 770CH road grader from RDO Equipment Company, and authorize the trade in of the Town's existing 1974 John Deere road grader with a trade in credit of \$8,500, for a total purchase price of \$100,693.00, and waiving the competitive bidding process as purchasing of certain used equipment provides efficiencies for the organization.
18. **Authorize**, staff to advertise for bid the Community Center Electronic Sign.

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

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

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

YUCCA VALLEY TOWN COUNCIL MINUTES

August 4, 2009

appropriated in the 2009/2010 annual budget.

11. **Approve**, Amendment No. 2 of the Agreement with RBF Consultants, Inc., to prepare final Plans, Specifications and Estimates (PSE Phase) for improvements including raised medians, sidewalks, minor drainage, and street lighting improvements from Apache Trail to Palm Avenue for PLHD SR 62 Median Improvement Project on SR 62 from Apache Trail to Palm Avenue. The Consultant shall be paid the amount of \$442,251.00 for the PSE Phase of the PLHD projecting, increasing the Consultant's total compensation under the contract to \$617,731.
12. **Approve**, the improvement drawings and specifications for the Camino Del Cielo/SR 62 Signal and Median Improvements Project and authorize staff to proceed with advertisement for construction bids.
13. **Authorize**, the purchase of fleet vehicle fuel from Morongo Unified School District for fiscal year 2009/2010
14. **Approve**, the proposed fee structures for rental of the "Scorpions!" traveling exhibition and the sale of Yucca Valley postcards.
15. **Accept**, the Jacobs Park Lighted Tennis Courts Improvements, CDH Project No. 123-32102, Case No. 2639, Town Project No. 8956 and the Jacobs Park Ball Wall Improvements, CDH Project No. 123-30102, Case No. 2639, Town Project NO. 8948 constructed by Landmark Site Contractors as substantially complete; Authorize Town staff to file the Notice of Completion with the County Recorder; Authorize Town staff to release the Performance Bond in the amount of \$312,300; and Authorize staff to release the retention monies in the amount of \$33,332.86 due the contractor thirty-five (35) calendar days after recordation of the Notice of Completion.
16. **Authorize**, the purchase of swimming pool chemicals and supplies from Knorr Systems, Inc. for Fiscal Year 2009/2010
17. **Receive and File**, the Treasurer's Report for 4th Quarter FY 2008/2009 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC)
18. **Adopt**, Ordinance No. 202, amending Section 4.04.040 a(1) of the Town of Yucca Valley Municipal Code.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 4.04.040A(1) OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO PLANNING COMMISSION MEETINGS

questioned what the cost saving is of moving everyone under one roof. Interim Town Manager Tooker commented that this is conceptual and if the Agency wants to pursue that staff would work on analyzing things such as cost savings etc.

Agency Member Herbel agreed with Staff's recommendation.

Chair Mayes stated he wanted the building to be an interim town hall space and was uncomfortable with the RDA purchasing it. He agrees with Staff's recommendation.

Administrative Services Director Yakimow suggested the Agency consider providing a reasonable amount of time to have the property on the market, and recommended 45 to 60 days.

Agency Member Herbel moved to: 1) Direct staff to proceed with full development of the conceptual use plan; 2) Direct Staff to actively market the property for 45 to 60 days and evaluate potential private use possibilities as presented; 3) Adopt Resolution No. RDA 10-02, identifying the purchase of the property utilizing tax increment funding without the use of bond funds; and 4) Forward the conceptual use plan to the Town Council for consideration. Agency Member Rowe seconded. Motion carried 4-0-1 on a roll call vote.

AYES: Agency Member Herbel, Luckino, Rowe and Chair Mayes
NOES: None
ABSTAIN: None
ABSENT: Agency Member Huntington

Chair Mayes recessed the meeting at 6:00 p.m. and reconvened at 7: 48 p.m.

5. SR 62 Improvement Projects Review: SR 62 TCRP 129 (EA 1A7900) Town Project No. 8327; SR 62 PLHD (EA 0L6900) Town Project No. 8661; SR 62 Widening Project (0M8900) Town Project No. 8527; SR 62 Realignment (EA 0G930) Town Project No. 8662.

Deputy Executive Director Stueckle advised the Agency has held prior policy discussions regarding redevelopment funding of medians. Adrian Anderson from RBF will walk the Agency through the layout of four projects showing how median islands and sidewalks all fit together.

Adrian Anderson, RBF, gave a Power Point presentation showing the SR improvements.

Deputy Executive Director Stueckle advised of the estimated costs, available funds, and overage or shortfall for each of the projects.

Agency Member Luckino stated he is glad to see sidewalks in the plan.

Chair Mayes commented that once there is a number and all the engineering is completed we will have shelf ready plans that will allow us to look for funding from the Federal or State level

Upon motion by Agency Member Luckino, second by Agency Member Herbel and no objection stated, the Agency received the status report of the above referenced projects on SR 62.

CLOSED SESSION

I. Government Code Section 54956.8, Conference with Real Property Negotiators.

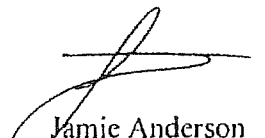
Property: APN 586-101-08, North West Corner of Inca and SR 62
Joseph N & Mary J. Sorace, NTC & Co (FBO R Michael Wilkie IRA), Bank of the West (Robert W. Johnson IRA), Singleton & Moore Medical Corp PNSN FNDS, Pensco Trust Company (FBO Sandars), Novotny Family Revocable Trust, Edward A. Cleary, Stahmer Family Trust/Town of Yucca Valley
John Tooker/Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Chair Mayes adjourned to closed session at 8:15 p.m., reconvened to open session at 8:19 p.m., and advised there was no reportable action taken.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,



Jamie Anderson
Agency Secretary

- 10. **Award**, contract for architectural design services to Interactive Design Corporation (IDC), Reuel A. Young, AIA, Principal, in the amount not to exceed \$11,000, which includes a total reimbursable expense not to exceed \$900.00 and architect's construction administration billed on an hourly rate not to exceed \$4,000.00, and authorize the Mayor, Interim Town Manager, and Town Attorney to sign all necessary documents, Town of Yucca Valley Community Center Doors (North Entry), CDH Project No. 123-32111/2916, Town Project No. 8955

- 11. **Authorize**, Professional Services Agreement with Overland Pacific & Cutler, Inc. in the amount of One Hundred Sixteen Thousand Four Hundred Seventy Five Dollars (\$116,475) to provide Right of Way acquisition and support services for the PLHD SR 62 Median Improvement project and authorize the Mayor, Interim Town Manager and Town Attorney to sign all necessary documents, Apache to Palm Avenue

- 13. **Ratify**, Warrant Register in the amount of \$380,080.53 for checks dated June 3, 2010. Ratify Payroll Register total of \$160,471.17 dated May 28, 2010.

Mayor Mayes requested to pull Item 7, Council Member Herbel requested to pull Item 12.

Council Member Neeb moved to adopt Consent Agenda Items 5, 6, 8-11 and 13. Council Member Luckino seconded. Motion carried 5-0 on a roll call vote.

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

7. Measure I Five-Year Plan, 2010/2011 To 2014/2015, Resolution

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 2010/2011 TO 2014/2015

Mayor Mayes advised he pulled the item in order to abstain because one of the roads to be paved is close to where he lives, and even though there is no legal conflict of interest, he feels there could be a perceived conflict of interest. Town Attorney Haubert stated the Political Reform Act excludes from a disqualifying interest maintaining an existing road, so there is no legal requirement to abstain from a vote. Council Member Herbel advised she is going to abstain for the same reason.

Council Member Neeb moved to adopt Resolution No. 10-14 for the annual Measure I Five-Year Capital Improvement Plan and Expenditure Strategy for Fiscal Years

9. **Authorize**, the Town's Animal Shelter to utilize the services of the two local veterinarian offices, Hi Desert Animal Hospital and Companion Animal Clinic for spay/neuter services for FY 2010/2011, in the amount not to exceed \$60,000.00 annually, and waive the informal bidding procedures as the Town Council finds that adherence to the method of the purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
10. **Approve**, the purchase of asphalt concrete from Match Corporation at the rate of \$65.00 per ton, for the 2010/2011 fiscal year authorizing the Town Manager to expend funds as appropriated in the 2010/2011 annual budget.
11. **Adopt**, Resolution No. 10-21 authorizing application for and acceptance of Town participation in the California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG) Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING TOWN PARTICIPATION IN, AND THE APPLICATION FOR FUNDING UNDER, THE CALIFORNIA ENERGY COMMISSION'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

12. **Authorize**, the transfer of the \$14,000 allocation from CDBG project #123-32037/2638 (Desert Christ Park ADA Improvements) to the Town's CDBG Un-programmed Funds Account; and **Authorize**, the cancellation of CDBG Project #123-32037/2638 (Desert Christ Park ADA Improvements)
13. **Approve**, the Revised Town Fraud Policy
14. **Accept**, construction of the MBAHS facility improvements, Town Project No. 2914 by Joe Putrino General Contractor as substantially complete; **Authorize** Town staff to file the Notice of Completion with the County Recorder; **Authorize** Town staff to release the Performance Bond in the amount of \$46,875.00; and **Authorize** staff to release retention monies in the amount of \$4,687.50 due the contractor. (The improvements were completed by July 3, 2010 and Town Council did not meet in July, therefore, staff requests the retention be released upon approval by Town Council).
15. **Authorize**, a Professional Services Agreement with Overland Pacific & Cutler, Inc. in the amount of Fifty Thousand Eight Hundred Seventy Five Dollars (\$50,875) to provide Right of Way acquisition and support services for the PLHD SR 62 Median Improvement project and authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents.

YUCCA VALLEY TOWN COUNCIL MINUTES

AUGUST 3, 2010

- 16. **Approve**, the improvement drawings and specifications for the reconstruction of Del Monte Avenue from San Andreas Road to Santa Barbara Drive and authorize staff to proceed with advertisement for competitive bids.
- 18. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of June and July, 2010.
- 19. **Authorize**, the purchase of swimming pool chemicals and supplies from Knorr Systems, Inc., in the amount of not to exceed \$15,000 for fiscal year 2010/2011, and to waive the formal bidding procedures as the Town Council finds that adherence to the method of purchasing procedures (Chapter 3.12) would be inefficient, impractical and unnecessary.
- 20. **Ratify**, Warrant Registers in the amount of \$1,377,929.10 for checks dated June 24, 2010 to July 16, 2010. Ratify Payroll Register total of \$489,322.00 dated June 11, 2010 through June 25, 2010.

Mayor Mayes commented he is going to pull Item 17 in order to abstain, noting he does not have a legal conflict of interest however his brother in law does work for the company so he is going to abstain.

Council Member Neeb moved to Adopt Consent Agenda Items 3-16, and 18-20. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote, except that Council Member Herbel voted no on Item 5 only.

AYES: Council Member Herbel, Huntington, Luckino, Neeb and Mayor Mayes.
NOES: Council Member Herbel on Item 5 only
ABSTAIN: None
ABSENT: None

17. Network Support Services – Professional Services Agreement

Council Member Neeb moved to authorize the engagement of Southwest Networks, Inc. to provide professional network maintenance and computer services, and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney. Council Member Huntington seconded. Motion carried 4-0-1 on a roll call vote.

AYES: Council Member Herbel, Huntington, Luckino, and Neeb
NOES: None
ABSTAIN: Mayor Mayes
ABSENT: None

CONSENT AGENDA

- 4. Approve, Regular Town Council Meeting Minutes of December 7, 2010 as presented.
- 5. Waive, further reading of all ordinances and read by title only.
- 6. Approve, improvement drawings and specifications for the Community Center Doors improvements and authorize staff to proceed with advertisement for construction bids. CDH Project No. 123-32111, Case No. 2916, Town Project No. 8955, (combine with CDBG-R Project No. 123-335A1, Case No. 3358)
- 7. Receive, Preliminary 2009/2010 Redevelopment Agency Financial Report and schedules Town Council action for the meeting of January 18, 2011
- 8. Approve, the Second Amendment to the Subdivision Improvement Agreement extending the period of time for completion of improvements an additional twenty-four (24) months through November 22, 2012 for Tract Map 17328-Yucca Valley Estates Subdivision Located at the southwest corner of Emerson Avenue and Yucca Trail
- 9. Approve, fourth amendment to the library lease agreement between the Town and the County at the current rate of \$2,000 per month, and authorize the Mayor to sign all necessary documents.
- 11. Approve, amendment No. 3 of the Agreement for Professional Consulting Services with RBF Consultants, Inc., to provide additional required tasks and services specifically described in Consultant's Proposal dated December 7, 2010 and attached to the proposed amendment as Exhibit D SR 62 and increasing compensation to the Consultant in the amount of \$36,808 increasing the total compensation under the Agreement for Professional Consulting Services to \$654,539.
- 12. Ratify, Warrant Registers in the amount of \$411,967.12 for checks dated December 2, 2010. Ratify Payroll Registers total of \$154,591.72 dated November 24, 2010.

Council Member Luckino requested to pull Item 10.

Council Member Mayes moved to adopt Consent Agenda Items 4-9, 11 and 12. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

NOES:None

ABSTAIN: None

ABSENT: None

Council Member Mayes moved to receive and file the first draft of the Town of Yucca Valley Hazard Mitigation Plan, December 4, 2010. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

17. Informal Presentation-RBF Consulting Engineers, SR 62 PLHD Median Improvement Project-Apache Trail to Palm Avenue.

Deputy Town Manager Stueckle advised this is a presentation on the upcoming SR 62 construction project where the Town is the lead agency on construction of the project.

Adrian Anderson, RBF, gave power point presentation regarding the project for safety enhancements on SR 62. The project is now in the project and environmental approval phase, and the final design plans and specs are being prepared. Once it is environmentally cleared, right of way will be finalized and the project will be ready for bid.

Deputy Town Manager Stueckle advised staff is working with SANBAG and the upcoming process for SLPP funds, and meets criteria in policies drafted to date, noting the Town's application will be first in line within the basin.

Sheldon Hough, Yucca Valley, requested the Town also look into striping for bicycle lanes.

Council Member Mayes questioned if the design work takes full capacity of build out into consideration. Mr. Anderson advised this project is more for the near term, noting that the next project that would address the long term capacity needs of the state highway is in the works and on hold at this time, but has been looked at. Deputy Town Manager Stueckle advised that staff sees this as an interim project addressing the primary issues of traffic safety for motoring public as well as pedestrians. It also provides controlled access and turning movements at Church Street and SR 62. This project will be in existence for a minimum of 15 to 20 years, and as such, staff feels the investment is appropriate. In terms of what will be replaced in the future it would be curbs and sidewalks and not the medians.

Council Member Luckino agreed it is a difficult decision to spend money to be torn up, but this is an issue of pedestrian safety and the need for sidewalks on the highway. He noted that one comment Council has heard from the community is the concern regarding businesses being cut off.

Council Member Hagerman questioned if the light at Church and SR 62 is going to be U-turn accessible. Mr. Anderson stated that it will in the east and west direction.

Mayor Huntington commented he attended the meeting the Town held to notify the businesses noting even after mailing letters and hand delivering them to each business, only one person showed up.

Council Member Mayes expressed concern about spending taxpayer resources for a temporary project and questioned if the funding can be used to acquire right of way for ultimately build out. Town Manager Nuaimi commented it is necessary to have a project that is environmentally cleared noting the Town can't go out and just acquire right of way.

Mayor Huntington commented the expenditure will provide for 20 years of safety on the highway, noting the actual widening is going to be very expensive.

Council Member Mayes moved to receive and File the information presented by RBF Consulting Engineers and Town Staff. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

Council Member Luckino requested the Council look at the sign ordinance in the coming year. Council Member Hagerman agreed. Council Member Mayes suggested Council Member Luckino bring back portions of the sign ordinance to discuss so that Council is not talking about the entire ordinance. Mayor Huntington concurred. Council Member Rowe stated that size restriction is a chief complaint. Town Manager Nuaimi advised that staff will bring back an overview of the sign code.

Mayor Huntington requested a workshop item to bring Council up to speed on where the hazard mitigation plan and emergency plan intertwine. Council agreed

PUBLIC COMMENT

None

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi advised the Water District put out a report from the State Regional Water Quality Control Board that staff will be reviewing to determine what comments we may want to make.

Deputy Town Manager Stueckle reported regarding the storm response to date.

execute the agreement.

6. Approve Resolution No. 11-17 for the 2010/2011 OJIV grant application.

A RESOLUTION OF THE TOWN COUNCIL FO THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

7. **Approve**, Amendment No. 4 of the Agreement for Professional Consulting Services with RBF Consultants, Inc., to provide additional required tasks and services specifically described in Consultant’s Proposal dates March 9, 2011 and attached to the proposed amendment as Exhibit “E” increasing the total compensation under the Agreement for Professional Consulting Services by \$35,160, bringing the total compensation under the Agreement to \$689,699, for PS&E Phase, SR 62 PLHD Median Improvement Project – Apache to Palm Avenue, Proposed Amendment to Compensation for Additional Tasks and Services

8. **Ratify**, Warrant Register total of \$495,488.50 for checks dated March 10, 2011 through March 24, 2011. Ratify Payroll Registers total of \$148,745.86 for checks dated March 18, 2011.

Council Member Luckino requested to pull Item 5.

Margo Sturges, Yucca Valley, commented on Item 4 CDBG Cooperative Agreement regarding the need to help the charities in the community, and opposing the use of the funding for Code Enforcement.

Council Member Hagerman moved to adopt Consent Agenda Items 2-4 and 6-8. Council Member Rowe seconded. Motion carried 4-1 on a roll call vote.

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

5. Grant of Water Line Easement to Hi-Desert Water District

Council Member Luckino advised he has a conflict due to his employment with the Hi Desert Water District, recused himself and left the dais.

Deputy Town Manager Stueckle gave the staff report recommending approval of the item.

3. **Waive**, further reading of all ordinances and read by title only.
4. **Reject**, one claim filed against the Town of Yucca Valley submitted on February 21, 2013 by Kimberly Kelly.
5. **Review and approve**, the proposed Prop 1B funding proposal modification, allocating the remaining Town's share of Prop 1B money to the SR 247 and Hwy 62 signalization project.
6. **Approve**, the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino County Transportation Authority, C13056, authorizing the Mayor and Town Attorney to sign all necessary documents for the program, Public Lands Highway Discretionary Funds Project (PLHD): SR 62, Apache Trail to Palm Avenue, San Bernardino Associated Governments (SANBAG)
7. **Approve**, the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino Transportation Authority, C13057, authorizing the Mayor and Town Attorney to sign all necessary documents for the program, Transportation Congestion Relief Program Project (TCRP): SR 62, La Honda Way to Dumosa Avenue, San Bernardino Associated Governments (SANBAG).
8. **Receive and file**, the General Plan 2012 Annual Report
9. **Approve and adopt**, Resolution No. 13-06 adopting the revised Emergency Operations Plan dated March 5, 2013 and authorize the Mayor to sign the letter of promulgation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING AND ADOPTING THE REVISED TOWN OF YUCCA VALLEY EMERGENCY OPERATIONS PLAN

10. **Ratify**, the Warrant Register total of \$245,880.31 for checks dated February 21, 2013. Ratify Payroll Registers total of \$154,032.98 for checks dated February 15, 2013.

Council Member Lombardo moved to adopt Consent Agenda Item 2-10. Council Member Rowe seconded. Motion carried 4-0

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

Meeting of March 5, 2013, as presented.

4. **Waive**, further reading of all ordinances and read by title only.
5. **Adopt**, Resolution No. 13-08 confirming and certifying the March 5, 2013 election results

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONFIRMING AND CERTIFYING THE MARCH 5, 2013 SPECIAL ELECTION RESULTS

6. **Approve**, governing body Resolution No. 13-09, for the FY 2012/2013 OHV grant application.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

7. **Approve**, Cost Distribution Agreement for traffic signals and safety lighting, Permit No. 08-11-6-SN-0078, between the Town of Yucca Valley and Caltrans for the SR 62 at Inca Trail traffic signal, and authorize the Town Manager to sign the agreement.
8. **Amend**, FY 2012-13 Adopted Budget, and **adopt** Resolution No. 13-10, transferring \$205,000 from Fund 531 – Flood Control, to Fund 350 – Development Impact Fees, to reflect the current project status and meet required timing considerations associated with the collection of exactions.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FISCAL YEAR 2012-13 ADOPTED BUDGET

9. **Approve**, the Cooperative Agreement, No. 08-1560, between Caltrans and the Town of Yucca Valley, Public Lands Highway Discretionary Fund (PLHD), and authorize the Town Manager to sign and execute the Agreement, SR 62 project Apache Trail to Palm Avenue.
10. **Ratify**, the Warrant Register total of \$405,769.45 for checks dated March 7, 2013. **Ratify**, Payroll Registers total of \$148,713.45 for checks dated March 1, 2013.

Council Member Lombardo moved to adopt Consent Agenda Item 3-10. Council Member Rowe seconded. Motion carried 4-0

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

OATH OF OFFICE

11. Swear in Council Member Elect Robert Leone

Donna Munoz, Field Rep. for James Ramos, swore in Council Member Elect Leone.

Council Member Leone thanked his supporters and advised he will listen to the community.

DEPARTMENT REPORTS

12. Proposed League of California Cities Bylaw Amendment

Town Manager Nuaimi advised the first amendment proposed by the League raises the bar regarding resolutions brought before the General Assembly to require that they must be concurred to by at least five or more cities or by city officials from at least five or more cities. The second amendment changes the vote required before the Board may take a position on a statewide ballot measure requiring a 2/3rd vote of those directors present.

Council Member Huntington commented that these amendments are valid, noting issues at last year's General Assembly when resolutions were placed with little support outside the recommending entity.

Mayor Abel commented this is a good move by the League.

Council Member Rowe moved to approve proposed League of California Cities Bylaw Amendment and direct staff to forward the Council's vote to the League. Council Member Huntington seconded. Motion carried 5-0.

13. Town Council Ad-Hoc Committee Assignments

Town Manager Nuaimi reported that, as issues are raised, the Council will form ad hoc committees. A Council ad-hoc committee was established to deal with the issue of sewer financing, which has met previously with a counterpart committee from the Hi-Desert Water District. Given the failure of Measure U, there remains a need to identify potential funding solutions for the wastewater treatment system, and near-term conversations are required to identify alternatives for moving forward. Council could

**SPECIAL TOWN COUNCIL MEETING
FRIDAY, FEBRUARY 13, 2004**

Mayor Leone called the meeting to order at 4:02 p.m. with Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone present.

DISCUSSION ITEMS

1. Federal Appropriations, \$500,000.00, SR 62 Traffic and Pedestrian Safety Improvements, Identification of Preferred alternatives, Authorization to submit grant application

Acting Town Manager Stueckle reported that Congressman Lewis obtained \$500,000.00 in the current Federal Appropriations for Traffic and Pedestrian Safety Improvements on SR 62. Initially the application was to have been due on February 23rd and scheduled for the February 19th Council meeting for discussion, however on Wednesday, February 11th, staff received a letter revising the application date to February 17th. For a project to be eligible there must be a relationship between the project and federal lands, therefore, the Town's application must be tied to access to Joshua Tree National Park. Engineering staff looked at Federal and Caltrans requirements and tried to come up with the best matching project. With everything in mind, one set of projects is a portion of the median islands identified as part of the State \$3.2 million project. In the original State Project, the medians went from Kickapoo to the west side of Church Street. With the \$500,000 median islands could be constructed from the east side of Acoma to slightly past the driveway that goes into the movie theater, and can accommodate a left turn pocket to go north bound on Cholla. It was noted that the medians are non landscaped. A good safety measure would also be to wrap median islands, west of Acoma to a little past Apache Trail, which goes past the corner of triangle and past the pawn shop. If Council wishes to make that eligible and wants to fund it in the future from some transportation funds, staff should structure the application to place medians from Cholla to Apache if that is the desire. Additional projects could be to make improvements to the California Welcome Center, but with the discussions going on, it is not positive that the center will exist there in one year. A third alternative would be to place street/intersection lighting to improve traffic and pedestrian safety. Staff did look at several other types of projects, such as traffic signals, utility undergrounding etc but felt that some would not meet warrants, some are not eligible, and some will be too timely to meet Caltrans requirements.

Mayor Leone questioned if the fact that the medians will not be landscaped is just initial construction or not in the future either. Acting Town Manager Stueckle advised that is just because of the dollars available, but staff did include the cost to make sure we have water and electricity to them. It was noted that the Caltrans requirements for medians if they are not landscaped are required to be blacktopped. However, if we have a plan they may allow us to maintain them without for a time. If Council does

SPECIAL YUCCA VALLEY TOWN COUNCIL MINUTES February 13, 2004

choose to fund the landscaping out of the RDA bond, by the time the Town gets to the construction phase the SR 62 Master Plan will be done and we will have the proceeds from the bond, and may be able to put money into the landscaping. Mayor Leone questioned where the median inclusive of the theater would begin. Acting Town Manager Stueckle advised it would begin at Acoma and go past Church Street to the westerly driveway from Cholla. It does not extend to the easterly driveway of the Ili Desert Star. Mayor Leone advised that would take care of the left hand turn to the theater.

It was noted that funding can also be used to do engineering studies and prepare construction plans, such as design of a box culvert on SR 62 where it floods in front of John's Place Restaurant.

Council Member Cook questioned if medians would exacerbate the flood conditions on SR 62. Acting Town Manager Stueckle advised they will be designed so they won't stop the flow of water.

Mayor Leone questioned if the median would go all the way across at Church or if it would it be open. Acting Town Manager Stueckle advised the biggest problem at that intersection is the turning movements, and allowing them to continue without a traffic signal will become worse year after year.

Council Member Cook questioned if it could be a right turn only. Acting Town Manager Stueckle advised engineering can design it to provide for left hand turns going east and west bound off the highway, but not allowing left hand turns coming on to the highway.

Council Member Mayes questioned if he has a conflict of interest because of the fact that his folks own property at the west end of the proposed median at Cholla. Acting Town Manager Stueckle advised no.

Council Member Earnest questioned where the median was to end in the original \$3.2 million project. Acting Town Manager Stueckle advised the west side of Church, noting the Town has a preliminary design and project study for that area and it would be easy to design it further. Council Member Earnest questioned how that effects the \$3.2 million. Acting Town Manager Stueckle advised staff will remove that money and can put it into sidewalks etc., noting it is not problem to amend it. In terms of the State \$3.2, what was discussed in the past was that it would be available in 2009, but the most recent rumor is that the Governor believes the TCRP was illegal and he would like to abolish that completely. He advised that the California Transportation Commission will be reprioritizing.

Council Member Cook advised he would be in favor of the median islands.

Mayor Leone commented that isn't going to effect the intersection of Palm, which is very dark.

Council Member Cook questioned if the suggestion on the median islands is either or with regard to Kickapoo to Acoma or Acoma to Church. Acting Town Manager Stueckle advised staff was providing examples, and funding is one or the other. Council Member Cook questioned which is better in staff's opinion in terms of safety. Acting Town Manager Stueckle advised Apache Trail to the theater.

Council Member Neeb agreed that Council should bite off as much as it can on the medians and then landscape with other funds, and questioned if a light could be added at Palm with RDA funding. Acting Town Manager Stueckle advised that it can.

Council Member Earnest advised that Council was thinking of using Town funds in front of movie theater because of the bad situation, and questioned how quickly the Town will get the funds to do this. Acting Town Manager Stueckle advised the goal is to obligate the funds in September of 04' have a completed design and construction plans done and submitted to Caltrans for a construction permit, and then go to bid for construction after September.

Mayor Leone questioned if Caltrans could be apprised of the timing. Acting Town Manager Stueckle advised they already are, noting if Sanbag slows down putting this project into the RTIP it will also back up the project. It was noted that District 8 of Caltrans sounds grim as far as staffing, and it is unknown how that is going to effect any project. The Town has a role with 3 other public agencies.

Council Member Cook advised his only concern is that Caltrans has been talking about cuts, and if Council decides on medians today, staff has to get moving real quick to send letter to Sanbag to amend the RTIP, noting that nothing will happen until they get that request.

Mayor Leone questioned if Council is interested in getting 2,500 feet of un-landscaped median as opposed to 1,600 ft. of landscaped.

Council Member Neeb questioned if staff will approach Caltrans with the idea that the Town is going to landscape the medians with future funds so we don't have to pave them. Acting Town Manager Stueckle advised staff will make sure the irrigation and electric utilities are installed and that Caltrans will let us maintain it as dirt until the landscaping can be installed.

Council Member Cook questioned if the money can be allocated and the Town still have some flexibility with the design. Acting Town Manager Stueckle questioned if

SPECIAL YUCCA VALLEY TOWN COUNCIL MINUTES February 13, 2004

Council would like staff to prepare the design, notify the business owners and bring the item back to the Council at a meeting. Council consensus was to work with the businesses on the staff level.

Council Member Cook moved to allocate the \$500,000 specifically for median island projects to encompass Apache to Cholla on SR 62, to include lighting at Palm. Council Member Earnest seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Earnest, Mayes, Neeb and Mayor Leone
NOES: None
ABSTAIN: None
ABSENT: None

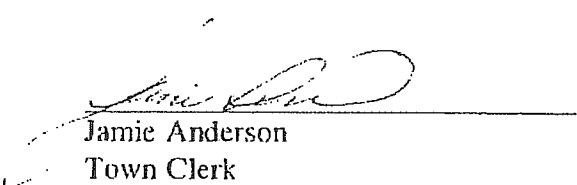
PUBLIC COMMENTS

None

ADJOURNED

There being no further business, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,



Jamie Anderson
Town Clerk

5. **Adopt**, Resolution No. 06-19, authorizing staff to prepare and submit an application to the State of California Off-Highway Motor Vehicle Recreation Division requesting grant funding for the development of a local OHV Master Plan.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE APPLICATION FOR STATE OF CALIFORNIA 2006 OFF-HIGHWAY MOTOR VEHICLE RECREATION (OHMVR) GRANT FUNDING

6. **Approve**, Amendment No. 1 to Cooperative Agreement, District Agreement No. 8-1159 A/1 extending the termination date of said Agreement to December 31, 2008 and adopt Resolution No. 06-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING AN AMENDMENT TO COOPERATIVE AGREEMENT, DISTRICT AGREEMENT NUMBER 8-1159 A/1 AND AUTHORIZING THE TOWN MANAGER TO SIGN COOPERATIVE AGREEMENT, DISTRICT AGREEMENT NUMBER 8-1159 A/1 RELATING TO TRAFFIC CONGESTION RELIEF PROGRAM (TCRP) NUMBER 129

Sarann Graham, Yucca Valley, spoke regarding Item 3 stating that the motorcycle traffic enforcement vehicle is an excellent idea, and she also thinks that Item 5, Master Plan, is a great idea and will answer all the questions people on both sides of the issue were addressing.

Council Member Luckino moved to adopt Consent Agenda Items 1-6. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Leone, Luckino, Mayes, Neeb, and Mayor Cook
NOES: None
ABSTAIN: None
ABSENT: None

7. **Final Map PM 17093, Cook & Smith, North East Corner of Dulce & Vaduz Avenue, 10 acres into 4-2.5 acre parcels, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RESCINDING THE REJECTIONS OF IRREVOCABLE OFFERS OF DEDICATION OF EASEMENTS FOR PUBLIC STREETS AND UTILITIES AND ACCEPTING THE DEDICATIONS BUT NOT FOR PURPOSES OF MAINTENANCE

Mayor Cook declared he had a conflict as he was an owner of the property and turned the meeting over to Mayor Pro Tem Neeb and left the dais.

YUCCA VALLEY TOWN COUNCIL MINUTES

August 10, 2006

commented regarding Sky Harbor lacking paved roads above Palomar and Joshua Lane.

William Alexander, Yucca Valley, expressed his disappointment of the Sheriff's Department.

Lori Herbel, Yucca Valley, expressed heart felt thanks to the firemen for all their hard work; stated that the Farmers Market is doing very well; and asked what the incurred costs were due to the recent unfounded allegations against the Town Council and the Parks, Recreation and Cultural Commissioners.

Charles McHenry, Yucca Valley, commented on the incredible job the firefighters did and improving Paradise Park.

STAFF REPORTS AND COMMENTS

Town Manager Takata stated the Council Members spent as many hours as he did at the Fire Command Post. Reported there was a meeting today with Flood Control District 6 and Department of Agriculture, Natural Resource Conservation Service to discuss the possible storm flooding from Pioneertown into Yucca Valley. Home Depot will begin construction in October. Caltrans will be here in a month with the warrants in front of them.

Deputy Town Manager Stueckle advised that the State has funded the next phase of the TCRP \$3.2 million project, an additional \$240,000 for engineering design has been allocated and the need to bring a private project manager on board to effectively manage these additional projects. The Wal-mart EIR and Century Homes EIR are not likely to be before the Planning Commission this calendar year. The Traffic Engineer made significant changes to the Morongo Basin Transportation Model of the Old Town Specific Plan. Enforcement of In-and-Out Burger parking lot site is posted under the California Vehicle Code, the Town is authorized to function as the property owner on behalf of In-and-Out Burger and the fines are higher. Maintenance of the median islands will be on next Wednesday.

Deputy Town Manager Stueckle stated that all park improvement projects go through the Community Services Department and that significant funding has been put into the improvements to Paradise Park.

Capt. Williams commended the staff of the Morongo Basin Sheriff's Station, volunteer units: Citizens Patrol and Search and Rescue Teams, and the Town staff for having performed extraordinarily during the fire activity.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

20. Council Member Mayes

Commended the Council Candidates for their desire to serve the community.

Commented on a CDF member commending Town Manager Takata for all his hard

and the Town is also continuing to maintain its resources. It is incumbent on the Town to monitor available resources and try to leverage the funds. He commented that matching resources don't exist at the same rate today as they did years ago, noting that current discussion out of Washington DC is that there will be no earmarks. so trying to find leveraging dollars at this time is very difficult.

Council Member Mayes noted that the TCRP funding in the amount of \$3.2 million that was awarded in 1999 was for undergrounding utilities. Deputy Town Manager Stueckle advised the original cost estimate was \$1.5 million for undergrounding and the rest was set aside for median islands and sidewalks.

Council Member Leone commented that initially, the entire amount of money was for undergrounding utilities. Deputy Town Manager Stueckle advised that of what was originally approved the Town received \$150,000 for design, but as the funding was being wrapped up, the State put the TCRP program on hold. They have reactivated that project and have made another \$250,000 of the \$3.2 million available to the town. It was noted that it is important to show that there is progress in grant funded projects.

Mayor Neeb advised the Council and Staff need to be commended for moving forward fairly rapidly when told if we don't get something on the schedule, the grant funds could drop out of sight.

Council Member Luckino requested that Main Way be added to the list of projects. Deputy Town Manager Stueckle agreed that where the Town has public facilities there should be paved access.

Council Member Mayes moved to receive and file the update report. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

18. General Plan Housing Element Update

Community Development Director Best advised the update is mandated by the State with a deadline of June 30, 2008. Staff recommends that the Council approve the scope of work from Terra Nova, etc.

Council Member Herbel advised that she asked to pull this item from the Consent Agenda at the last meeting because she was concerned about AB 32's requirement to reduce green house emissions. Community Development Director Best stated that he would not recommend that the Town Council take action or inaction contrary to state law, and advised that staff will monitor this issue closely and is willing to consider green house gas reducing components as part of the update.

Deputy Town Manager Stueckle advised that it is mandated by state law that every city in the state update their housing element every five years. There is a deadline, and no one in

AGENCY REPORTS

Fire Department

5. Monthly Statistical Fire Department Report for May 2008.

Battalion Chief Snow gave the monthly statistical Fire Department Report for May 2008 and a safety message regarding pool safety.

Hi Desert Water District

6. Monthly Wastewater Update.

Joseph Glowitz gave the monthly wastewater update.

APPROVAL OF AGENDA

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

CONSENT AGENDA

7. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
8. **Reject**, one Claim filed against the Town of Yucca Valley submitted by Erik O'Hara.
9. **Adopt**, Resolution No. 08-20 amending the FY 2007-08 Capital Projects Budget by transferring \$30,000 from the unallocated fund balance of Fund 514-AB2928-TCRP to Account No. 516-55-59-8310-8326—2007-08 Street Striping Project; Award a contact for construction services to Sudhakar Company International in the amount of \$38,610; establish a \$4,000 contingency and \$4,000 administrative costs and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency if necessary to complete the project.

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2007-08 CAPITAL PROJECTS BUDGET BY TRANSFERRING \$30,000 FROM THE UNALLOCATED FUND BALANCE OF FUND 514-AB 2928 TO ACCOUNT NO. 516-55-59-8310-8326-000 FOR THE 2007-2008 STREET STRIPING PROJECT NO. 8326

10. **Approve**, the purchase of asphalt concrete from Granite Construction Company at the rate of \$77.07 per ton, for the first 6 months of fiscal year 2008/2009 and \$81.38 for the last 6 months of fiscal year 2008/2009, authorizing the Town Manager to expend funds as

appropriated in the 2008/2009 annual budget.

- 11. **Adopt**, Ordinance No. 192, amending the Zoning Map for Lands Located on the east side of Cholla Drive, Approximately 150 feet south of Golden Bee.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE ZONING MAP FOR LANDS LOCATED ON THE EAST SIDE OF CHOLLA DRIVE, APPROXIMATELY 150 FEET SOUTH OF GOLDEN BEE, AND IDENTIFIED AS ASSESSOR PARCEL NUMBER 585-131-11, FROM RURAL LIVING 5 ACRE MINIMUM TO RURAL LIVING 1 ACRE MINIMUM

- 12. **Adopt**, Resolution No. 08-21 amending the fiscal year 2007-08 adopted budget as follows: 1) Adopt the proposed FY 2007-08 budget for Fund 513 – TCRP Construction as attached in Exhibit A, and establish project 513 55-59 8310 8327 SR 62 TCRP Shelf Ready Design; 2) Cancel project 516 55-59 8310 8327 in Fund 516 and transfer any related expenditures to the same project in Fund 513.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2007-08 BUDGET ACTIVATING FUND 513 TCRP CONSTRUCTION

- 13. **Adopt**, Resolution No. 08-22 calling and giving notice of a General Election on November 4, 2008, and Resolution No. 08-23 adopting regulations for candidates.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008

- 14. **Ratify**, Warrant Registers in the amount of \$433,020.87 for checks dated May 16, 2008 through May 30, 2008.

Council Member Mayes moved to adopt Consent Agenda Items 7-14. Council Member Neeb seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.

YUCCA VALLEY TOWN COUNCIL MINUTES

September 15, 2009

5. **Waive**, further reading of all ordinances and read by title only.
6. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of August 2009.
7. **Approve**, Amendment to the Subdivision Improvement Agreement extending the period of time for completion of improvements to sixty months from the date of the original agreement, June 28, 2011, Tract Map 16471-Desert Vista Village Subdivision.
9. **Receive and File**, Desert Regional Tourism Agency Quarterly Report for the quarter ending June 2009
10. **Approve and adopt**, Resolution No. 09-32, authorizing applications to Caltrans for the HSIP grant program for the SR 62/SR 247 Median Islands Project and for the TCRP SR 62 Improvement Project, and authorize the Town Manager to sign all the necessary documents for this grant.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION

11. **Ratify**, Warrant Registers in the amount of \$101,616.65 for checks dated August 20, 2009. Ratify Payroll Registers in the amount of \$202,802.54 for checks dated September 4, 2009.

Council Member requested to pull Item 8,

Council Member Neeb moved to adopt Consent Agenda Items 4-7 and 9-11. Council Member Mayes seconded. Motion carried 5-0 on a roll call vote.

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

8. 2009-10 Youth Commission Appointments

Community Services Director Schooler advised the recommendation is to appoint 36 individuals to the Youth Commission. The Commission will start meeting in October and conclude in June, and is open to all students in grades 7-12.

Council Member Herbel stated she pulled the item to recognize the youth of our community.

YUCCA VALLEY TOWN COUNCIL MINUTES

NOVEMBER 17, 2009

11. **Award**, a contract for professional construction engineering support services to RBF, Inc., the design engineer for the Camino Del Cielo Signal and Raised Median Island Project No. 8304 in an amount not to exceed \$28,400 which includes reimbursable expenses not to exceed \$4,000, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents.
12. **Approve**, Amendment No. 2 of the Agreement with Willdan Engineering, Inc., to prepare final Plans, Specifications and Estimates (PSE Phase) for improvements including raised medians, sidewalks, minor drainage, and street lighting improvements for the TCRP project on SR 62 increasing the compensation for the PSE Phase by \$417,058 thereby increasing the total compensation under the contract to \$461,896.
13. **Authorize**, staff to proceed with bid preparation and advertisement (design services) for the Town of Yucca Valley Community Center doors, CDH Project No. 123-32111, Case No. 2916, Town Project No. 8955
14. **Ratify**, Warrant Register in the amount of \$493,115.88 for checks dated October 15, 2009 through November 6, 2009. Ratify the Payroll Registers in the amount of \$323,508.56 dated October 16, 2009 through October 30, 2009.

Council Member Neeb moved to adopt Consent Agenda Items 4-9 and 11-14. Council Member Huntington seconded. Motion carried 5-0 on a roll call vote.

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

PUBLIC HEARING

15. AB 3229 Supplemental Law Enforcement Services Fund

Capt. Miller reported the grant funds are given by the State each year for front line Law Enforcement services. Staff is recommending that the Town Council approve the allocation of funds to: 1) Establish and enhance crime prevention involving cooperation between community residents and law enforcement personnel to control, detect and investigate crime and prosecution of criminals; Continue to enhance, support and participate in the Crime Free Multi-Housing, MET POP Enforcement Team, Business Watch, Neighborhood Watch, Operation Clean SWEEP, Off-Highway Vehicle Education and Enforcement, Citizens on Patrol, Traffic Enforcement Programs, and Target Specific Community Oriented Policing Projects, as needed, (COPPS); and 2) Continue with establishing multi-jurisdictional parole/probation compliance operations, sex registrant compliance checks, juvenile crime reduction programs and drug task forces.

questioned what the cost saving is of moving everyone under one roof. Interim Town Manager Tooker commented that this is conceptual and if the Agency wants to pursue that staff would work on analyzing things such as cost savings etc.

Agency Member Herbel agreed with Staff's recommendation.

Chair Mayes stated he wanted the building to be an interim town hall space and was uncomfortable with the RDA purchasing it. He agrees with Staff's recommendation.

Administrative Services Director Yakimow suggested the Agency consider providing a reasonable amount of time to have the property on the market, and recommended 45 to 60 days.

Agency Member Herbel moved to: 1) Direct staff to proceed with full development of the conceptual use plan; 2) Direct Staff to actively market the property for 45 to 60 days and evaluate potential private use possibilities as presented; 3) Adopt Resolution No. RDA 10-02, identifying the purchase of the property utilizing tax increment funding without the use of bond funds; and 4) Forward the conceptual use plan to the Town Council for consideration. Agency Member Rowe seconded. Motion carried 4-0-1 on a roll call vote.

- AYES: Agency Member Herbel, Luckino, Rowe and Chair Mayes
- NOES: None
- ABSTAIN: None
- ABSENT: Agency Member Huntington

Chair Mayes recessed the meeting at 6:00 p.m. and reconvened at 7: 48 p.m.

5. SR 62 Improvement Projects Review: SR 62 TCRP 129 (EA 1A7900) Town Project No. 8327; SR 62 PLHD (EA 0L6900) Town Project No. 8661; SR 62 Widening Project (0M8900) Town Project No. 8527; SR 62 Realignment (EA 0G930) Town Project No. 8662.

Deputy Executive Director Stueckle advised the Agency has held prior policy discussions regarding redevelopment funding of medians. Adrian Anderson from RBF will walk the Agency through the layout of four projects showing how median islands and sidewalks all fit together.

Adrian Anderson, RBF, gave a Power Point presentation showing the SR improvements.

Deputy Executive Director Stueckle advised of the estimated costs, available funds, and overage or shortfall for each of the projects.

Agency Member Luckino stated he is glad to see sidewalks in the plan.

Chair Mayes commented that once there is a number and all the engineering is completed we will have shelf ready plans that will allow us to look for funding from the Federal or State level

Upon motion by Agency Member Luckino, second by Agency Member Herbel and no objection stated, the Agency received the status report of the above referenced projects on SR 62.

CLOSED SESSION

I. Government Code Section 54956.8, Conference with Real Property Negotiators.

Property: APN 586-101-08. North West Corner of Inca and SR 62
Joseph N & Mary J. Sorace, NTC & Co (FBO R Michael Wilkie IRA), Bank of the West (Robert W. Johnson IRA), Singleton & Moore Medical Corp PNSN FNDS, Pensco Trust Company (FBO Sandars), Novotny Family Revocable Trust, Edward A. Cleary, Stahmer Family Trust/Town of Yucca Valley
John Tooker/Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Chair Mayes adjourned to closed session at 8:15 p.m., reconvened to open session at 8:19 p.m., and advised there was no reportable action taken.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,


Jamie Anderson
Agency Secretary

CONSENT AGENDA

- 3. **Approve**, Special Joint Town Council/Hi Desert Water District Meeting Minutes of November 8, 2011, and Regular Town Council Meeting Minutes of December 6, 2011, as presented.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of November 2011.
- 6. **Adopt**, Resolution No. 11-50 approving the revised Town of Yucca Valley Hazard Mitigation Plan, (dated January 7, 2011).

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE TOWN OF YUCCA VALLEY LOCAL HAZARD MITIGATION PLAN AS REQUIRED BY THE DAMAGE MITIGATION ACT OF 2000

- 7. **Authorize**, the Mayor to execute the Amendment to Cooperative Agreement No. 1159 A-3 with Caltrans, SR 62, La Honda to Dumosa Project, to extend the termination date of the Cooperative Agreement to 12-31-2013, Transportation Congestion Relief Program (TCRP)
- 8. **Approve**, Resolution 11-51 appointing a new plan administrator for the ICMARC 457 deferred compensation plan.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, TO APPOINT A PLAN ADMINISTRATOR TO THE ICMARC (457) DEFERRED COMPENSATION

- 9. **Ratify**, Warrant Register total of \$158,270.29 for checks dated December 1, 2011. **Ratify**, Payroll Registers total of \$295,807.65 for checks dated November 23, 2011 to December 9, 2011.

Council Member Hagerman moved to adopt Consent Agenda Items 3-9. Council Member Huntington seconded. Motion carried 4-0-1 on a roll call vote.

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

7. **1) Approve**, Change Order No. 2 in the amount of \$28,473.35 to contract for the reconstruction of Fortuna Avenue from San Andreas Road to Santa Barbara Drive, Town Project No. 8351 to Palm Canyon Contractors, Inc. and authorize the Interim Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Interim Town Manager to expend the contingency if necessary to approve the project; and **2) Approve**, an additional \$16,909 expenditure of budgeted funds to complete the project.
8. **Authorize**, to increase the purchase order for the purchase of asphalt maintenance supplies from Crafcoc, Inc., to a new not-to-exceed amount of \$28,000 for fiscal year 2009/2010
9. **Accept**, HSIP grant funding for Traffic Congestion Relief Project (TCRP) 129 and SSR 62/247 projects; Authorize Interim Town Manager and Town Attorney to sign all necessary documents and applications to meet Caltrans key milestones and delivery deadlines for HSIP funding.
10. **Award**, a contract for construction services for Morongo Basin Adult Health Services (MBAHS) Patio Cover and Doors, CDH Project No. 123-32101, Case No. 2914, Town Project No. 8954, subject to San Bernardino County Community Development and Housing (CDH) approval of award of bid, and transfer of \$20,000 of the \$34,000 originally allocated to Desert Christ Park, to Joe Putrino General Contractor of \$46,875 and establish a \$9,375 contingency and authorize the Interim Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Interim Town Manager to expend the contingency if necessary to complete the project.
11. **Ratify**, Warrant Registers in the amount of \$197,974.14 for checks dated February 25, 2010, Ratify Payroll Registers total of \$350,055.34 dated February 19, 2010 through March 5, 2010.

Council Member Neeb moved to adopt Consent Agenda Items 3-11. Council Member Luckino seconded. Motion carried 4-0-1 on a roll call vote.

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

PUBLIC HEARINGS

12. **Development Code Amendment, DCA 01-10, Ordinances Repealing and Restating Chapter 15 of Division 1, Title 4 Relating to Special Events; Repealing and**

- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Receive and file**, the monthly statistical Fire Department Report for April, 2012
- 6. **Authorize**, the Mayor, Town Manager and Town Attorney to execute a five-year contract between the Town and San Bernardino County Consolidated Fire District for Household Hazardous Waste Collection services at a cost of approximately \$27,680 annually.
- 7. **Approve**, the Contract between the County of San Bernardino and the Town of Yucca Valley for providing animal shelter services for FY 2012-13
- 8. **Receive and File**, the Treasurer’s Report for the second and third Quarter of FY 2011-12
- 9. **Approve**, Amendment No. 3 to the Agreement for Professional Consulting Services with Willdan Engineering, to provide additional required tasks and services specifically described in Consultant’s Proposal dated April 16, 2012, increasing total compensation under the Agreement for Professional Consulting Services by \$5,930, bringing the total compensation under the Agreement to \$467,826; and authorizing the Town Manager to sign all documents necessary to implement the Agreement, TCRP Project – Town Project No. 8327, Transportation Congestion Relief program.
- 10. **Ratify**, the Warrant Register total of \$468,273.06 for checks dated May 3, 2012. Ratify Payroll Registers total of \$150,098.41 for checks dated April 27, 2012.

Margo Sturges, Yucca Valley, expressed concern that the entire Animal Services contract was not included in the packet.

Council Member Lombardo moved to adopt Consent Agenda Items 3-10. Council Member Huntington seconded. Motion carried 5-0.

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

DEPARTMENT REPORTS

11. Animal Shelter JPA Update

Town Manager Nuaimi gave the staff report updating the status of the animal shelter project. Staff is requesting that the Council delegate approval of the plans and

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

11. **Approve**, Cost Distribution Agreement between the Town and Caltrans for the traffic signal (future) located at SR 62 and Church Street, and authorize the Town Manager to sign the Agreement
12. **Approve**, addendum to the Existing Electrical Maintenance Agreement between the Town and Caltrans, and authorize the Town Manager to sign the Agreement, Traffic Signals and Lighting Project EA No. 08680-5T3000
13. **Approve**, Construction Cooperative Agreement No. 08-1542 with Caltrans, SR 62, La Honda to Dumosa Project, Transportation Congestion Relief Program (TCRP), and authorize the Mayor to sign and execute the Cooperative Agreement.
14. **Ratify**, Warrant Register total of \$503,018.64 for checks dated June 28, 2012. Ratify Payroll Registers total of \$318,374.84

Richard Harlan, Yucca Valley, thanked the Town for getting the street signs up on the highway,

Council Member Lombardo moved to adopt Consent Agenda Items 5-14. Council Member Abel seconded. Motion carried 4-0-1.

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

DEPARTMENT REPORTS

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

Town Manager Nuaimi gave an update on the TCAC application for the Senior Housing Project, noting they are getting ready to submit the 2nd round. The project received maximum points with the March submittal but the tie-breaker was insufficient to secure the tax credits. The tiebreaker was based upon local funding committed to the project. County HOME funds, land value, and the Town loan count towards the tiebreaker. Tiebreaker points are increased by cutting project costs, and more so by increasing local sources. He noted potential Town funding sources include project development impact fees in the amount of \$250,000; storm drain impact fees of \$300,000; LTF funds \$300,000, December 2010 ENA (low mod income housing set

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.

\$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, Community Center Building Re-Plumbing – Town Project No. 8048.

- 9. **Award**, 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.
- 10. **Ratify**, 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.

Council Member Abel moved to adopt Consent Agenda Items 3-10. Council Member Lombardo seconded. Motion carried 4-0.

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

DEPARTMENT REPORTS

- 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

Town Manager Nuaimi advised that Council Member Hagerman resigned from the Council on July 20, 2012. Due to the fact that there are already two appointed Members, Council must call a special election within 60 days of the resignation. The election would be held on March 5, 2012.

Margo Sturges, Yucca Valley, commented in favor of calling the election.

Council Member Abel moved to adopt Resolution No. 12-32, calling and giving notice of a Special Election on March 5, 2013, to fill a Town Council vacancy. Council

- 3. **Waive**, further reading of all ordinances and read by title only.
- 4. **Reject**, one claim filed against the Town of Yucca Valley submitted on February 21, 2013 by Kimberly Kelly.
- 5. **Review and approve**, the proposed Prop 1B funding proposal modification, allocating the remaining Town’s share of Prop 1B money to the SR 247 and Hwy 62 signalization project.
- 6. **Approve**, the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino County Transportation Authority, C13056, authorizing the Mayor and Town Attorney to sign all necessary documents for the program, Public Lands Highway Discretionary Funds Project (PLHD): SR 62, Apache Trail to Palm Avenue, San Bernardino Associated Governments (SANBAG)
- 7. **Approve**, the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino Transportation Authority, C13057, authorizing the Mayor and Town Attorney to sign all necessary documents for the program, Transportation Congestion Relief Program Project (TCRP): SR 62, La Honda Way to Dumosa Avenue, San Bernardino Associated Governments (SANBAG).
- 8. **Receive and file**, the General Plan 2012 Annual Report
- 9. **Approve and adopt**, Resolution No. 13-06 adopting the revised Emergency Operations Plan dated March 5, 2013 and authorize the Mayor to sign the letter of promulgation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING AND ADOPTING THE REVISED TOWN OF YUCCA VALLEY EMERGENCY OPERATIONS PLAN

- 10. **Ratify**, the Warrant Register total of \$245,880.31 for checks dated February 21, 2013. Ratify Payroll Registers total of \$154,032.98 for checks dated February 15, 2013.

Council Member Lombardo moved to adopt Consent Agenda Item 2-10. Council Member Rowe seconded. Motion carried 4-0

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

Council Member Leone moved to award the construction contract to Shipley Construction & Plumbing in the amount of \$67,750.00, establish a \$6,800.00 contingency fund, authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary agreements, and authorize the Town Manager to expend the contingency fund if necessary to complete the project, and adopt Resolution No. 01-30 amending the Capital Projects Budget. Council Member Cook seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Earnest, Leone, Neeb and Mayor Scott
NOES: None
ABSTAIN: None
ABSENT: None

11. State \$3.2 Million Grant for SR62, Utility Undergrounding, Traffic and Pedestrian Safety Improvements, Award of Design Contract for Median Islands and Sidewalk Improvements.

Town Engineer Burkette advised the contract is for Phases 1 & 2 which consists primarily of engineering and environmental analysis and development of a Caltrans Project Study Report and final engineering and design work for the median island and sidewalk projects only. Total budgeted funds for Phases 1 & 2 of the project, less \$83,000 engineering and design costs for undergrounding are \$307,000. The total engineering and design costs of \$299,830 are less than the budget of \$307,000 by an amount of \$7,170.00.

Deputy Town Manager Stueckle pointed out that Willdan is out of the area, but they are partnering with Warner Engineering who is local. The time line for completion of this phase is estimated at 13 months from the time the contract is executed. Caltrans staff indicates they are attempting to complete the required audit process within 6 weeks, but Town staff estimates that with the holidays approaching more than 6 weeks might be required. Therefore, if Caltrans audit approval is obtained by the end of January 2002, it is estimated that this phase will be completed in February 2003.

Council Member Earnest questioned if staff feels this is a fair market cost. Deputy Town Manager Stueckle advised that it is. Council Member Earnest questioned if 13 months is an average lead time for project of this size. Deputy Town Manager Stueckle noted if it is not in Caltrans right-of-way this time would not be required, but there are really two different segments Caltrans requires us to go through, first is the study and second is the environmental analysis. On this schedule it takes almost more time than the actual design and engineering. The two phased process doubles the time frame.

Mayor Scott expressed concern regarding the recommendation that makes approval contingent upon final confirmation of the Southern California Edison undergrounding

YUCCA VALLEY TOWN COUNCIL MINUTES

November 1, 2001

costs and process, noting he does not want to slow down the other process. Deputy Town Manager Stueckle explained that if the undergrounding is not feasible, it may have an effect on the scope of the project so if we can not do the undergrounding we are not obligated to sign this particular contract, however approval of the contract tonight with those contingencies allows Caltrans to start their audit process.

Council Member Leone moved to award the AB2928, Traffic Congestion Relief Program (TCRP) design contract to Willdan Associates, in the amount of \$299,830.00, contingent upon successful completion of the required Caltrans audit and final confirmation of Southern California Edison undergrounding costs and processes. Council Member Earnest seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Cook, Earnest, Leone, Neeb and Mayor Scott
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

PUBLIC COMMENTS

Wanda Stadum, Old Town Merchant's Association, requested that Council put an item on their agenda to waive fees for the special use permit and the encroachment permit for their 4th Annual Christmas Parade. She invited Mayor Pro Tem Neeb to serve as a judge for the parade.

Dick Sroda, Yucca Valley, expressed concern regarding the Town's financial situation noting other cities have hiring freezes going on and the Town continues hiring employees.

STAFF REPORTS AND COMMENTS

None

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Mayor Pro Tem Neeb

Congratulated Buck-a-Bag winners and thanked all those who participated in the cleanup.

Thanked Barbara Jorgensen and staff for their cleanup day efforts.

13. Council Member Leone

Dittoed congratulations to the Buck-a-Bag cleanup winners. Noted he had a previous commitment and was not able to attend.

YUCCA VALLEY TOWN COUNCIL MINUTES

April 18, 2002

Council Member Cook asked about police overtime. Capt. Williams stated they are still in the parameters set by Council with respect to their contract. They expect to come in on budget.

Dick Sroda, Yucca Valley, asked questions about several warrant register items. Staff gave response to each item in question.

Council Member Scott moved to ratify Warrant Register No. 39, Warrant Numbers 6952 through 7010, (Check date April 5, 2002), Warrant Register No. 40, Warrant Numbers 7011 through 7082, (Check date April 12, 2002), Payroll No. 08, Warrant Numbers 1336 through 1362, (Check date April 12, 2002)- for April 18, 2002. Council Member Cook seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Earnest, Leone, Scott and Mayor Neeb
NOES: None
ABSTAIN: None
ABSENT: None

Community Development Department

11. Resolution approving a Design Cooperative Agreement, Traffic Congestion Relief Program (AB2928) Projects.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN MANAGER TO SIGN ALL NECESSARY DOCUMENTS RELATED TO THE TRAFFIC CONGESTION RELIEF PROGRAM (TCRP) PROJECTS APPROVED BY THE TOWN COUNCIL

Deputy Town Manager Stueckle stated the State Legislature assisted the Town in appropriating \$3.2 million for traffic, pedestrian safety improvements and utility undergrounding on SR62. The response from Edison on the cost estimate did not provide any further detail. In terms of financial participation, Edison has said they will not put any of their own money into the project but they will work with the Town on allocating additional future years of Rule 20A funds. The cooperative agreement establishes and locks those funds and their availability to the Town. Pending any right of way issues, the sidewalks and medians could be constructed in a 2 ½ year period and the undergrounding could take up to four years.

Council Member Earnest was concerned with the escalating cost to underground the utility poles, and using up to five years of the Town's Rule 20A funds. She was concerned whether the undergrounding utility project will be able to be completed because of the escalating costs.

Mayor Neeb commented it would be nice if Caltrans could give the Town a package

YUCCA VALLEY TOWN COUNCIL MINUTES

April 18, 2002

rate to underground the utility poles because they will be relocating the poles from Morongo Valley up to La Honda Way.

Stanley Szostakouski, Yucca Valley, commented regarding pedestrian safety.

Council Member Scott hates spending this extravagant amount of money to underground eight utility poles.

Council Member Leone was concerned with constructing median islands, because it affects the businesses.

Council Member Cook stated if we do not handle the grant right, we might not have any grant money. The original purpose of the grant was to underground utilities, therefore, there should be some money dedicated to undergrounding the utility poles.

Council Member Earnest is concerned that down the line that the pricing for the undergrounding will be so exorbitant that we will have to amend the application.

Council Member Cook moved to adopt Resolution No. 02-12 approving the Design Cooperative Agreement between the State of California, acting by and through its Department of Transportation, and authorizing the Town Manager to sign the agreement and all other documents related to the projects. Council Member Leone seconded. Motion carried 4-1-0-0 on a roll call vote with Council Member Earnest voting no.

AYES: Council Member Cook, Leone, Scott and Mayor Neeb
NOES: Council Member Earnest
ABSTAIN: None
ABSENT: None

PUBLIC COMMENTS

Stanley Szostakouski, Yucca Valley, commented regarding public comments, and repairs to SR247 and Buena Vista.

STAFF REPORTS AND COMMENTS

None.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

12. Council Member Scott

Commented we will miss Brad.

Council Member Leone moved to adopt Consent Agenda Items 2, 3 and 5. Council Member Cook seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Leone, Mayes, Neeb and Mayor Earnest
NOES: None
ABSTAIN: None
ABSENT: None

4. **Adopt**, the 2003 Legislative Program, direct staff to carry out the legislative objectives outlined in the program, and direct staff to provide the Council semi-annual review of the program.

Council Member Cook was concerned that one of the Town's programs allocated through Assemblyman Granlund for \$3.2 million is in serious jeopardy. One of the objectives is to energize our resources and petition our legislative people. We need a course of action because they will try and take the whole amount, and the best we can get is a suspension of those funds. He would like to add the item to the Legislative Program.

Ed Montgomery, Yucca Valley, questioned if the traffic signal at SR247 and Buena Vista is in jeopardy. Council Member Cook responded yes, because cuts will come in the Caltrans organization. The TCRP funding is not involved in this signal project.

Stanley Szostakowski, Yucca Valley, would like a traffic signal at Hillcrest and SR247.

Bob McGray, Yucca Valley, was not in favor of constructing a traffic signal at SR247 and Buena Vista because of truckers coming up the hill.

Council Member Cook moved to adopt the 2003 Legislative Program as amended tonight with the emergency action segment, direct staff to carry out the legislative objectives outlined in that program and direct staff to provide the Council semi-annual review of the program as modified. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

6. **Approve**, the purchase of additional portable radios with the California Law Enforcement Equipment Program (CLEEP) grant funds for a cost not to exceed \$23,000.00
Captain Williams advised this is a request for the Town Police Department to acquire eight portable handheld radios. This is predicated upon the need to provide sufficient radio resources to all officers in special operations. There will be no general fund expenditure to acquire these radios. Also, in the event of a townwide disaster, we would have this pool of radios to assist in communications. The entire expenditure will be covered by state grant funds.

Police Department

9. Monthly Report for January 2003.

Capt. Williams gave the monthly statistical Police Department Report for January 2003.

Community Development Department

10. Federal Transportation Equity Act (TEA-21) Project submittal.

Town Manager Stewart advised that last week our lobbyist contacted the Town to advised the Federal Government is getting ready to make appropriations and that applications for projects are due back by February 28, 2003.

Deputy Town Manager Stueckle advised potential projects are truck climbing lanes on SR 62 at an estimated cost of \$1,600,000; Median Islands from Sage to Church at a cost of \$850,000; and the TCRP \$3.2 Million State Grant. The Mountain Desert Measure I Committee will be blessing SANBAG's request for federal funding for the projects they have underway. Of the three potential projects, the Town's \$3.2 million project may satisfy one or more of the criteria in the application, but it will be difficult to satisfy others.

Council Member Cook commented that one of the things we are hearing at SANBAG is that they want "shelf ready" projects. Deputy Town Manager Stueckle advised that SANBAG criteria is timeliness of project delivery and projects that can be delivered quickly will have a much higher score. The Federal government wants to be able to allocate funds in a 6-year time frame. We have a much higher probability of excellent time frames with the state \$3.2 million. No work has been done on the proposed median islands and truck climbing lanes projects.

Council Member Cook stated it is his understanding that the first phase of the truck climbing lanes would be right of way acquisition, noting that the hardest part will be passing the environmental requirements. Deputy Town Manager Stueckle advised that is correct.

Upon discussion, Council consensus was to submit the \$3.2 Million project, due to the work already done on the project, the fact that it was previously funded and the short time frame for submitting the application.

Council Member Cook moved to authorize staff to submit the TCRP \$3.2 million project to Congressman Jerry Lewis for sponsorship. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

problem. Deputy Town Manager Stueckle confirmed that Onaga is identified as major arterial.

Council Member Mayes stated a lot of what he is hearing is based on emotion and not facts. The Traffic Commission recommends not to put in a 4 way stop because it doesn't meet the warrants.

Council Member Mayes moved to place a flashing beacon with a large sign stating "Slow Down" at the intersection of Onaga Trail and Hopi Trail, and place a 4 way stop sign at the intersection of Pueblo Trail and Hopi Trail. Council Member Leone seconded. Motion failed 2-3 on a roll call vote.

- AYES: Council Member Leone and Mayes
- NOES: Council Member Cook, Neeb and Mayor Earnest
- ABSTAIN: None
- ABSENT: None

Mayor Earnest moved to install 4 way stops at both Onaga Trail and Hopi Trail and Pueblo Trail and Hopi Trail with appropriate striping of the crosswalks. Council Member Neeb seconded. Motion carried 3-2 on a roll call vote.

- AYES: Council Member Cook, Neeb and Mayor Earnest
- NOES: Council Member Leone and Mayes
- ABSTAIN: None
- ABSENT: None

15. Traffic Congestion Relief program (TCRP), \$3.2 Million State Grant, Sidewalks, Median Islands, Utility Undergrounding, Project Status, Town Council Policy Direction.

Deputy Town Manager Stueckle reported the Town received a \$3.2 Million grant. In December, as a part of the Governor's budget reduction proposal it was the recommendation that the state remove that \$3.2 Million from the Town of Yucca Valley, however the mid-year budget recommendations were not implemented.

Mayor Earnest advised the she, Council Member Mayes and Town Manager Stewart met with legislators and their staffs in Sacramento and were advised that the good news is that the \$3.2 million is still intact and they anticipate it will stay there. It doesn't look like it is going to go away, but they don't know when we are going to get it either. It may be years from now before the projects get rolling. As far as the reimbursements, we will get reimbursed, but it is left to us whether or not we want to go forward with the design costs not knowing when we will be reimbursed.

Town Manager Stewart advised the big issue is reimbursement noting that what ever investment we make could take up to 4 years before we get it back.

Mayor Earnest added that Assemblyman Bogh mentioned that Yucaipa had a large project nearing construction and they decided to go ahead and do it. They fully expect to get reimbursed for it. It is going to be up to the Council whether or not we want to move forward on the design phase.

Council Member Cook pointed out that the Yucaipa project has come before Sanbag and that they have another card to play regarding serious safety issues. They have a lot of support.

Council Member Neeb stated there doesn't seem to be much of a down side to waiting a little while to see when the State gets going.

Mayor Earnest questioned if it will cost a lot more if we wait on the design phase. Deputy Town Manager Stueckle advised that depending on length of delay, the contractor will be within his full rights to come back and renegotiate that contract because the project has been on hold since December of last year and it could be another 4 to 6 months before we have any formal approval from Caltrans. We may have to negotiate with Wildan.

Council Member Neeb commented we had to wait about 6 months to get the go ahead from Caltrans last time we submitted the project. Deputy Town Manager Stueckle advised it is going to take awhile for the State budget to trickle down through District 8. They are talking about staffing levels and hiring freezes making it more difficult to do their job. Council Member Neeb questioned if it would be worth waiting another month or so until the State Budget is finalized. Deputy Town Manager Stueckle advised he wouldn't recommend that the Town move forward at this time, noting he will be giving a status memo every 30 to 60 days, and if at anytime the Council wants to bring the issue up for discussion they could do that. Council Member Neeb commented he hopes as soon as we get the green light on the State budget we would be able to look at it again.

Council Member Leone expressed concern regarding placing medians on the west end of town. Deputy Town Manager Stueckle advised discussion regarding design issues was to be scheduled for last January until it was put on hold by the State. When the project is reinitiated staff will be bringing those issues to Council to provide policy direction to the Engineering staff.

Council Member Cook moved to keep the project on hold at this time. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

YUCCA VALLEY TOWN COUNCIL MINUTES

June 19, 2003

Council Member Mayes commented the staff reports states that the intersection does not warrant a stop sign and there is no factual basis for one. This is a speed issue, and it is not necessarily for a stop sign to be implemented. Once a sign is in place it is forever, and not something to be taken lightly

Council Member Leone commented this is only way can control speed on surface streets.

Mayor Earnest agreed noting that is why the special considerations were added to the policy.

Council Member Mayes commented that the Traffic Commission members are the Town's experts and it seems like the Council is not taking the policy into account.

Mayor Earnest suggested that the Commission might not do enough research into the requests. Engineer Burkett advised a majority of the members are Citizen Patrol members, and they do visit the sites.

Council Member Leone commented that the Commission goes by the warrants,

Council Member Mayes advised that one member of the commission has expressed frustration that they make recommendations and the Council overturns it, noting there seems to be a policy problem.

Council Member Neeb added that they are operating under state law, and the Council is the one who has to answer to the citizens who come to us about speed situations.

It was suggested that the Mayor forward a letter to the Commission regarding Council concerns and asking if they would like a joint session with the Council to discuss issues.

Council Member Mayes moved to approve the installation of a multiway Stop at the subject location due to the proximity to Paradise Park. Council Member Leone seconded. Motion carried 3-1-1 on a roll call vote.

AYES: Council Member Leone, Neeb and Mayor Earnest
NOES: Council Member Mayes
ABSTAIN: None
ABSENT: Council Member Cook

16. Traffic Congestion Relief Program (TCRP), \$3.2 Million State Grant, Sidewalks, Median Islands, Utility Undergrounding, Project Status, Council Policy Direction.

Deputy Town Manager Stueckle reported the project was placed on hold at a previous meeting. We have received written confirmation from the Caltrans TCRP Office in Sacramento authorizing the Town to proceed up to the \$150,000 level. The recommendation is that Council authorize staff to initiate preliminary design on the project consisting of sidewalks, median islands and undergrounding of utility poles.

Council Member Leone questioned if there will be a point to have public comments from the business owners at the west end of town. Deputy Town Manager Stueckle advised there will be a study session in August or September to discuss the project and public notice will be provided.

Council Member Neeb questioned if the funding will cover landscaping in the medians. Deputy Town Manager Stueckle advised that it does not include any funding for landscaping those median islands, staff will be bringing RDA bond allocation discussion to council, noting that if the State does not authorize us to proceed with subsequent phases Council will want to reallocate those bond proceeds to something else.

Council Member Leone commented that he has seen some indication that there may be some money available for landscaping from Measure I.

Council Member Mayes moved to authorize staff to re-initiate the preliminary design for the TCRP \$3.2 Million project. Council Member Neeb seconded. Motion carried 4-0-1 on a voice vote with Council Member Cook absent.

17. Traffic Commission Recommendation, Installation of new street light, David Avenue and Richard Drive, Concerned Residents of Paradise Valley Request.

Engineer Burkett reported the Paradise Valley neighborhood made a request for consideration of installation of the street light. Traffic Safety Policy #13 provides for possible installation of new street lights if any of 4 guidelines are met, however there is no demonstrated traffic hazard at the intersection, the location is outside the commercial corridors of SR 62 and portions of SR 247, it is not at the intersection of two major arterials and the location is not being considered in conjunction with a land development project.

Council Member Mayes questioned if the request was made for traffic safety. Engineer Burkett advised it is his understanding that kids are hanging around the intersection, and they thought this would deter them.

Council Member Neeb questioned if the issue has been resolved. Capt. Williams advised there was juvenile activity in the evening hours and the thought was that

YUCCA VALLEY TOWN COUNCIL MINUTES

September 4, 2003

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ENDING THE LOCAL STATE OF EMERGENCY

Council Member Leone moved to adopt the Consent Agenda Items 1, 2, 4, and 5. Council Member Mayes seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Leone, Mayes, Neeb and Mayor Earnest
NOES: None
ABSTAIN: None
ABSENT: None

3. **Appointment by Council Resolution of primary and alternate Board Members to the public Agency Risk Sharing Authority of California (PARSAC), and Granting Authority to the Town of Yucca Valley's Representative (Director and Alternate) to approve and execute amendments to the Joint Powers Agreement for PARSAC.**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, TO APPOINT A REPRESENTATIVE TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA BOARD OF DIRECTORS

Management Services Director Carr advised the Resolution has been amended removing the Town Manager as alternate and replacing it with the Management Services Director.

Council Member Mayes moved to adopt Resolution No. 03-37 appointing Linda Hale, Risk Manager, as the primary Town representative to the PARSAC Board and authorizing the appointment of Ron Carr, Management Services Director, as the alternate member. Council Member Cook seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

Town Manager

6. **Edison Utility Undergrounding Meeting update.**

Mayor Earnest reported regarding a meeting with Southern California Edison Representatives and discussions they had about undergrounding, and a request for an explanation as to why the costs escalated so much. The major reasons for the increase are the fact that they can no longer absorb some costs and have to pass them through, and the main expense of undergrounding is the infrastructure in the ground at the beginning and at the end. The cost per pole is nominal. She questioned if, for these 8

poles, there was a possibility we could underground a longer stretch for nearly the same amount of money. Edison offered, for no cost, to do an evaluation of any other section along the highway that the Council may be interested in undergrounding which is a longer stretch than the original 8 poles so that we can do a comparison. She questioned if it is council's desire to stick with these 8 poles or to look at another area of SR 62.

Council Member Leone advised he also attended a portion of the meeting and there was a proposal to look at another avenue of undergrounding, however, with the initial investment undergrounding at the initial site there would be a stem if we want to continue later. It was also suggested that the Town Council should, in the near future, adopt a resolution stating that we would like undergrounding for future development.

Kathleen DeRosa, Southern California Edison, advised they would like the Council to choose a site, and they would be happy to price that site out, noting the Town has approximately \$1.6 million in allocation toward undergrounding with a 5 year mortgage ability.

Council Member Leone questioned if this allocation comes from Edison Company and if it is in addition to the \$3.2 million grant. Ms. DeRosa advised that every city has an allocation and it is in addition. Mayor Earnest commented that the Town has \$2.6 million to spend, and questioned if it is Council's wish to have Edison evaluate any larger stretches. Deputy Town Manager Stueckle added that if we are keeping with the same type of work, but moving to different section of highway it is very likely we would be able to use the grant funding in a different area. Ms. DeRosa advised the original section the Council chose to underground contains very high kV power lines, and might want to look further into town where there are lower kV lines which are less expensive to underground.

Council Member Mayes questioned if the discussion is premature knowing that the TCRP money is not going to be available until 2009. Deputy Town Manager Stueckle questioned if for preliminary policy discussion, would the Council want staff returning to a study session in the future, identifying different areas of poles you might like to consider as an alternative? If you give that direction to staff, we would take the information to the Edison employees and get numbers back for another study session.

Council Member Mayes questioned what the Town can do with the \$1.6 million, and when it can be used. Miss DeRosa advised the funds are available to the city whenever you are ready to go through with a project. She noted most underground projects take approximately 3 years.

Council Member Cook advised that he doesn't have a problem with getting information on another area but questioned if other utilities would be involved such as the cable and

policy.

Council Member Earnest noted that the federal per diem rate is used in private sector also.

Richard Sroda, Yucca Valley, stated commented about the \$50.00 monthly allowance and stated that he is not in favor of telephone credit cards, because there is no public record.

Council Member Earnest, commenting in regard to the \$50 allowance, noted that she uses her stipend to cover phone calls from home to Sacramento and for when she is at a conference to call home, and she is not sure the extra \$50 is necessary.

Council Member Cook stated he also spends a lot of time on the road and filling out travel claims is a mess and any way staff can make it easier he applauds what they are doing. He stated he also has a problem with the \$50.00 allowance.

Council Member Mayes stated he prefers the actual expense method, noting when one gets the per diem rate they are often getting more than they are using.

Council Member Neeb stated he agrees with the comments regarding the allowance.

Administrative Analyst Munro stated that based on Council comments, he would recommend adoption of item 1.

Council Member Mayes stated he would like to make a motion to table, if there is no pressing reason why this has to be adopted tonight. Town Attorney Silvergleid advised the policy just has to be in place prior to the effective date of the ordinance, which is 30 days from today. Council Member Cook seconded the motion to table.

Mayor Leone advised the item will be tabled to the next meeting.

16. Update on Status of Capital Projects

Town Engineer Pedersen reported regarding the status of the Safe Routes to School Sidewalk Project, Jacobs Park Improvements, Paradise park Improvements, emergency generator project, road improvements traffic signal battery backup systems, TCRP \$3.2 Million, of which there will be no funding reimbursements for anything after February 1st. Acting Town Manager Stueckle advised staff just found out about that this week, but will still be coming back before the Council to discuss the policy issues of undergrounding options and median island openings. Council Member Earnest stated that shows how out of whack the state is and luckily we are just in the design stage and not construction when they say will not pay the bills.

YUCCA VALLEY TOWN COUNCIL MINUTES

January 15, 2004

Council Member Neeb questioned if there is any other town within 100 miles taking the amount of money the Council is out of their reserve and paving roads.

Town Engineer Pedersen continued with the status of the SR 247/Buena Vista Traffic Signal, Outer Highway Relinquishment, CDBG projects for Warrens Well rehabilitation, Town of Yucca Valley electronic sign, high school pool rehabilitation, Boys & Girls Club roll up door, evaporative coolers and roof repair, Basin Wide Foundation energy tracking system, Yucca Valley Library improvements, community center field lighting, Youth Sports Park field improvements and lighting, Tri Valley Little League parking lot improvements, Desert Christ Park Fencing and Machris Park Improvements, Phase A.

Acting Town Manager Stueckle advised this is only a touch of what has very recently been completed or is underway at this time, noting that Council should be very proud of the improvements that have been made to the community's infrastructure.

Brian Ranger, Yucca Valley, commented regarding property his family owns on Onaga Trail, noting that the sidewalk improvement by the elementary school is dumping water directly onto his property. He suggested the Town look into existing resources from local, state or federal bonds to create a flood control facility in that area. Acting Town Manager Stueckle advised that staff will take a look at the situation.

Richard Sroda, Yucca Valley, commented regarding the Council raise and health benefits.

Council Member Cook moved to receive and file the report. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

STAFF REPORTS AND COMMENTS

Acting Town Manager Stueckle advised that staff from the Town and Water District have been having discussion trying to set up a joint meeting and have set a preliminary date of Tuesday, February 24th at 6:00 p.m. Requested that Council check their availability. Commented about writing the staff report for his benefits, noting it would have been easy to ask the Management Services Director or Town Attorney to write it, but he does his own dirty work. Advised there will be a mid year budget review in February and he will be asking for reconsideration of the merit increase issue and salary freeze. He noted one Council Member wanted to review

13. Treasurer's Report for Quarter Ending December 31, 2003

Management Services Director Carr presented the treasurer's report.

Council Member Earnest moved to receive and file the Treasurer's Report for the 2nd Quarter, FY 2003/2004. Council Member Cook seconded. Motion carried 5-0 on a voice vote.

14. Warrant Register - February 5, 2004 - Reporting Department - Management Services

Council Member Mayes moved to ratify Warrant Register No. 26, Payroll Checks, Warrant Number 11870 (Check date January 8, 2004), Warrant Register No. 27, Warrant Numbers 11871 through 11944 (Check Date January 9, 2004), Warrant Register No. 28, Payroll Checks, Warrant Numbers 11945 through 11946, (Check date January 16, 2004), Warrant Register No. 29, Warrant Numbers 11947 through 12037, (Check date January 23, 2004), Payroll No. 1, Warrant Numbers 365 through 388, (Check date January 8, 2004) Payroll No. 2, Warrant Numbers 389 through 412, (Check date January 16, 2004) -for February 5, 2004. Council Member Earnest seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Cook, Earnest, Mayes, Neeb and Mayor Leone
NOES: None
ABSTAIN: None
ABSENT: None

POLICY DISCUSSION/DIRECTION

15. State \$3.2 Million Grant for SR 62, Transportation Congestion Relief Program (TCRP), Alternatives for the Utility Undergrounding, La Honda to Kickapoo.

Town Engineer Pedersen reported that the Town Council requested alternatives in order to evaluate the possibility of undergrounding a longer segment of utility lines than those selected in the original project. Alternative #1 consists of undergrounding lines from Kickapoo Trail to Mohawk Trail/Acoma Trail; Alternative #2 is the full undergrounding of utilities along SR 62 east and west of SR 247 (Airway to west of Dumosa); and Alternative #3 is the full undergrounding of utilities along SR 62 west of SR 247 to Sage Avenue.

Acting Town Manager Stueckle advised as staff was evaluating the possible alternatives they looked at the highest visibility and safety issues, and felt these were the 3 most viable alternatives in terms of the most impact for the expenditure of funds.

YUCCA VALLEY TOWN COUNCIL MINUTES

February 5, 2004

Council Member Earnest advised that Edison offered to come up with price estimates at no cost.

Mayor Leone stated of the three possibilities he has always been in favor of the initial approach to Town, and the closer we could get to the entrance the better.

Council Member Earnest stated she would be interested in especially getting the figures for the area of Kickapoo to Mohawk, because there is more pedestrian traffic, and although she thinks it is valuable to get rid of the poles into town, it is also valuable to better the aesthetics for our residents here.

Council Member Neeb stated he is in favor of the original plan to remove the poles at the beginning of Town.

Acting Town Manager Stueckle stated he is always in favor of having good figures for projects the Town might undertake in future, and suggested the Council request estimates on all three items.

Council Member Cook moved to request that cost estimates for all three alternatives be prepared by Southern California Edison Representatives. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

16. 2004-2005 Community Development Block Grant (CDBG) process.

Carried forward to February 19, 2004

17. 2004 Veterans Tribute

Community Services Director Schooler advised the issue is whether or not the Council wants a parade with the tribute.

Mayor Leone questioned the difference in cost. Community Services Director Schooler advised in staff time without a parade the cost is approximately \$2500 with a parade approximately \$10,000.

Council consensus to hold a parade.

PUBLIC COMMENTS

None

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Lesley Copeland, Town Clerk
Date: November 14, 2013
For Council Meeting: November 19, 2013
Subject: Council Manual of Procedural Guidelines – Status Update and Approval of Interim Language regarding Officers

Recommendation: That the Town Council:

- Receive and File a status update on the Council’s Manual of Procedural Guidelines.
- Adopt Section 9.1 (a) of Article IX – Officers, and direct staff to include the adopted language in the final draft when presented to Council for action.

Order of Procedure:

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

Discussion: Since incorporation, the Town Council has implemented, added, removed and modified various provisions to the Town’s Municipal Code establishing rules and procedures related to many aspects of Council protocol and procedure. Most recently in March 2011, the Council adopted Ordinance No. 223, repealing and reenacting Chapter 2.05 relating to Mayor and Town Council, and directed staff and legal counsel to develop a comprehensive manual of procedural guidelines that can be reviewed and adopted by resolution. Further, the Council appointed an ad hoc committee to provide initial review of the proposed manual and make recommendations to the Council as appropriate.

Over the past month, staff and legal counsel have completed a majority of the initial draft of the manual, and are currently working with the ad hoc committee in reviewing the various topics covered in the manual. Staff anticipates that the initial draft of the manual and related ad hoc committee recommendations will come before Council in January 2014.

With the adoption of Ordinance No. 223, the Town’s current municipal code does not contain any language regarding the selection of Mayor and Mayor Pro Tem. The rotation of officers traditionally occurs at the Council’s first meeting in December. Given the Council’s desire for standard language related to the selection of Mayor and Mayor Pro Tem in advance of the

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

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

traditional rotation of officers, staff is bringing forward a recommendation for adoption of the pertinent language related to such selection. This language is captured in Section 9.1 (a) of the draft manual and reads as follows:

9.1 Selection of Mayor/Mayor Pro Tem (For Town Council Only)

(a) The Town Council reorganizes at the first meeting in December, or at the meeting immediately following a certification by the County of San Bernardino Registrar of Voters in an election year. Traditionally the Mayor Pro Tem is nominated as Mayor and the next Mayor Pro Tem is nominated according to seniority. Seniority is based on the number of votes received in the member's election cycle, in the order in which the election cycle takes place, including any special election. Appointed members will be junior in seniority to all other members seated at the time of appointment. While considering Council tradition, the Town Council may choose to nominate and confirm through majority vote any member of the Council for Mayor and Mayor Pro Tem based upon qualifications, need, or other criteria as may be appropriate at any given time.

Town staff, legal counsel and the ad hoc committee have reviewed this section and have no further recommended modifications to the proposed language. If the staff recommendation is moved forward, this language will be the adopted guiding language and will be included in the final draft of the Council's manual as written.

Alternatives: Modify the language as desired, or defer action on the language until a later date.

Fiscal impact: There is no fiscal impact associated with this item.

Attachments: Ordinance 223

ORDINANCE NO. 223

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

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

SECTION 1. MUNICIPAL CODE AMENDED

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

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

“Chapter 2.05

MAYOR AND TOWN COUNCIL

Sections:

Part I. General Provisions

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

Part II. Elections

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

PART I. GENERAL PROVISIONS

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

2.05.020 ADMINISTRATIVE SERVICES OF THE TOWN:

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

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

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

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

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

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

PART II. ELECTIONS

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

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

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

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

“Chapter 4.02

BOARD AND COMMISSION MEMBERS

Sections:

- 4.02.010 Appointments
- 4.02.020 Residency Requirements
- 4.02.030 Officers

4.02.010 APPOINTMENTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

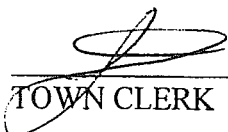
SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

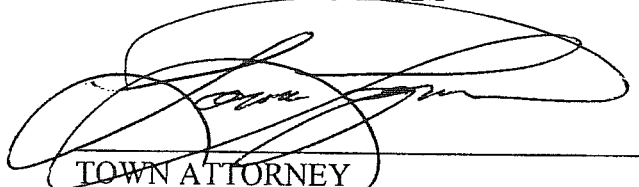
APPROVED AND ADOPTED by the Town Council, signed by the Mayor, and attested by the Town Clerk this 1st day of March, 2011.


MAYOR

ATTEST:

APPROVED AS TO FORM


TOWN CLERK


TOWN ATTORNEY

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 223 as duly and regularly introduced at a meeting of the Town Council on the 15th day of February, 2011, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 1st day of March, 2011, by the following vote, to wit:

Ayes: Council Members Hagerman, Mayes, Rowe, and Mayor Huntington


Noes: Council Member Luckino

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 2nd day of March, 2011.

(SEAL)



Town Clerk of the Town of
Yucca Valley

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Melanie Crider, Animal Care & Control Manager
Date: November 14, 2013
For Council Meeting: November 19, 2013

Subject: Town Council Requested Item
Spay/Neuter Voucher Program

Prior Council Review: The Town Council discussed a spay/neuter voucher program in November and December 2012.

Recommendation: That the Town Council approve the spay/neuter voucher program as outlined within this staff report.

Executive Summary: Pet overpopulation is a nationwide problem resulting in millions of homeless animals being put to death each year. One solution to limiting unwanted births and reducing the number of homeless animals is relatively simple. Pet owners should spay or neuter their companion pets.

One program agencies implement to encourage the spaying and neutering of pets is a "Spay & Neuter Voucher Program". Spay and neuter voucher programs provide for a reduction in costs for those services provided through local veterinarians. The funding resource(s) for this program vary from agency to agency. Funds supporting this program may be found in donations, collected revenues, budgeted by a County, City or Town or possibly by grants. Participation from local veterinarians and low-cost animal clinics is necessary.


Order of Procedure:

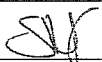
- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Reviewed By:


Town Manager

Town Attorney


Mgmt Services


Dept Head

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

Discussion: Spay/neuter vouchers provide funds, in the form of a voucher, to pet owners to assist animal owners in paying for the altering of their pets. The pet owner is responsible for any other charges that exceed the amount the specified in the voucher. This program assists in implementing mandatory Spay/Neuter Ordinances.

As with any successful program, there must be clearly established policies and procedures. Administrative duties include the management and tracking of the spay/neuter vouchers, verifying residency of applicants and screening qualified individuals for eligibility. The vouchers are typically applied for at the participating agency and the vouchers may be given out at the agency location and/or mailed to qualifying applicants.

This program will be implemented upon the following procedures:

- Only Town of Yucca Valley residents are eligible
- No income restrictions (consistent with San Bernardino County)
- Limit vouchers to three (3) personal pets (dogs and/or cats) per pet owner/family (consistent with San Bernardino County).
- Once a pet owner/family has received up to three (3) vouchers, they may not apply for another Town voucher for a time period of 5 years after the last voucher was issued.
- Local veterinarian clinics (VCA and Companion Animal Clinic), along with Animal Action League (Low Cost Mobile Clinic) and Animal Samaritans in Thousand Palms, have all agreed to participate in the Town's spay neuter voucher program.
- An experienced, qualified volunteer will be utilized for a majority of the supporting administrative work.

Implementation of the voucher program is recommended to start within approximately thirty days following initiation of operations at the Replacement Animal Shelter.

Alternatives: Town Council may desire to add other restrictions to the application requirements of the spay/neuter vouchers and/or decide to increase/decrease available funding from the Cyla Wells account.

Fiscal impact: Funding for a voucher program was discussed at the November and December 2012 Town Council Meetings during the review of the Expenditure Plan for Cyla Wells' Bequest. During this discussion, the Town Council considered vouchers for 500 dogs in the amount of \$60.00 each (\$30,000.00) and for 500 cats the amount of \$35.00 each (\$17,500.00). Current funding is estimated to last anywhere from one to two years. Additionally funding to support this program may be found in donations, collected revenues, budgeted by the Town and/or through grants.

Attachments: November 6, 2012 Yucca Valley Town Council Minutes
December 18, 2012 Yucca Valley Town Council Minutes
Draft Program Forms

Town of Yucca Valley – Animal Care and Control Services
4755 Malin Way, Yucca Valley, CA 92284 760-365-1807

SNV# 001-D

SPAY AND NEUTER VOUCHER – DOG

Maximum of \$60.00 for surgery

Owner Information

Name: _____

Address: _____

Yucca Valley, CA 92284

Phone No. _____

Approval Signature (Town)

Pet Information

Name: _____

Breed: _____

Color: _____

Age: _____ Sex: _____

Date of Approval (Town)

Attention "Pet Owners": Surgery must be completed by _____

Attention Veterinarians: Vouchers must be submitted to Town for Payment by _____

In accepting this voucher, I certify that I have performed at my office, located at:

Name of Animal Hospital/Clinic _____

Address _____

a canine ovariohysterectomy or castration on the animal described on this voucher and presented for such procedure by the person indicated on the voucher. I further certify that all work done in performing the work indicated on this voucher complies with all State and local laws, rules and regulations pertaining to the practice of veterinary medicine.

I further agree that I accept the voucher voluntarily as payment or partial payment of my customary and usual charge of \$_____ for the above surgical procedure and the amount reimbursed by the Town shall not exceed the amount indicated on the voucher nor shall the Town be obligated to pay any amount in excess of the amount indicated on the voucher. I agree to indemnify, defend and hold harmless the Town of Yucca Valley and its officers, employees, agents and volunteers from any and all claims, actions, losses, damages and/or liability arising out of my actions relative to the surgical procedure performed and my activity attendant thereto.

Veterinarian Signature: _____

Date: _____

Town of Yucca Valley – Animal Care and Control Services
4755 Malin Way, Yucca Valley, CA 92284 760-365-1807

SNV# 001-C

SPAY AND NEUTER VOUCHER – CAT

Maximum of \$60.00 for surgery

Owner Information

Name: _____

Address: _____

Yucca Valley, CA 92284

Phone No. _____

Approval Signature (Town)

Pet Information

Name: _____

Breed: _____

Color: _____

Age: _____ Sex: _____

Date of Approval (Town)

Attention "Pet Owners": Surgery must be completed by _____

Attention Veterinarians: Vouchers must be submitted to Town for Payment by _____

In accepting this voucher, I certify that I have performed at my office, located at:

Name of Animal Hospital/Clinic _____

Address _____

a feline ovariohysterectomy or castration on the animal described on this voucher and presented for such procedure by the person indicated on the voucher. I further certify that all work done in performing the work indicated on this voucher complies with all State and local laws, rules and regulations pertaining to the practice of veterinary medicine.

I further agree that I accept the voucher voluntarily as payment or partial payment of my customary and usual charge of \$_____ for the above surgical procedure and the amount reimbursed by the Town shall not exceed the amount indicated on the voucher nor shall the Town be obligated to pay any amount in excess of the amount indicated on the voucher. I agree to indemnify, defend and hold harmless the Town of Yucca Valley and its officers, employees, agents and volunteers from any and all claims, actions, losses, damages and/or liability arising out of my actions relative to the surgical procedure performed and my activity attendant thereto.

Veterinarian Signature: _____

Date: _____

**TOWN OF YUCCA VALLEY
REGULAR AND SPECIAL TOWN COUNCIL MEETING MINUTES
NOVEMBER 6, 2012**

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:04 p.m.

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Rowe

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. **Introduce Sharon Cisneros, Senior Accountant.**

Town Manager Nuaimi introduced Sharon Cisneros, Senior Accountant.

PROVAL OF AGENDA

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

CONSENT AGENDA

2. **Approve**, Minutes of the Town Council Meeting of October 30, 2012, as presented.
3. **Waive**, further reading of all ordinances and read by title only.

Council Member Huntington requested to pull Item No. 4, Black Lava Butte Wind
Project, Resolution.

Council Member Huntington moved to adopt Consent Agenda Items 2 and 3. Council
Member Lombardo seconded. Motion carried 4-0 on a roll call vote.

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

4. Black Lava Butte Wind Project, Resolution of Opposition

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, OPPOSING THE CONSTRUCTION OF THE BLACK LAVA BUTTE WIND PROJECT

Deputy Town Manager Stueckle gave the staff report advising that the Bureau of Land Management (BLM) authorized the installation of four meteorological test towers in unincorporated County areas near Yucca Valley. Local coalitions formed to oppose the development of wind energy generation towers in the noted locations for a number of factors, including but not limited to, potential impacts on cultural and historic resources, view sheds, and impacts to biological resources. Prior Town Council action resulted in the adoption of Resolution No. 07-19, opposing the Green Path North project.

April Sall, Pioneertown, advised the application for this project came with the Green Path North application from Los Angeles Department of Water and Power (DWP). DWP withdrew their project application, however this portion was not withdrawn and sat stagnant until a new company came by and bought it. It could bring back Green Path North and would have detrimental effects on the environment. She encouraged the Council to adopt the resolution.

Claudia Sall, Pioneertown, spoke in opposition to the project and requested Council's support in opposing it.

Council Member Huntington commented this is obviously the re-spawning of Green Path North, which Council adamantly opposed in 2007.

Council Member Lombardo commented that, although he is in favor of wind energy, this is not the appropriate place for such a project.

Council Member Abel commented regarding the importance of the view shed, and the need to let our voices be heard.

Mayor Rowe thanked the Salls for their efforts.

Council Member Huntington moved to adopt Resolution No. 12-43, opposing construction of the Black Lava Butte Wind Project. Council Member Lombardo

seconded. Motion carried 4-0.

DEPARTMENT REPORTS

4a. **Acceptance of Cyla Wells' Bequest**

Town Manager Nuaimi advised in April, 2012, Town staff received notification that the Hi Desert Humane Center had been named as a beneficiary in the last will and testament of Ms. Cyla Wells, a deceased Yucca Valley resident. Ms. Wells had been a supporter of the Humane Center, the agency that carried out the animal adoption functions when the Town's local animal shelter was privately owned and operated as Hi Dez Kennels. Staff investigated the matter to determine whether the Yucca Valley Animal Shelter could be the rightful recipient of the bequest based on its presence in the same physical location, its role as the functional successor to Hi Dez Kennels, and its continuation of the animal adoptions previously handled by the Humane Center. Following review of the records, the Town Attorney's office petitioned the court to find the Town of Yucca Valley as the rightful successor to the Hi Desert Humane Center and entitled to the share of Ms. Wells' estate. The funds have been placed in a holding account pending Council acceptance and direction.

Town Manager Nuaimi thanked Animal Care & Control Manager Crider for her efforts in demonstrating that the Town was the rightful owner of the kennel.

Council Member Lombardo expressed his appreciation that one of our citizens would do this for the kennels.

Council Member Abel commented the Council wants to honor Ms. Wells by using the funding wisely

Council Member Abel moved to accept the bequest from the Cyla Wells estate; direct staff to provide the necessary accounting procedures to ensure that the funds are used to benefit the Yucca Valley Animal Shelter, in accordance with the restrictions placed on the use of funds by the benefactor; and direct staff to bring back a recommended expenditure plan that would be consistent with the restrictions placed on use of the funds. Council Member Huntington seconded. Motion carried 4-0.

5. **Replacement Animal Shelter, ACJPA Project No. 1, Approve Bid Process, Contract Award, Town Construction Management/Specialized Inspections.**

Town Manager Nuaimi gave the background of the project. R. C. Construction was the original apparent low bidder but pulled their bid within the prescribed amount of time due to a clerical error. Last time the item was before the Council it was presented that the worst-case total cost would be \$4,168,219, however, the bid came in under \$2.8 million

which brings the total project cost down to \$3.75 million. The original JPA agreement with the County was to construct a \$3.5 million facility with the Town and County splitting the cost 50/50. The Town and County were to contribute \$437,500 annually for four consecutive years to fund the obligation. We are now bringing forward the 2nd Amendment to the JPA whereby the JPA constructs the facility and dissolves after it is complete. The Town will operate the facility and continue to provide Shelter Services to the County. The Town has deposited \$437,500 with the JPA and has made additional contributions towards the project. The County will provide the balance of funding to complete the construction, and when complete the County and Town will co-own the facility. The County/Town initial shares based upon contributions will be 79%/21%. The Town will acquire ownership up to 50% over the next 20 years through an annual Operational Services Credit.

Council Member Huntington advised that he and Council Member Lombardo went through this issue at the JPA meeting and reviewed all the items. He added it is understood that the proposed \$60,000 from the Cyla Wells bequest will be in the contingency fund so if it is not needed it will be put back into the fund.

Council Member Lombardo commented this opportunity is going to help deliver a much needed facility through an incredibly good deal for the Town.

Council Member Abel questioned if the JPA had a discussion regarding including the startup costs, and if not, questioned if we are going in the wrong direction. Town Manager Nuaimi advised that all recommended actions were brought to the JPA as well as asking them to approve using the unused contingency toward startup costs. Council Member Abel commented he is also pleased to see the County is partnering with us on what to do with the current shelter facility in the future. Town Manager Nuaimi advised those costs will be built into capital expenses of future budgets. Council Member Abel questioned when it is anticipated the new shelter will be ready for use. Town Manager Nuaimi stated if construction is completed by next October, conservatively they will be occupying the shelter in the beginning of 2014. Council Member Abel questioned if the Town Engineer will be overseeing the project. Town Manager Nuaimi advised he will.

Mayor Rowe commented it has taken a long time, and is good to see the project go forward. She noted her concern was the earlier amount and is happy to see the bids come in under cost. Recommendation No. 2 is her only concern, and she would love to see the project remain at that original \$3.5 million, and the contingency remain unused. She added the facility will be a fantastic addition to our community.

Council Member Lombardo moved to review and approve the JPA's competitive bid process for the construction of the Animal Shelter, including, but not limited to the proposed consent to withdrawal of bid by R.C. Construction Services, Inc., based upon the following findings: A) R.C. Construction Services, Inc., made a clerical mistake

establishing an incorrect bid amount for Metal Buildings; B) R.C. Construction Services, Inc. gave the ACJPA written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, and specified in the letter in detail how the clerical mistake occurred by failure to include an additional \$400,000 in metal building costs; C) The clerical mistake made by R.C. Construction Services, Inc., is materially different than R.C. Construction Services, Inc. intended by the failure to include \$400,000 in Metal Buildings costs that were not included in the bid item due to the clerical mistake; and D) The clerical mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans and specifications. Council Member Abel seconded. Motion carried 4-0.

Council Member Abel moved to approve the Second Amendment to the ACJPA Agreement that increases the total project cost called out in the ACJPA Agreement from \$3.5 to \$3.75 million. Council Member Lombardo seconded. Motion carried 3-1 with Mayor Rowe voting no.

Council Member Lombardo moved to approve Second Amendment to the ACJPA Agreement that defines: Attachment A - Proposed Work Plan; Attachment B – Joint Funded Animal Shelter Project; Attachment C – Operational Agreement; and Attachment D – Joint Ownership agreement. Council Member Huntington seconded. Motion carried 4-0.

Council Member Abel moved to approve the JPA’s proposed award of the “Base Bid” construction contract to Facility Builders and Erectors, Inc., in the amount of \$2,849,400.00, and the “Bid Alternate B” construction contract in the amount of \$31,800.00; approve the JPA’s proposed authorization of a Construction Contingency in the amount of \$391,294 (14% of construction costs); and accept Town staff’s proposal for Construction Management and Specialized Inspection Services. Council Member Huntington seconded. Motion carried 4-0.

Council Member Abel moved to approve the JPA’s proposal that unused Construction Contingency be budgeted against one-time start-up costs for the replacement animal shelter. Such expenditure will be brought to the JPA Board for prior approval. Council Member Lombardo seconded. Motion carried 4-0.

Council Member Huntington pointed out if the contingency is used, the startup costs will come out of the shelter operating budget.

Council Member Abel moved to approve the Co-Ownership Agreement in form as presented in the JPA Second Amendment (Attachment D); Authorize the Town Manager and Town Attorney to make non-substantive modifications to finalize such agreement and its Exhibits to final form; and authorize the Mayor to execute the final agreement on behalf of the Town. Council Member Lombardo seconded. Motion carried 4-0.

Council Member Lombardo moved to approve the Fifth Amendment to Contract (No. 08-1152) between the County of San Bernardino and the Town of Yucca Valley for providing Animal Shelter Services for FY 2013/14. Council Member Abel seconded. Motion carried 4-0.

FUTURE AGENDA ITEMS

Mayor Rowe requested consideration of the Council's current invocation policy be brought forward for review in light of the recent controversy surrounding religious references at the High School. Council agreed.

PUBLIC COMMENT

Chad Purtell, Yucca Valley, commented regarding the speeding problem around the curve on Palo Alto onto Murray lane.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow welcomed Senior Accountant Cisneros.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

6. Council Member Huntington

Welcomed Senior Accountant Cisneros.

Wished the Candidates on the dais and in the audience best of luck in the election.

7. Council Member Lombardo

Welcome Senior Accountant Cisneros to the Yucca Valley family.

Wished his fellow candidates on the ballot well.

8. Mayor Pro Tem Abel

Welcomed Senior Accountant Cisneros stating he is thrilled to have her on staff.

Questioned the best way for people to express their concerns to Town Hall. Town Manager Nuaimi recommended the "Ask Yucca" page on the Town's website, or call Town Hall directly.

Commented he is excited about the election tonight, noting it is wonderful that our

citizens get the opportunity to vote and let their voices be heard.

Commented the Town has a fantastic staff, and he is thrilled about how the animal shelter is coming along.

9. Mayor Rowe

Welcomed Senior Accountant Cisneros,

Congratulated Animal Care & Control Manager Crider on the shelter project moving forward.

Wished all the candidates good luck.

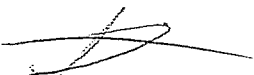
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, November 20, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:51 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk

**TOWN OF YUCCA VALLEY
REGULAR TOWN COUNCIL MEETING MINUTES
DECEMBER 18, 2012**

OPENING CEREMONIES

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

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Abel

INVOCATION

Led by Pastor Bob Wagner, Joshua Springs Community Chapel

PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS

- 1. Recognition of Joshua Springs Lightning Football Team for becoming four-time back to back CIF Champions.**

Mayor Abel presented certificates of achievement to Joshua Springs Lightning Football Coaches and recognized the team.

- 2. Employee of the Quarter.**

Presented to Administrative Assistant II, Linda Wright.

- 3. Recognition of Deputy Town Clerk Copeland for achieving Certified Municipal Clerk (CMC) designation.**

Deputy Town Clerk Copeland recognized for becoming a Certified Municipal Clerk through the International Institute of Municipal Clerks.

AGENCY REPORTS

Chamber of Commerce

4. Monthly Chamber of Commerce Report for November 2012

Jennifer Collins, Chamber President, gave the monthly report for November 2012.

Hi Desert Water District

5. Water and Wastewater Project Updates.

Sarann Graham, Board President, gave the monthly water and wastewater project update.

Council Member Rowe questioned if there is anything the Council can do to lobby for Round 2, Prop. 84 funds. President Graham stated it never hurts to have other agencies send letters letting them know we have a real concern here.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 7. Waive, further reading of all ordinances and read by title only.
- 8. Receive and file, Monthly Statistical Fire Department Report for November 2012
- 9. Approve, fifth amendment to the library lease agreement between the Town and the County at a rate of \$2,063 per month, and authorize the Mayor to sign all necessary documents.
- 10. Receive and file, AB 1234 Reporting Requirement Schedule for the month of November 2012
- 12. Adopt, Resolution No. 12-46, updating the Town's authorized signatories at Pacific Western Bank

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN TO UTILIZE PACIFIC WESTERN BANK FOR GOVERNMENTAL BUSINESS BANKING SERVICES AND

UPDATING AUTHORIZED SIGNATORIES

13. **Authorize**, Town staff to solicit information bids from three vendors for the procurement of the FY 2012 Emergency Management Performance Grant (EMPG) purchases of computer equipment and to waive the formal bidding procedures finding that the established procedures would be impractical for these purchases; and **Adopt**, Resolution No. 12-47, designating the Town Manager, Deputy Town Manager and Director of Administrative Services as authorized agents to execute for and on behalf of the Town of Yucca Valley for the purpose of obtaining federal financial assistance or grants through California State or Federal assistance programs.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FOR DESIGNATION OF APPLICANT'S AGENT FOR THE PURPOSE OF OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY AND SUB-GRANTED THROUGH THE STATE OF CALIFORNIA OR OTHER JURISDICTION

14. **Adopt, Resolution No. 12-48, amending Resolution No. 12-32, that called and gave notice of a Special Election on March 5, 2013, to allow for an all-mail ballot election.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 12-32, 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, ALLOWING FOR AN ALL-MAIL BALLOT ELECTION

16. **Accept**, Project No. 8961 – Essig Park, as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months.
17. **Award**, a professional services agreement to Heider Engineering Services, Inc., for soil testing, special inspections, and material testing services in the amount of \$39,346.00, and authorize the Town Manager, Town Attorney, and Mayor to sign all necessary documents, Yucca Valley Animal Shelter – ACJPA No. 1.
18. **Ratify**, the Warrant Register total of \$1,038,369.21 for checks dated November 29, 2012 and December 4, 2012. Ratify Payroll Registers total of \$1,046.04 for checks dated November 29, 2012.

Council Member Rowe requested to pull Item 6, 11, and 15,

Margo Sturges, Yucca Valley, spoke regarding the \$71,656.64 remaining from the Essig Park project. Town Manager Nuaimi advised that staff will return to Council in January with a full project accounting and updated interfund loan balances.

Council Member Rowe moved to adopt Consent Agenda Items 7, 8, 9, 10, 12, 13, 14, 16, 17, and 18. Council Member Huntington seconded. Motion carried 4-0.

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

6. Minutes of the Town Council Meeting of December 4, 2012.

Council Member Rowe requested that clarification be added to public comments on page 6 of the minutes stating that the comments from Stanley Zarakov and Meredith Jones regarding a special tax initiative is for the benefit of the Town and the Town's expenses.

Council Member Rowe moved to approve the minutes as amended. Council Member Huntington seconded. Motion carried 4-0.

11. Expenditure Plan for Cyla Wells' Bequest

Community Services Director Schooler gave the staff report advising Ms. Wells participated with the care and adoption of animals through the Hi Desert Humane Center. The expenditure plan focuses on the Town's efforts to support the health, comfort and adoption of animals and needs of the Shelter.

Mayor Abel commented he is very pleased to see the request for funding for a spay/neuter voucher program and requested the County be approached to see if a grant program is possible for matching funds for county residents. He noted he is happy with this plan.

Council Member Huntington clarified that the \$60,000 for the contingency fund will be used as a last resort.

Council Member Rowe advised her concern is the cat condo inserts and questioned if there would be no cat condos if the request wasn't in the plan. Community Services Director Schooler advised what we have now are cat cages. Town Manager Nuaimi advised that any investments made into the facility improvements will go against our

credit at a rate of 50 cents on the dollar, adding our expectation is that we will not use all of the contingency funds. Council Member Rowe commented there is a need for the shelter because there is a surplus of animals in our community, so it seems like a spay/neuter program would be the most beneficial. She would like to put more funding into that than maybe a shade shelter etc.

Council Member Huntington commented the draft is a living document, subject to change.

Town Manager Nuaimi commented that the County does have a spay and neuter program in the unincorporated area.

Council Member Lombardo stated it is important to get the facility fully functional noting the shade shelters are also important.

Council Member Huntington moved to approve the expenditure plan for the funds donated by the estate of Cyla Wells and delegate authority to the Town Manager to transfer funds among the categories as needs arise. Council Member Lombardo seconded. Motion carried 4-0.

15. SR 62 @ Dumosa Traffic Signal, Authorization to Release Request for Proposals for Preparation of Plans, Specifications and Estimates.

Council Member Rowe stated that page 64 of the staff report states that there are 2 conceptual plans one that utilizes the existing four lane roadway on SR 62 and the other providing traffic signal equipment that would accommodate the future widening of SR-62, but the staff report does not say what the staff recommendation will be. She encouraged use of Conceptual Plan 2 from a standpoint of cost savings in the long run. Deputy Town Manager Stueckle stated the approach staff always tries to take is to design for the ultimate configuration, noting the preliminary analysis says that is possible. He is confident it should not be an issue for Caltrans. Council Member Rowe stated it will save more in the long run if we spend more now. Town Manager Nuaimi advised that the Town will be requesting dollars from SANBAG.

Mayor Abel questioned if the light synchronization project will occur after this light installed. Deputy Town Manager Stueckle stated the light would typically be synchronized with construction or when it is turned on. Town Manager Nuaimi advised Caltrans will be synchronizing the exiting lights now and will add the new lights as they are constructed.

Council Member Rowe Moved to authorize staff to release a Request for Proposals for the preparation of plans, specifications and estimates (PS&E) for the SR 62 at Dumosa traffic signal. Council Member Huntington seconded. Motion carried 4-0

DEPARTMENT REPORTS

19. Fiscal Year 2011-12 Comprehensive Annual Financial Report

Services Director Yakimow advised the recommendation to receive and file report. The audit is conducted by a firm of independent CPAs appointed by and reporting to the Town Council.

Senior Accountant Cisneros reported regarding the audit process and introduced Scott Manno of Rogers, Anderson, Malody and Scott, LLP.

Scott Manno, Rogers, Anderson, Malody and Scott, advised their job is to express an opinion of Town's finances as to whether or not they are fairly presented in all material respects and in conformance with generally accepted accounting principles. The Town has received an unqualified opinion which is the top rating. Mr. Manno also gave a review of the impact the Redevelopment Agency dissolution had on the Town-wide financial statements for the year ended June 30, 2012

Administrative Services Director Yakimow thanked former Senior Accountant Kathy Ainsworth for her work preparing for the audit and Senior Accountant Cisneros for coming in to the staff.

Council Member Rowe moved to receive and file the FY 2011-12 Comprehensive Annual Financial Report. Council Member Huntington seconded. Motion carried 4-0.

20. FY 2012-13 Budget Amendment - Information Services

Deputy Town Clerk/Management Analyst Copeland reported that in June 2012, the Council approved the FY 2012-13 General Fund budget, including anticipated provisions for information services. Along with routine information technology maintenance and equipment replacement, the budget included funding for replacement of the Town's main file server due to age and inadequate storage space. As part of scoping the replacement project, the entire Town network was analyzed and it was determined that the separate finance server was also critically low in storage space and requires continual monitoring and maintenance. It is recommended that replacement of that server be included as part of this project. Both servers are beyond the manufacturers recommended life expectancy and fully depreciated, and we are seeing increased maintenance costs. By replacing both servers there is an opportunity to combine the units into one larger server. Another major upgrade is to increase the bandwidth between the Town's major work centers. It is anticipated the server replacements will be completed during the Town's winter office closure later this month.

Richard Harlan, Yucca Valley, questioned if the Town has any idea of replacing the phone system, and recommended consideration of a change. Administrative Services Director Yakimow advised that is one of the items we have on our technology master plan, but we are not in a position to do it right now.

Council Member Huntington questioned if staff has identified where the money is coming from. Administrative Services Director Yakimow advised that staff's recommendation is to take it out of existing reserves.

Mayor Abel questioned if staff would consider the request to be a need or a want. Deputy Town Clerk Copeland advised it is definitely a need at this time. Mayor Abel questioned if the Town approached the IT provider or if they approached us. Deputy Town Clerk Copeland advised the Town approached them. Mayor Abel stated it is his understanding this work will also save on maintenance costs.

Council Member Lombardo moved to amend the FY 2012-13 Budget to fund necessary Information Technology equipment replacement and upgrades by an amount of \$25,000. Mayor Abel seconded. Motion carried 4-0

PUBLIC COMMENT

Margo Sturges, Yucca Valley, expressed concern about the fall out of Measure U having divided our community and that there are still some citizens who are very bitter. She has heard there have been some incidents, and feels the Town should be concerned about this. She suggested that it is time to bring in the FBI to bring it to a halt. Capt. Boswell advised there have been some break in incidents that were thought to be retaliation, but that was not found to be the case.

Richard Harlan, Yucca Valley, questioned when the street sign will be installed at SR 62/247 now that the project is complete. Deputy Town Manager Stueckle advised that when the parts arrive the installation will be scheduled with Caltrans.

Saran Graham, Yucca Valley, wished everyone a Merry Christmas and hope the New Year brings much happiness and good health.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi wished all a very safe holiday season and thanked Council and Staff for everything they have done this past year. There has been a lot of progress and some setbacks. We have a good team of staff who love what they do.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

21. Council Member Rowe

Congratulated Deputy Town Clerk Copeland on her achievement.

Congratulated Administrative Assistant II Wright for being selected as Employee of the Quarter.

Congratulated the Joshua Springs Lightning Football Team.

Gave an extra special thank you to staff for their part in the light parade, and all the people who make it happen.

22. Council Member Huntington

Echoed the previously stated congratulations.

Wished the Hi Desert Water District a happy 50 year anniversary.

Reported regarding a meeting with SANBAG Director Wolfe and the Town Manager regarding discussion of the signal at Dumosa and the Town's probable request for funding. He noted that high on the SANBAG list is a recommendation and willingness to participate in a Council of Governments for the Morongo basin. They are looking for participants and subject matter, and will probably start meeting in April.

Congratulated Administrative Services Director Yakimow and staff for another exceptional year with a clean audit.

23. Council Member Lombardo

Congratulated all those receiving recognition tonight.

Commented regarding the great report on the CAFR noting it is nice to know we have a clean slate.

Wished a Happy New Year to all, noting it is nice to be a part of the Town family.

24. Council Member Abel

Requested consideration of contacting some of the local governmental agencies such as the Hospital District and College District to share quarterly reports.

Thanked the Rotary for their involvement in the light parade noting it was well attended, with lots of fun and participation

Encouraged people to set aside a part of their holiday budget to shop locally.

Advised that our hearts go to the community of Newtown.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, January 22, 2013, 6:00 p.m.

Town Manager Nuaimi advised the Council will be having goal setting workshop on Saturday, January 12, 2013 from 9:00 a.m. to 3:00 p.m.

CLOSED SESSION

Mayor Abel Adjourned to closed session at 7:20 p.m.

25. Potential Litigation per Government Code Section 54956.9(c) -- One (1) Matter
26. Government Code Section 54956.8, Conference with Real Property Negotiators.
State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.

Property: APN 595-081-22, 56528 Twentynine Palms Hwy.
Michael David Richards /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-20, 56560 Twentynine Palms Hwy.
David W. Bradley, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-19, 56572 Twentynine Palms Hwy.
Samuel Kodish/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-18, 56592 Twentynine Palms Hwy.
Daniel Haro, Kim Haro/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator

Real Property Negotiations

Property: APN 595-081-17, 56608 Twentynine Palms Hwy.
Michael Wilson /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-16, 56624 Twentynine Palms Hwy.
Michael Hildebrand /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-15, 56636 Twentynine Palms Hwy.
Mr. Werner Altenburg/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-14, 56650 Twentynine Palms Hwy.
Hosea E Brown, Trustee /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-13, 56668 Twentynine Palms Hwy.
Iron Horse Capital Inc./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-11, 56750 Twentynine Palms Hwy.
Margaret Peterson /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-10, 56780 Twentynine Palms Hwy.
Leroy Braszeal/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-33, 56778 Twentynine Palms Hwy.
Mr. Chester G. Mistal & Mrs. Ann M. Mistal /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-29, San Bernardino County, CA

San Bernardino County Flood Control District/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-07 & 32, 56806 Twentynine Palms Hwy.
Ultimate Motors Inc./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-05, 56824 Twentynine Palms Hwy.
Robert R. Beam, III/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-03 & 04, 56840 Twentynine Palms Hwy.
Joseph R. Huber, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-34, 57044 Twentynine Palms Hwy.
Western Bay, LLC/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-33, 57084 Twentynine Palms Hwy.
Theresia Hettich, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-30, 57096 Twentynine Palms Hwy.
Sanjay D. Patel/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-02, 56547 Twentynine Palms Hwy.
Mr. Arturo Castaneda/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-06, 56637 Twentynine Palms Hwy.
Paul A. Cella, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-07 & 08, 56659 Twentynine Palms Hwy.
Bae & Perris, LLC/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-361-10, San Bernardino County, CA
Hansen Betty H./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-19, 57075 Twentynine Palms Hwy.
Ft. Wayne Matador, Inc., Susan Sandelman/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-21, 57037 Twentynine Palms Hwy.
Arthur E. Miller/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

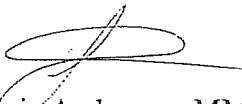
Property: APN 595-371-23, 57125 Twentynine Palms Hwy.
Savings & Loan World/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Mayor Abel called the Closed Session to order at 7:27 p.m., returned to open session at 7:48 p.m. and advised there was no reportable action. There were no members of the public present.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:48 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk

