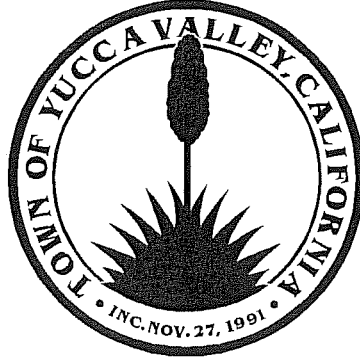


**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING**



*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.  
TUESDAY, MARCH 18, 2014  
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, MARCH 18, 2014  
TOWN HALL CONFERENCE ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

\* \* \* \*

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

\* \* \* \*

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

**AGENDA  
MEETING OF THE  
TOWN OF YUCCA VALLEY COUNCIL  
TUESDAY MARCH 18, 2014  
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](http://www.yucca-valley.org), prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. Such documents are also available on the Town's website subject to staff's ability to post the documents before the meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.*

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

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

**OPENING CEREMONIES**

**CALL TO ORDER**

**ROLL CALL:** Council Members Abel, Huntington, Leone, Rowe, and Mayor Lombardo

**PLEDGE OF ALLEGIANCE**

**INVOCATION** Led by Pastor Stephen Jones, First Southern Baptist Church

**PRESENTATIONS**

1. Animal Care and Control

**AGENCY REPORT**

2. Yucca Valley Chamber of Commerce
3. Hi Desert Water District

**APPROVAL OF AGENDA**

Action: Move\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_Vote\_\_\_\_\_.

**CONSENT AGENDA**

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

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

1-8 5. Town Council Meeting Minutes of January 21, 2014

**Recommendation: Approve the Town Council meeting minutes of January 21, 2014 as presented**

9-10 6. Monthly Fire Department Statistical Reports for February 2014

**Recommendation: Receive and file the monthly statistical Fire Department Reports for February 2014**

11-12 7. Ordinance Deleting Yucca Valley Municipal Code Sections 2.08.090 and 2.08.100 Pertaining to Town Manager Separation Issues

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY REPEALING YUCCA VALLEY MUNICIPAL CODE SECTIONS 2.08.090 AND 2.08.100 PERTAINING TO TOWN MANAGER REMOVAL

13-19 8. Paradise Park Playground Improvements

**Recommendation: Accept the project as substantially complete, authorizes 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.8947**

20-30 9. Paradise Park Programming Review

**Recommendation: Affirm the unanimous recommendation of the Town’s Parks, Recreation and Cultural Commission implementing Alternative #3 of the After School Program review.**

- 31-54 10. 2013 General Plan Annual Review  
Annual Housing Element Report

**Recommendation: Receive and file the 2013 General Plan Annual Report**

- 55-71 11. 2013/2014 Storm Events  
Quality Street Services, Inc., Street Sweeper Services Agreement Amendment  
Storm Recovery Contract Compensation Increase to \$125,000  
FY 13/14 Budget Amendment

**Recommendation: Approve the third Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$25,000 to \$125,000, and amending the FY 13/14 Budget, appropriating \$100,000 from the Catastrophic Event Fund to 55-59-7110, Gas Tax Fund (515), Professional Services.**

- 72-86 12. February 2014 Storm Event  
Clark Construction Co., Shoulder Maintenance and Grading Agreement  
Contract Amendment in excess of \$25,000  
Contract Increase to \$65,000  
FY 13/14 Budget Amendment

**Recommendation: Approve the Fifth Amendment to the Service Agreement with Clark Construction Co., increasing total compensation under the contract from \$25,000 to \$40,000, and appropriating \$15,000 from the General Fund Catastrophic Events Reserve to the Gas Tax Fund Professional Services account, authorizing the Town Manager to sign all necessary documents related to the Agreement.**

- 87-89 13. AB1234 Reporting Requirements

**Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of February 2014**

- 90-97 14. Warrant Register

**Recommendation: Ratify the Payroll Registers total of \$129,798.67 dated February 28, 2014. Ratify Warrant Registers total of \$326,632.62 for checks dated March 6, 2014.**

*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.*

*Town Clerk before the consent calendar is called.*

**Recommendation: Adopt Consent Agenda (items 4-14)**

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

**DEPARTMENT REPORTS**

- 98-112 15. State Safe Routes to School Grant Funds (SR2S)  
Sage Avenue SR2S Improvements – Town Project No. 8320  
Authorization to Bid

**Recommendation: Adopt the Resolution, approve the plans and specifications for Project No. 8320, and authorize the Town Clerk to advertise and receive bids .**

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

- 113-146 16. Facility Use Policy Approval

**Recommendation: Review and approve the suggested edits and modifications to the existing Facility Use Policy as approved by the Town’s Parks, Recreation and Cultural Commission.**

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

- 147-150 17. Reserve Policy Review

**Recommendation: Review the actual fiscal year 2012-13 reserve balances and projected fiscal year 2013-14 reserve balances and adopt a resolution modifying the Town’s Reserve Policy as follows:**

- Establish the stated Reserve Policy range to 50%-55% as indicated in the adopted FY 2013-14 budget, and
- Direct staff to complete the FY 2013-14 infrastructure transfer in the amount of \$150,000 from the Town’s General Fund to the Town’s Capital Projects Reserve Fund for use in the upcoming 2014 Slurry Seal/Street Maintenance project.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ 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**

18. Council Member Abel
19. Council Member Leone
20. Council Member Rowe
21. Mayor Pro Tem Huntington
22. Mayor Lombardo

## **ANNOUNCEMENTS**

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

**6:00 p.m., Tuesday, April 1, 2014, Yucca Valley Community Center Yucca Room**

## **CLOSED SESSION**

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

### **1. Public Employee Appointment / Conference with Labor Negotiator (One Matter)**

A closed session will be held, pursuant to Government Code § 54957, to consider the appointment of an employee to the position of Town Manager,

Also authorized pursuant to Government Code § 54957.6 regarding labor negotiations regarding filling the unrepresented position of Town Manager (Councilmembers Leone and Rowe as negotiators for the Town).

## **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
DOJ	Department of Justice
DOT	Department of Transportation
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
HUD	US Department of Housing and Urban Development
IIEP	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 <sup>st</sup> 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 <sup>rd</sup> 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 LEONE ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	LEONE 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.	
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 LOMBARDO (ALT)	9:00 a.m. 4 <sup>th</sup> Wed	San Bernardino

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

RDA BOND COMMITTEE

ROWE  
LEONE

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
JANUARY 21, 2014**

**OPENING CEREMONIES**

Mayor Pro Tem Huntington called the meeting to order at 6:00 p.m.

Council Members Present: Abel, Leone, Rowe and Mayor Pro Tem Huntington. Mayor Lombardo was out of town and unable to attend.

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 led by Brother John Deurmier, The Church of Jesus Christ of Latter Day Saints

**AGENCY REPORTS**

**1. Yucca Valley Chamber of Commerce**

The Chamber of Commerce Monthly Report was presented by Chamber President, Jim Lawless.

**2. Hi Desert Water District**

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

**APPROVAL OF AGENDA**

Council Member Leone moved to approve the agenda for the Regular Town Council Meeting of January 21, 2014. Council Member Rowe seconded. Motion carried 4-0-1 on a voice vote.

**CONSENT AGENDA**

- 3. Waive** further reading of all ordinances and read by title only.
- 4. Approve** the Town Council meeting minutes of November 19, 2013 as presented
- 5. Receive and file** the monthly statistical Fire Department Reports for December 2013

6. **Reject** one claim filed against the Town of Yucca Valley submitted on December 23, 2013 by J. Donald Graham
7. **Re-schedule** the 2013 Building Code Adoption Public Hearing to Tuesday, February 4, 2014
8. **Re-schedule** the Public Facilities Development Impact Fee Public Hearing to Tuesday, February 4, 2014
9. **Approve** Special License, SPL 23-13
10. **Authorize** Town Staff to purchase the portable solar message board using FY 2013 Homeland Security Grant Program (HSGP) funds, from Tops N Barricades, the lowest of four bidders in the amount of \$15,629.76.
11. **Adopt** Resolution No. 14-02 authorizing staff to submit a grant application to the California Department of Housing and Community Development to seek Housing-Related Parks Program funding for additional Paradise Park improvements.  
**Authorize** the Director of Administrative Services as the official designated and authorized to represent the Town on current and subsequent park specific grant documents, reimbursement requests and reports.
12. **Receive and file** the AB1234 Reporting Requirement Schedule for the month of December 2013.
13. **Item Pulled**

Mayor Pro Tem Huntington opened public comment for the Consent Agenda items. With no members of the public wishing to speak, public comments were closed.

Council Member Rowe moved to approve consent agenda items 3-12. Council Member Abel seconded. Motion carried 4-0-1 on a roll call vote

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

**Item 13-** Council Member Leone inquired on a payment made to the Animal Action League, CS Legacy, and for median maintenance near Home Depot.

Council Member Leone moved to ratify the Payroll Registers total of \$374,224.73 dated December 06, 2013 thru January 03, 2014 and ratify Warrant Registers total of \$1,264,438.96 for

checks dated December 19, 2013 to January 09, 2014. Council Member Rowe seconded. Motion carried 4-0-1 on a roll call vote.

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

**DEPARTMENT REPORTS**

**14. Mid Year Budget Report for the Six Months Ending December 31, 2013**

Town Senior Accountant Sharon Cisneros presented a mid-year summary, explaining that the Town's mid-year budget review indicates projected year-end results to be in-line with projections from the FY 2013-14 Amended Budget.

Mayor Pro Tem Huntington opened public comments.

Margo Sturges, Yucca Valley commented favorably on the budget report, however she would like to see a review on reserve fund designations.

With no other members of the public wishing to speak, Mayor Pro Tem Huntington closed public comment.

Council Member Abel expressed he was glad to see the Town's revenues and expenses are on track.

Council Member Rowe inquired on the general fund surplus from FY 2012-13 and would like to see a future discussion on this.

Council Member Abel moved to receive and file the Mid-Year Budget Report for FY 2013-14. Council Member Rowe seconded. Motion carried 4-0-1 on a roll call vote.

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

**15. Capital Improvement Program Update Report**

Town Project Engineer Alex Qishta presented an update on current capital improvement projects. The TCRP on Highway 62 is on schedule. The PLHD project also on Hwy 62 is expected to begin mid-February 2014.

The Signal Synchronization Project for several signals along Highway 62 is expected to begin when the median work along the highway is complete.

Paradise Park Playground Equipment Improvements is a CDBG construction project and is moving forward.

Town residents should see the 2014-15 slurry seal road repairs, hot mix asphalt repairs and replacement of street striping, markings and legends beginning in July 2014.

The Safe Route to School Project, including a sidewalk along Sage Ave from Onaga Trail to Highway 62 is expected to be going to bid in March 2014, with construction beginning in July 2014.

The traffic signal on Twentynine Palms Hwy at Dumosa is funded by County Regional Measure I funds and construction is expected to begin in June 2014.

Restriping of the Yucca Trail / Palomar intersection should be completed by the end of February 2014.

The tennis courts at Jacobs Park will be resurfaced, beginning in May 2014.

Mayor Pro Tem Huntington opened public comments. With no members of the public wishing to speak, public comments were closed.

Council Member Leone inquired about the intersection restriping project at the corner of Yucca Trail and Palomar and the speed limit sign placement on Highway 62 near Kickapoo Trail

Council Member Abel commented favorably on the Safe Routes to School project near Yucca Valley High School.

Council Member Rowe thanked staff for the modifications to the Yucca Trail / Palomar intersection.

Council Member Rowe moved to approve receive and file the Capital Improvement Program update report. Council Member Leone seconded. Motion carried 4-0-1 on a roll call vote.

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

**16. Senior Housing Development Financing Structure Update**

Administrative Services Director Yakimow presented the staff report giving an overview of the 74-unit affordable senior housing development being constructed near Town Hall. Yakimow explained that the project is expected to be completed during the summer 2014. The Town's participation in the project is solely as a lender. All funds provided to the developer will be returned to the Town in the form of residual receipts generated from the operation of the development.

Based upon the infrastructure being delivered by the project and prior actions from the former Redevelopment Agency, there are a number of funding sources used in the development's financing structure. 1) Land Contribution (non-cash) \$940,000, 2) Project Development Impact Fees \$250,000, 3) Storm Drain Impact Fees \$300,000, 4) Local Transportation Fund (LTF) \$300,000, December 2010 Exclusive Negotiating Agreement (Low Mod Income Housing Set Aside) \$500,000, and SERAF Repayment from Successor Agency \$635,000, totaling \$2,925,000.

Since the time of the Council's approval of the Amendment to the Financing, Disposition and Development Agreement in July 2012, the Town has received clarification regarding two of the sources initially identified.

1. December 2010 Exclusive Negotiating Agreement ("ENA")  
\$500,000

In 2011, the Successor Agency to the former Yucca Valley Redevelopment Agency ("Agency") received a final determination from the California Department of Finance that the inclusion of the ENA amount on the Agencies Recognized Obligation Payment Schedule was disallowed. While the Agency staff felt the obligation was justified, a business decision was made to move forward with no further legal action challenging the state beyond the meet and confer process. Accordingly, this funding per the approved agreement was then provided from additional property tax revenues repaid to the Town as a taxing entity pursuant to AB1x 26.

2. SERAF Repayment of \$636,679

During the completion of the wind-down process of redevelopment agencies across the state, the Department of Finance has issued guidance on its interpretations of both AB1x 26 and AB 1484. One area of guidance deals with the permanent allocation and distribution of the former Yucca Valley RDA SERAF receivable of \$636,679. The guidance provided was two-fold:

- i. The Town was entitled to the full SERAF receivable of \$636,679, due to the Town acting as the Low/Mod Housing function of the prior Yucca Valley RDA.
- ii. The Successor Agency could request reimbursement of the



SERAF repayment in accordance with state law, which provides for inclusion on the Agency's Recognized Obligation Payment Schedule, in an amount determined by the Department of Finance.

Yakimow continued to state it is anticipated that the Successor Agency will be able to request full SERAF reimbursement over the next three to five years. As a result, the Town will need to provide a cash flow resource for the SERAF allocation toward the Senior Housing Development project financing structure. After reviewing the alternatives available to the Town, staff is recommending the utilization of unused low/mod bond funds as a cash flow resource, until such time as the SERAF allocation is fully recovered. This resource would be provided from the Town's Low/Mod Bond Funds special revenue fund and would be advanced to the Town's Low/Mod Housing Fund special revenue fund, as a payable of that fund. It will not be an expenditure of the Bond Funds, rather a loan of funds with planned repayment. The proposed use of the funds is in accordance with the original intent of issuance as identified in the Indenture of Trust.

Yakimow explained that it is important to highlight that with the recommended action, the Town's role in the financing structure of the Senior Housing Development project remains solely as a lender, with a note receivable in the Town's Low/Mod Housing Fund for the entire \$2,925,000. The proposed actions simply provide the cash flow transactions necessary to meet the Town's obligations as previously committed.

Mayor Pro Tem Huntington opened public comments.

Margo Sturges, Yucca Valley commented on the dollar figures contained in the staff report and voiced concerns over financing elements.

With no other members of the public wishing to speak, Mayor Pro Tem Huntington closed public comments.

Council Member Leone spoke in opposition to several aspects of the Affordable Senior Housing Project.

Council Member Abel inquired about the SERAF portion of the financial commitment and stated he is excited to see the project moving forward. Abel continued to inquire on how the Town staff is responding to the high number of inquiries from local seniors looking to set up residency there.

Council Member Leone inquired on the leasing process and if local residents have priority status.

Council Member Rowe moved to:

1. Receive and file the Senior Housing Development Financing Structure update.
2. Amend the FY 2013-14 adopted budget to implement the previously approved Senior Housing financing structure and accommodate the Supplemental Educational Revenue Augmentation Fund (SERAF) repayment plan incorporated into the Yucca Valley Redevelopment Agency dissolution process as attached.
- 3.

Council Member Abel seconded. Motion carried 3-1-1 on a roll call vote with Council Member Leone voting no.

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

**FUTURE AGENDA ITEMS**

None Stated

**PUBLIC COMMENTS**

Mayor Pro Tem Huntington opened public comments.

Margo Sturges, Yucca Valley inquired about financial terms used on staff reports.

With no members of the public wishing to speak, Mayor Lombardo closed public comments.

**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle thanked Senior Accountant Cisneros for her work on the grant application for Paradise Park and gave an overview of upcoming items at the first Town Council meeting of February 2014.

Administrative Services Director Yakimow invited the Town Council and the public to the Reduce, Reuse, and Recycle exhibit at the Hi Desert Nature Museum.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

17. Council Member Abel reminded residents to replenish emergency supplies and suggested the local Community Emergency Response Team (CERT) training. Abel also announced that the Animal Action League has spay and neutering services for dogs and cats and the

Miss Yucca Valley Pageant will be held on February 1<sup>st</sup> .

18. Council Member Leone reminded residents to conserve water.
19. Council Member Rowe announced that the LAFCO representation is up for consideration again in May 2014 and suggested that fellow Council Members consider this assignment.
20. Mayor Pro Tem Huntington announced Science Saturday at the Hi Desert Nature Museum and suggested that local residents check out the HERO program presented by SANBAG for energy efficiency project funding.

#### ANNOUNCEMENTS

The next meeting of the Yucca Valley Town Council will be held on Tuesday, February 4, 2014 at 6:00 pm, in the Yucca Room of the Yucca Valley Community Center.

#### ADJOURNMENT

With no further business, Mayor Lombardo adjourned to closed session at 7:35 p.m.

Respectfully Submitted,

Lesley Copeland, CMC  
Town Clerk



SAN BERNARDINO COUNTY FIRE DEPARTMENT
SERVING YUCCA VALLEY

February 2014 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 304 requests for assistance within our town boundaries. Division wide responses for the South Desert were 492 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss \$ 223,850 Value \$ 332,050

RESPONSES OTHER THAN FIRES

Fires 4
Rupture / Explosion 0
EMS / Rescue 233
Hazardous Condition 3
Service Calls 26
Good Intent Calls 32
False Call 6
Other 0

ALARMS - ALL TYPES

Yucca Valley Response Area

2013 Year-to-Date

TOTAL NON-FIRE RESPONSE.....726
TOTAL FIRE RESPONSES.....12
TOTAL ALARMS .....738

Significant Events:

- King of the Hammers Off-road event in Johnson Valley
Structural Firefighting Training - Wide Rise/Deep Stretch Deployments
Meeting with CHP to discuss on-highway incidents and interoperability
Two structures and one vehicle fire attributed to the fire loss.



# SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

## *Flooding Bullet Points*

- A flood WATCH means a flood is possible in your area.
- A flood WARNING means flooding is already occurring or will occur soon in your area.
- Each year, more deaths occur due to flooding than from any other severe weather related hazard. The main reason is people underestimate the force and power of water. More than half of all flood related deaths result from vehicles being swept downstream. Of these, many are preventable.
- If flooding occurs, get to higher ground. Get out of areas subject to flooding. This includes dips, low spots, canyons, washes etc.
- Avoid areas already flooded, especially if the water is flowing fast. Do not attempt to cross flowing streams.
- Road beds may be washed out under flood waters. NEVER drive through flooded roadways.
- Do not camp or park your vehicle along streams and washes, particularly during threatening conditions.
- Be especially cautious at night when it is harder to recognize flood dangers.
- Many people do not realize that 2 feet of water on a bridge or roadway can float most vehicles.
- Roadways can quickly wash out.
- Desert areas are prone to flash flooding, especially those areas affected by recent fires. We have had very little precipitation this year, thus producing very little re-growth of vegetation in the burn areas. A heavy downpour can quickly evolve into a flash flood in these areas.
- Avoid driving at night during rain storms, as it is hard to see the amount of water on the roadway.
- Move to higher ground away from rivers, streams, creeks, and storm drains. Do not drive around barricades . . . they are there for your safety.
- If your car stalls in rapidly rising waters, abandon it immediately and climb to higher ground. If stuck in your vehicle and there is no water coming into the vehicle, stay put and call for help.
- Do not try and drive over fast flowing water, whether it be at an intersection, bridge crossing or in the middle of the roadway.
- Stay tune to your local media outlet for up-to-date weather reports.
- Have your family disaster kit prepared and ready for use. To learn more about disaster kits, visit our website at [sbcfire.org](http://sbcfire.org) or the American Red Cross website.
- Adhere to barricades and signs, they are there for your safety.
- Swift flow of water and debris can quickly pull you downstream or off the roadway.
- Stay clear of rising creeks and riverbeds.
- Place sand bags around the flood prove areas of your residence.

ORDINANCE NO. 247

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN  
OF YUCCA VALLEY REPEALING YUCCA VALLEY  
MUNICIPAL CODE SECTIONS 2.08.090 AND 2.08.100  
PERTAINING TO TOWN MANAGER REMOVAL

WHEREAS, Yucca Valley Municipal Code Sections 2.08.090 and 2.08.100 provide a Town Manager certain notice and hearing rights that reach beyond what is required by law. Further, these Code sections have historically been contractually waived in Town Manager contracts and thus have been inapplicable in practice; and

WHEREAS, The Brown Act already sets forth a fairly detailed notice/meeting protocol for town employee removal. Arguably, the Brown Act's meeting procedures for employee removal "pre-empt" the Town's Code provisions on the same topic and thus void them entirely; and

WHEREAS, While Yucca Valley Municipal Code Sections 2.08.090 and 2.08.100 remain on the books, these Code provisions are possibly legally void, and their effectiveness has been contractually waived in prior Town Manager contracts. As such, retaining these provisions in the Code serves no practical purpose and causes public confusion about the Town Manager's rights under his/her contract.

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

SECTION 1: The foregoing Recitals are found to be true and correct and incorporated herein by this reference.

SECTION 2: Yucca Valley Municipal Code Sections 2.08.090 and 2.08.100 are hereby repealed in their entirety. By repealing these provisions, issues relating to Town Manager removal shall be governed by the provisions of the Town Manager contract and the Government Code.

SECTION 3: Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4: The Ordinance shall become effective thirty (30) days from and after the date of its adoption

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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

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

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** March 6, 2014  
**For Council Meeting:** March 18, 2014

**Subject:** Paradise Park Playground Improvements – Town Project No. 8947  
Notice of Completion  
Cicero Engineering, Fullerton CA

**Prior Council Review:** At the meeting of February 19, 2013, the Town Council directed staff proceed with replacement of playground equipment and associated recreational infrastructure at Paradise Park. At the September 17, 2013 meeting, the Town Council approved the Notice Inviting Bids and a Resolution for the purpose of advertising and receiving bids for project. At the November 5, 2013, the Town Council awarded Project No.8947 to Cicero Engineering of Fullerton, CA.




**Recommendation:** That the Town Council accepts the project as substantially complete, authorizes staff to file the Notice of Completion, authorizes the reduction of the Faithful Performance Bond to 10%, and directs staff to retain the Labor and Material Bond for six (6) months for Project No.8947.

**Executive Summary:** Project No.8947 involves the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. The project has been completed

- 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 Paradise Park Playground Equipment Improvement project includes the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. The playground equipment is designed for both the 2 to

---

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 checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session



5 and 5 to 12 year old age groups. All work required for the project has been satisfactory completed.

It is appropriate for the Town to accept the work and file a Notice of Completion. It is also appropriate to reduce the Faithful Performance Bond being as held as a surety to 10%. The Labor and Material Bond shall be retained for a period of six (6) months, and then released provided no liens or stop notices have been filed.

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

**Fiscal impact:** The following outlines project costs of completion of the work as bid. No change orders were approved for the project.

Cicero Engineering Contract	\$105,800
Construction Contingency	<u>9,200</u>
<b>Total</b>	<b>115,000</b>
Total Contract Costs:	<u>90,800</u>
<b>Contract Remaining Balance:</b>	<b>24,200</b>
Other Project Costs (est.):	<u>2,000</u>
<b>Estimated Unspent Project Balance</b>	<b>\$ 22,200</b>

The funds remaining from this project will be available for future appropriation by the Town Council after final project closeout.

**Attachments:**

- February 19, 2013 Town Council minutes
- September 17, 2013 Town Council minutes
- November 5, 2013 Town Council minutes

Huntington requested to see response times for those occasions.

Council Member Rowe questioned if there is ever a time the department is just running one ambulance in the area. Battalion Chief Benfield advised that would be very rare.

Council Member Huntington moved to receive and file the monthly statistical Fire Department report for January 2013. Council Member Rowe seconded. Motion carried unanimously.

**9. Acceptance of Donation – Hensel Phelps Construction Company**

Council Member Huntington asked if it is acceptable to give the items to the nonprofits before putting them out to auction. Town Manager Nuaimi advised that staff will research that possibility.

Council Member Huntington moved to accept the donation of office furnishings from the Hensel Phelps Construction Company and direct staff to distribute the items as necessary within the organization; if any items remain, authorize the disposal of those items to nonprofit agencies or at a public auction of surplus property. Council Member Rowe seconded. Motion carried unanimously.

**PUBLIC HEARING**

**11. Community Development Block Grant (CDBG) Prioritization Hearing**

Community Services Director Schooler advised the Town is required to prioritize eligible local proposals and forward a recommendation to the County Board of Supervisors for funding approval. Four agencies, including the Town of Yucca Valley, submitted proposals for funding under the Town's allocation of approximately \$100,802 for the 2013-14 funding cycle.

Town Manager Nuaimi advised it was anticipated there would be discussion at the budget workshop recommending that the funding be allocated to Code Enforcement which would relieve the town of \$100,000 from general fund obligations, allowing the savings to be allocated to Public Safety Schedule A to fund the Sheriff Safety Specialist.

Mayor Abel opened the public hearing.

Margo Sturges, Yucca Valley, spoke in opposition to using the funds for Code Enforcement, and requested that Council consider the stress to the local charities such

as Reach Out Morongo Basin.

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

Town Manager Nuaimi commented that the Morongo Basin Transit Authority has helped Reach Out Morongo Basin secure transportation funding.

Council Member Huntington advised that the Transit Agency has assistance program funds that come in at about \$250,000 annually, noting that Reach Out Morongo Basin has been given a significant amount of those tag funds. Town Manager Nuaimi advised the Town also continues to offer support through providing office space.

Council Member Rowe questioned if it certain that the Schedule A increase would be approximately 5%. Capt. Boswell advised that a 5% increase is the worst case scenario. Council Member Rowe commented that, before assigning general fund dollars to the Sheriff Safety Specialist, she would like to see where our property tax comes in. Town Manager Nuaimi advised that what staff is looking for direction tonight as to where the CDBG dollars will go, noting we can wait to see where County comes in with the Schedule A charges before committing to funding the Sheriff Safety Specialist.

Council Member Lombardo moved to recommend that the Town's entire 2013-14 allocation of \$100,802 be allocated toward the Town's application for Code Enforcement. Council Member Rowe seconded. Motion carried 4-0.

## DEPARTMENT REPORTS

### 12. **Community Center Playground Improvement & Splash Park – Town Project No. 8961, Community Development Block Grant Funds.**

Deputy Town Manager Stueckle advised of staff's recommendation to replace only the playground equipment at the Community Center in the current site configuration and to replace the playground equipment and associated recreational infrastructure at Paradise Park with the remaining funds. There is approximately \$325,000 available for the project. Project bids for the Community Center Playground Improvement and Splash Park came in \$168,400 above available funding for the base bid alone, and \$469,100 over for the base bid and splash pad alternate combined. Staff has been working evaluating alternatives for project delivery, including prioritizing needed improvements at the Community Center playground as well as other park facilities. He noted that similar playground constraints exist at both Jacobs and Paradise Parks, however Jacobs park is not in the CDBG system and would require a plan modification to be included.

(b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-03 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

- B. Introduces the Ordinance, and repeals 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.

Council Member Rowe 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

**DEPARTMENT REPORTS**

**11. Paradise Park Playground Equipment Improvement – Town Project No. 8947; Resolution No. 13-34; Notice Inviting Bids**

Town Engineer Qishta presented the staff report explaining the necessary park improvements for ADA compliance. The playground equipment project at Paradise Park includes the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. Approximately \$125,000 in CDBG funds has been allocated for the project.

Margo Sturges, Yucca Valley commented on the scope of the Paradise Park project.

Richard Harwin, Yucca Valley questioned the life span of playground equipment.

Mayor Abel inquired on the possible monetary value of the old park equipment.

Council Member Leone spoke of the importance of safe playground surface areas.

Council Member moved to Adopt Resolution No. 13-34, approve the Plans and Specifications, and authorize the Town Clerk to advertise and receive bids for the Paradise Park Playground Equipment Improvement Project. 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

**12. Questar Southern Trails Pipeline Oil Conversion Project**

Deputy Town Manager presented the staff report, including background information on the Questar Pipeline project. Two proposed alternate routes and the impact on the community was discussed.

Edward Vallerand, Twentynine Palms spoke in opposition of the pipeline traversing through the Morongo Basin.

Claudia Sall, Pioneertown spoke in opposition to the project and inquired as to why a link to the proposed Questar Pipeline project was on the Town’s website.

Meg Foley, Morongo Valley spoke in opposition of the proposed pipeline through the Morongo Basin.

Mayor Abel clarified that the link on the Town’s website was for informational purposes only and was not stating a specific stance on the project.

Deputy Town Manager Stueckle stated the Town Council will be informed of any Town contact with Questar in the future.

Mayor Pro Tem Lombardo moved to receive the report regarding Questar Southern Trails Pipeline Oil Conversion Project. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

**PUBLIC COMMENT**

Fritz Koenig, Yucca Valley spoke regarding a recent Request for Public Records.

Richard Harwin, Yucca Valley commented on the Town Council seating arrangement.

**STAFF REPORTS AND COMMENTS**

Council Member Leone moved to remove items 9-12 and approve the Yucca Valley Town Council meeting agenda, including items 1-8 and 13, for November 5, 2013. Mayor Pro Tem Lombardo seconded. Motion carried 5-0 on a voice vote.

#### CONSENT AGENDA

4. **Waive** further reading of all ordinances and read by title only.
5. **Approve** the Town Council Meeting minutes of September 3, 2013 and September 17, 2013 and the Special Town Council Meeting minutes of September 19, 2013 as presented
6. **Award** the construction contract to Cicero Engineering, in the amount of \$105,800. And authorize a construction contingency in the amount of \$9,200. For a total contract amount not to exceed \$115,000. Authorizing the Mayor, Town Manager, and Town Attorney to sign all necessary documents, and authorizing the Town manager to expend the contingency fund, if necessary, to complete the project.
7. **Adopt** Resolution No. 13-37 and approve the granting of an easement to the public for street and utility purposes for Antelope Trail, as described in Attachment "A" to this staff report, and authorizes the Mayor to sign the grant of easement, and directs the Town Clerk to record the easement with the San Bernardino County Recorder's Office.
8. **Authorize** Town Staff to solicit informal bids from three vendors for the purchase of a portable solar message board using the FY 2013 Homeland Security Grant Program (HSGP) funds, and to waive the informal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for this purchase

Item 9-12 removed from agenda.

Mayor Abel opened public comment for the consent items. With no members of the public wishing to speak, Mayor Abel closed public comments.

Mayor Abel commented on Item 8, asking for clarification that informal bid results are also considered public records.

Council Member Leone confirmed that Item 7, has nothing to do with the closure of antelope Trail for the Senior Housing Project.

Council Member Huntington moved to approved Consent Items 4-8. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

**AYES:** Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor and Town Council  
**From:** Curtis Yakimow, Director of Administrative Services  
Sue Earnest, Recreation Supervisor

**Date:** March 13, 2014

**For Council Meeting:** March 18, 2014

**Subject:** After School Program Review – Community Services Department

**Prior Council Review:** None

**Recommendation:** That the Council affirm the unanimous recommendation of the Town's Parks, Recreation and Cultural Commission implementing Alternative #3 of the After School Program review.




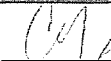
**Order of Procedure:**

- 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:** As part of the ongoing review of programs sponsored by the Recreation division of the Community Services Department, staff routinely evaluates the various recreational programs offered by the Town to residents and visitors alike. This is particularly important for those programs demanding significant Town resources. As part of this review process, staff evaluates the effectiveness of the various offerings with respect to the Department's Mission Statement, which is used as a guide in program development and evaluation. The mission statement is as follows:

*To design and conduct an appropriate level of recreational opportunities and experiences for all ages with the goals of enhancing the local quality of life, fostering social development, promoting health and wellness, strengthening the community's livability and image, increasing cultural enrichment, and contributing to the Town's economic development.*

---

Reviewed By:				
	Town Manager	Town Attorney	Mgmt Services	Dept Head

---

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

Over the past few months, staff has evaluated the department's After School Program (ASP) offered at the Paradise Park facility. The goal of the evaluation was to identify the following:

<u>Question</u>	<u>Answer</u>
1. Is the program operating as envisioned?	No
2. Is the program effective and efficient in meeting its goals?	No
3. Is there any potential duplication of efforts?	Yes
4. Can the program goals be met in a more effective fashion?	Yes

In the initial program evaluation, Town staff answered the questions as indicated. Following is a summary of each of the evaluation questions, and the basis for the staff response.

Question 1 Is the program operating as envisioned?

The ASP is designed as a "drop-in" program whereby children ages 5 to 16 can come on an open basis and participate in arts, crafts, movies, and organized indoor and outdoor games. The participants check in and out on their own, and can come and go as desired. The program is offered Monday – Thursday throughout the school year from 3 – 5 pm, and there is no charge for participants.

Since the start of the 2013-14 school year, the average daily attendance is five children per day. Some days there may be seven or eight, and some days there may be zero, one or two. While the program is operating, the envisioned attendance is 20+ per day.

Question 2 Is the program effective and efficient in meeting its goals?

The primary goal of the ASP is to reach the local neighborhood children and provide a safe alternative for after school activities. To this extent, the program is not meeting its goal. Based on poor attendance over the past few years, the level of outreach does not meet a reasonable threshold. Reasons for lack of participation may include some of the following:

- Alternative programming is available at the local schools.
- Alternative programming is available at the Boys and Girls Club.
- Inability of working parents to provide transportation or oversight of their child's participation in the program.
- Lack of interest of the child.

The second part of the question is the evaluation of efficient service delivery. Again, staff cannot say that the program is being delivered efficiently. Based on having two staff members present throughout the offering time, along with the requisite planning, supervision and supplies, the program represents a significant demand on department resources. This demand factor per individual served provides a very low return on department resources. Program costs per month total approximately \$1,000, or about



\$12.50 per day, per participant. There is no program related off-setting revenue. It is likely that imposing a fee would reduce participation even further.

Question 3 Are there any potential duplication of efforts?

As indicated above, due to the alternative program offerings coordinated by either the school district or the local Boys and Girls Club, it appears that a number of folks choose to utilize other offerings. Over the past few weeks, staff has met with representatives from both the Morongo Unified School District and the Boys and Girls Club to solicit input and recommendations regarding the optimal role the Town can take to assist in, and not supplant, current programming.

Question 4 Can the program goals be met in a more effective fashion?

If the program goal remains to provide a positive outreach to neighborhood residents, staff believes that there are a number of other ways this may be done in the absence of the ASP. Such events may include:

- Weekend Family Fun Days
- Special Weeknight Outreach Events
- Coordinated Activities with the local Schools
- Scheduled School Holiday Break Events/Activities

Each of these alternatives can be packaged in a way that maximizes potential participants, and leverages the available resources of the Town.

**Program Evaluation and Alternatives**

Based on the staff evaluation of the program, staff developed three alternatives in addressing the program.

Alternative One – Keep the Program Unchanged

This alternative would recognize the current benefits of the program, and accept the current outcomes. Based on the lack of participation and ineffective use of Town resources, this alternative is not recommended.

Alternative Two – Modify the Program to Maximize Outreach Participation

Under alternative two, staff would redesign the program to mirror the successful ASP's of both the District's and the Boys and Girls Club. Such modifications would likely include some or all of the following:

- Increased promotional activity
- Formalized Check-in/Check-out process
- Mandatory Registration and Registration Fees
- Enhanced staffing to accommodate student mix and ensure staff and student safety
- Potential transportation assistance

- Expanded after-school educational assistance through the inclusion of volunteer tutors, aides and other support staff

Due to the fact that similar programs are offered through coordination of the District, as well as the Boys and Girls Club, it appears that such a program expansion would be a clear duplication of efforts of other groups in the community. Further, since the ASP is not the primary function of the Town’s Recreation Division, it is unlikely that even with the program modifications, the program would be able to replicate the success of other dedicated program providers. Finally, the costs of such a program expansion would increase the related budget from approximately \$1,000 per month to \$3,000 per month, depending on the level of expansion. Based on these challenges, staff is not supportive of Alternative Two.

Alternative Three – Eliminate the After School Program and Replace with Events

To maximize both outreach and effectiveness, staff would recommend the elimination of the ASP in its current form at the Town’s Paradise Park facility. In its place, staff would develop targeted event programming at the facility with the goal of maximizing local participation and coordination with other youth organizations, and may include events coordinated with local schools, or the Boys and Girls Club. Such activities could be done four to six times a year, and would likely attain higher levels of participation in a much more resource effective manner. Accordingly, staff would recommend alternative three.

If the Council is in support of the staff recommendation, the next steps would be as follows:

<i>February 11, 2014</i>	<i>PRCC Recommendation to Council (completed)</i>
March 18, 2014	Council Consideration
April 17, 2014	Last day of ASP

**Parks, Recreation and Cultural Commission Review**

Pursuant to the Town’s Code, among the specific duties of the Parks, Recreation and Cultural Commission (PRCC) is the duty to:

- Act in an advisory capacity to the Town council and other appropriate agencies in matters pertaining to the planning of public recreation and the development of open space, parks, playgrounds, play fields and recreational facilities; and the provision of programs related to community wide leisure services, senior services, museum, events and special projects; and
- Review all recommendations relative to community services activities within the Town.

Accordingly, Town staff presented this item to the PRCC for review and discussion at its meeting of February 11, 2014. After discussion and consideration, the PRCC unanimously recommended the implementation of alternative number three. A copy of the minutes from the meeting is included as an attachment to this report.

**Alternatives:** None recommended.

**Fiscal impact:** Implementation of alternative three would result in Town operational savings of approximately \$2,000 in the current budget year. In future years, savings of \$12,000 would be offset by the cost of the one-time events for a savings in the range of \$4,000 to \$6,000 annually, depending on planned activities. In addition to the dollar savings, there would be significant reduction in the current operational staffing demands.

**Attachments:** PRCC Minutes of February 11, 2014

**TOWN OF YUCCA VALLEY  
PARKS, RECREATION & CULTURAL COMMISSION  
MINUTES**

**TUESDAY, FEBRUARY 11, 2014**

**DRAFT**

**CALL TO ORDER** by Chair Evans at 4:00 p.m.

**PLEDGE OF ALLEGIANCE** led by Vice Chair Harman

**ROLL CALL** Commissioners present: Commissioner Jones, Commissioner Jones-Poland, Commissioner Silver, Vice Chair Harman and Chair Evans

**APPROVAL OF AGENDA**

1. Action                      **Motion: Move to approve the agenda of the February 11, 2014 Parks, Recreation and Cultural Commission meeting.  
Pulling off item #6 to be presented by staff.**

Move: Jones-Poland                      2nd: Jones                      Vote: 5-0-0-0

**CONSENT AGENDA**

- 2. MINUTES OF PARKS, RECREATION & CULTURAL COMMISSION MEETING OF JANUARY 14, 2014**

Recommendation:    **Approve minutes as presented.**

- 3. MUSEUM REPORT**

Recommendation    **Move to receive and file the Hi-Desert Nature Museum monthly reports for January 2014**

- 4. RECREATION REPORT**

Recommendation    **Move to receive and file the Recreation Report monthly reports for January 2014**

DRAFT

**5. 2013-14 Youth Commission Roster Change**

**Recommendation: Approve the removal of Tommy Bracamonte from the roster of the 2013-2014 Youth Commission**

**7. Spring 2014 Program Offerings – Community Services Department**

**Recommendation: Receive and file the report outlining the Spring 2014 programs and events to be organized and conducted by the Community Services Department.**

*All items listed on the consent calendar are considered to be routine or non-controversial matters. 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 Parks, Recreation and Cultural Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting.*

Action                      Motion: **Move to approve Consent Agenda items 2, 3, 4, 5, 7**

Move: Silver                      2<sup>nd</sup> Jones                      Vote: 5-0-0-0

**PUBLIC COMMENTS**

None

**STAFF REPORTS**

**6. Welcome Home Vietnam Veterans Event**

Director Yakimow introduced an item requesting a waiver of facility use fees. Mr. Carl Gorham spoke on behalf of the request. Mr. Gorham stated he has been putting on a Welcome Home Vietnam Veterans Day event which has been held at the Yucca Valley Community Center since 2010. He would like to use the Yucca Room on Monday, March 31 from 1:00-6:00pm for the annual event. He is requesting as in years past that the fees for the use be waived.

Approval of the request would result in waiving approximately \$145 in facility use fees.

Action                      Motion: **Move to approve the request for a waiver of facility use fees for the Monday, March 31, 2014 Welcome Home Vietnam Veterans event**

Move: Silver                      2<sup>nd</sup> Jones                      Vote: 5-0-0-0

8. Essig Park

Director Yakimow gave an update on the dog park element of Essig Park. He gave a power point presentation showing the parks signage, and other areas of concern.

Rusty Scott, Lead Skilled Maintenance Worker, spoke on some issues citizens have brought to staffs attention at the dog park. Staff has addressed the current concerns.

- An additional park bench that is direct sight of the entrance gate.
- Staff is looking at planting more draught tolerant trees.
- The area around the water fountain has been improved to address the issue of mud problems and excess water run off.

Kim Casey, Animal Control Officer, spoke on the enforcement of the posted rules of the park. Ms. Casey stated staff has not had to respond to issues regarding dog behavior; the issues are people not obeying the posted rules. Office Casey stated that they will be continuing to make visits to the park.

A suggestion of putting Animal Controls phone number on the rules sign of the dog park was given.

Action                    **Motion: Receive and file the verbal update regarding the Town’s Essig Park facility from Town staff**

Move: Harman            2<sup>nd</sup> Silver            Vote: 5-0-0-0

9. Museum Collection Management Policy

Director Yakimow introduced Vanessa Cantu the contracted Hi Desert Nature Museum registrar. Ms. Cantu gave a recap of the Museum Collection Management Policy update project as well as a summary of the more significant changes incorporated into the proposed policy.

Ms. Cantu suggested that the policy be reviewed each year.

Action                    **Motion: Move to approve the updated draft of the Hi Desert Nature Museum Collection Management Policy and direct staff to finalize the policy.**

Move: Harman            2nd Silver            Vote: 5-0-0-0

10. After School Program Review – Community Services Department

Director Yakimow reported that as part of the ongoing review of programs sponsored by the Recreation division of the Community Services Department, staff evaluates various recreation programs that are offered to the public. Part of the review

process is to look at the effectiveness of the various offering with respect to the Department's Mission Statement. Staff has evaluated the Paradise Park Afterschool Program. This program is an after school drop in program for ages 5-16 in the Paradise neighborhood. In the review process a few questions are asked and answered.

- Is the program operating as envisioned? No
- Is the program effective and efficient in meeting its goals? No
- Are there any potential duplication of efforts? Yes
- Can the program goals be met in a more effective fashion? Yes

DRAFT

With the questions answered, staff has come up with program alternatives.

1. Keep the program unchanged.
2. Modify the program to maximize outreach participation.
3. Eliminate the after school program and replace with events.

Director Yakimow reviewed each of the presented alternatives in depth with the commissioners. Staff would recommend alternative three. If the commission is in support of the recommendation, the next steps would be March Council consideration of the recommendation and April 17, 2014 as the last day of After School Program.

With discussion it was unanimously decided to implement alternative #3. In its place staff would develop targeted event programming at the Paradise Park facility with the goal of maximizing local participation and coordination with the school district and other youth organizations. Activities could be done several times a year and would likely have a higher attendance level, as well as a more effective use of Town resources.

Action	Motion: <b>Move to accept Alternative # 3</b>		
	<u>Move: Jones-Poland</u>	<u>2nd Jones</u>	<u>Vote: 5-0-0-0</u>

## 11. Appointment to Ad Hoc Committee on Web Site Updates

Director Yakimow opened discussion on the need for an appointment to an Ad Hoc Committee from the Parks, Recreation and Cultural Commission.

On the Town of Yucca Valley's web site there is a section that is dedicated to a video tour of the Town, highlighting various points of interest within multiple segments of the Town. This service is provided to the Town at no cost, by a vendor (CGI, Inc.). The vendor also provides advertising opportunities to local businesses on the various Town web pages.

The Town Council has asked that an ad hoc committee provide input of the final proposed scripts and highlights of this site. It is anticipated that the committee will meet once or twice over the next few months.

Unanimously Chair Evans was suggested for the committee.

Action: Motion: **Move to have Chair Jeff Evans on the Ad Hoc committee for the video tour book section of the Town's website.**

Move: Silver

2<sup>nd</sup> Jones-Poland

Vote: 5-0-0-0

## COMMISSIONER REPORTS AND COMMENTS

1. **Commissioner Silver:** Stated she was sorry she missed January's meeting and is glad to be back.
2. **Commissioner Jones:** Stated she will not be at March's meeting due to becoming a grandmother.
3. **Commissioner Jones-Poland:** Reported she enjoys being a part of this commission
4. **Vice Chair Harman:** Nothing to report
5. **Chair Evans:** Thanked everyone for the vote on the appointment to the Ad Hoc committee

## STAFF INFORMATION

Director Yakimow reported that the Town now owns and operates Brehm Park behind the Boys and Girls Club. Town maintenance staff is in the process of giving the restrooms that are on the property a rehab. Recreation staff is working on putting together the summer programs. The Museum staff is preparing for Earth Day Saturday, April 19.

## FUTURE AGENDA ITEMS

Youth Commission ~ Use of Park Facility Ordinance review update  
Hi Desert Nature Museum operating hours  
Donation Guidelines

## ANNOUNCEMENTS

With discussion it was decided to cancel the March 11, 2014 meeting. The next regular scheduled meeting of the Parks, Recreation and Cultural Commission will be Tuesday, April 8<sup>th</sup>, 2014 at 4:00 p.m. in the Joshua Tree Room at the Yucca Valley Community Center.



DRAFT

**ADJOURNMENT**

The meeting was adjourned at 5:19 pm.

Respectfully submitted,

---

Maureen S. Randall PRCC Secretary  
Community Services Department



Included with the report is the Annual Element Progress Report. There are several tables (Table A, A2, A3, B and C) required to be completed and submitted to the State. Table A2 does not apply for this review period as there were no units, rehabilitated, preserved or acquired which restricted the units to specific income levels. Due to the absence of the restrictions on all units constructed no including the CORE senior housing project, those other 18 units constructed are required by the state to be counted towards the “above moderate” income range and are reported in table A3. Table B demonstrates the number of units constructed during the current Regional Housing Needs Allocation (RHNA) Planning period. Table C is an evaluation of each Program in the Housing element and the status of the implementation of that program.

**Alternatives:** N/A

**Fiscal impact:** None

**Attachments:**

1. Annual Report
2. Tables A,B, C as required by the State
3. General Plan Land Uses Table



## 2013 GENERAL PLAN ANNUAL REVIEW

### BACKGROUND:

Each year, the Town of Yucca Valley reviews the development activity during the prior year and other programs that worked toward implementing the Town's General Plan. As a major component of this review, residential development activity is reviewed to determine the number and type of dwelling units completed during the year in order to comply with the State of California mandate to monitor the implementation of the Town's housing goals.

The Town of Yucca Valley Comprehensive General Plan is an official document that is adopted by the Town Council after significant public input and based upon a recommendation from the Planning Commission. The General Plan provides goals, policies, programs, and implementation strategies to guide development and redevelopment, and to preserve valued assets and resources.

Land Use Planning is mandated by the State of California, and has multiple components including long-range or comprehensive planning, current planning or development review, and environmental compliance with the California Environmental Quality Act. Land Use Planning processes are regulated by California law.

State law mandates that specific components are addressed within any comprehensive plan. These are termed "Plan Elements". The required Plan elements include:

Land Use	Open Space
Circulation	Noise
Housing	Safety
Conservation	

The Town's 1995 General Plan addresses all of these components and other local considerations. It should be noted that the Housing Element must be updated every eight years. The Housing Element in place for the Town during this review period was approved by the Town Council on September 15, 2009, and the new Housing Element was adopted by the Town Council with the General Plan Update on February 04, 2014. The Housing Element update is included in the overall General Plan Update discussed below.

State Law permits the General Plan mandated elements to be amended up to four times annually. The Town approved fifteen General Plan Amendments to the 1995 General Plan. Two general plan amendments to the County General Plan were approved following incorporation and prior to the adoption of the 1995 General Plan. There were no General Plan Amendments during this reporting period.

This report does not discuss every component of each Element, but it gives insight into general land use activity and overall General Plan implementation.

---

## GENERAL PLAN UPDATE:

General Plans are dynamic documents, and need to be evaluated in terms of changing views, desires, strategies, and overall effectiveness on a regular basis.

The Town Council authorized a comprehensive General Plan update in February of 2011. The Town and the selected consultant (The Planning Center) initiated the Update in August 2011. Twelve public outreach meetings were held soliciting input from the community. "Open Town Hall" was launched to help engage and communicate with residents and interest groups that may not be able to attend public meetings. A community profile was created and is available for viewing and purchase on the Town's website at: <http://www.yucca-valley.org/departments/gpu.html>;

The following outreach meetings solicited public participation and input into the formulation of the General Plan Update Project.

Concert in the Park, August 2011  
Youth Commission Visioning, October 17, 2011  
Community Workshops, August 25 and 26 2012  
Community Workshop-East End Focus, May 4, 2012  
Community Workshop-Mid Town Focus, May 5, 2012  
Planning Commission-Parks, Recreation, & Cultural Commission Workshop May 8, 2012  
Planning Commission-Council Land Use Plan Review June 26, 2012  
GPAC Meeting-Safety Element November 14, 2012  
GPAC Meeting-Housing Element, December 12, 2012  
Planning Commission-Council Housing Element, December 12, 2012  
GPAC Meeting-Open Space and Conservation, February 13, 2013

A General Plan Advisory Committee (GPAC) was formed to assist in the preparation and review of General Plan goals, policies and implementation actions for each of the General Plan Elements. The GPAC reviewed the Draft Safety Element on November 14, 2012, the Draft Housing Element on December 12, 2012, the Draft Open Space and Conservation Element on February 13, 2012, the draft Land Use Element on March 13, 2013 and the draft Circulation and Noise Element and the draft Introduction and Administration Element on July 17, 2013.

Planning Commission and Town Council public hearings were held on the following dates:  
November 19, 2013  
December 17, 2013  
January 07, 2014  
February 04, 2014

The Housing Element was determined to be in compliance by State Housing and Community Development on September 25, 2013. The comprehensive General Plan Update was adopted by the Planning Commission and the Town Council on February 04, 2014.

---

---

#### **DEVELOPMENT CODE UPDATE:**

The Development Code and other regulations play a critical role in implementing the goals, policies, and programs of the General Plan; Specific Plans provide more detailed goals, policies and programs for a more limited, specifically-defined area within the Town's corporate limits.

A complete update of the Development Code is currently underway, and it is anticipated that the updated Development Code will be completed in the summer of 2014.

---

---

#### **GENERAL LAND USE ACTIVITY**

The following were major projects submitted and approved during 2013 calendar year:

CUP 01-13 Prescott Center – Submitted on May 21, 2013, this project consists of a 3,000 square foot fast food restaurant and 17,642 square feet of retail space. The project was approved by the Planning Commission on July 09, 2013.

CUP 02-13 Peter Ng –Submitted on August 20, 2013, this project is for the expansion of an existing residential care facility located on Joshua Lane. The project was approved by the Planning Commission on November 12, 2013.

CUP 03-13 Tractor Supply – Submitted on October 02, 2013, this project consists of 3,495 square feet of outdoor storage area at an existing retail location. The project was approved by the Planning Commission on November 12, 2013.

SPR 02-13 Marshalls/Petco – Submitted on August, 26, 2013, the projects consists of a 24,650 square foot Marshalls retail building and a 10,000 square foot Petco retail building. The project was approved by the Planning Commission on October 08, 2013.

There were no General Plan amendments requested or approved during 2013. The chart below lists the General Plan Amendments that have been requested since incorporation:

<b>General Plan Amendments Since Incorporation</b>				
<b>DATE</b>	<b>CASE NO.</b>	<b>APPLICANT</b>	<b>PROJECT DESCRIPTION</b>	<b>STATUS</b>
8/23/1993	GPA-01-93	KenLar Construction	Rezone from 4MRM to CO,	Approved
11/3/1993	GPA 02-93	Town of Yucca Valley	Rezone from RS18m to IN	withdrawn
11/3/1993	GPA 03-93		Rezone from RM4M to CO,	Approved
10/24/1996	GPA-01-96	Town of Yucca Valley	Section 11 Annexation	Approved
2/16/1999	GP-01-99	Banks Vaughn		Denied
2/15/2000	GPA 01-00	Town of Yucca Valley	Housing Element Update	Approved
05/30/2001	GPA 01-01	Leon Strand	Rezone R-HR to RL-5	Approved
06/14/2001	GPA 02-01	Barton Pedersen	Rezone R-HR to RL2.5	Approved
09/06/2001	GPA 03-01	Town of Yucca Valley	State Annual Report	Accept and file
03/07/2002	GPA 01-02	Tim Humphreville	RS -RM10 (RZ 01-02)	Denied
04/24/2002	GPA 02-02	Town of Yucca Valley	2001 Annual Report	Accept and file
02/28/2003	GPA 01-03	Bill Scholar	Rezone CG to RM	Approved
05/07/2003	GPA 02-03	Cole Stillwell	Rezone RL to CG	Approved
02/25/2004	GPA-01-04	Danmark Dev	Rezone RS-2 to RS-3.5	Approved
	GPA 02-04	Town of Yucca Valley	Rezone RL-1 to RS-3.5	Approved
12/08/2004	GPA-01-05	TYV	Land use designation changes	Approved
04/07/2005	GPA 02-05	Neighborhood Housing Group	Rezone RL-1 to RM-8	Approved
07/11/2005	GPA 03-05	Century Homes		withdrawn
08/10/2005	GPA-04-05	Randy Werner	Rezone R-HR to RL-5	Approved
03/10/2006	GPA-01-06	Bill Shack	Rezone RL-5 to RS-3.5	Approved
12/07/2006	GPA-02-06	Specialty Homes	Rezone	Approved
12/13/2006	GPA-03-06	Nickolas Ventures	Rezone to RM -10	withdrawn
	GPA 01-07	TYV	Old Town Specific Plan	Approved
12/18/2007	GPA 02-07	Chris Paolini	Rezone RL-1 to RS-2	Approved
03/20/2008	GPA 01-08	Curtis McGrew	Rezone R-HR to RL	Approved
01/19/2009	GPA 01-09	Town of Yucca Valley	Housing Element Update	Approved

Coinciding with the national housing market conditions, the Town did not receive any tentative tract map applications in 2013.

The following chart shows the tentative tract maps that have been approved since incorporation. Those with an asterisk have proceeded through the final map process and been recorded.

**SYNOPSIS OF TENTATIVE TRACT MAPS**

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL# OF LOTS	# OF VACANT LOTS
<b>APPROVED PROJECTS</b>					
02/28/2003	TM 16471*	Bill Scholar	Desert Vista Village E. of Palm, S of Pine	106	68
09/05/2003	TM 16649	40 Villas LP	NE corner of Camino del Cielo and Martinez	34	34
02/25/2004	TM 16587*	Danmark Development	S of Mountain View between Acoma and Church	57	41
04/01/2004	TM 16786*	De Silva	Vera Lane west of Joshua Lane	4	4
04/16/2004	TM 16957*	Bob Stadum	E side of Acoma 1 parcel N of Joshua Drive	34	34
09/13/2004	TM 16787	Rondel Ent.	W of SR247 S of Castro	54	54
09/13/2004	TM 16733	Arthur Schultz	S of Santa Barbara E & W of Indio	17	17
10/29/2004	TM 17240*	Leon Strand	Santa Barbara between Balsa and Emerson	4	3
12/13/2004	TM 17328*	Yucca Estates	SW corner of Yucca Tr. And Emerson	17	17
06/14/2005	TM 17633	Burnt Mtn Haciendas	SW corner of Palomar and Onaga	61	61
01/27/2006	TM 17476	SILVATEX,INC	N of Paxton 1 parcel E of Imperial	43	43
08/22/2006	TM 18011	Specialty Homes	SE Corner of Cholla Ave. and Joshua Dr.	8 1 remain	8
03/10/2006	TM 17862	Copper Hills Homes	NE corner of Sage Ave and San Andreas	107	107
06/15/2007	TM 17985	Fred Golestani	NE corner of Palomar Ave and Juarez Dr	20	20
12/18/2007	TM 18418	Pueblo Mesa	NE corner of Sage Ave and Golden Bee Drive	142	142
12/23/2009	TM18773	Beverly Lucas	SW corner of Cholla Ave and Carlyle Dr.	60	60
		TOTAL # OF APPROVED LOTS		768	
		TOTAL # OF VACANT LOTS			713

Since incorporation there have been six tract maps that have recorded. They are:

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Tract Map 16471 Desert Vista Village</li> <li>2. Tract Map 16587 Mesquite 55</li> <li>3. Tract Map 16786 Da Silva</li> </ol> | <ol style="list-style-type: none"> <li>4. Tract Map 16957 Living Space</li> <li>5. Tract Map 17240 Strand</li> <li>6. Tract Map 17328 Yucca Valley Estates</li> </ol> |
|--|---|



The following chart shows all of the Tentative Parcel Maps that have been approved since incorporation:

**SYNOPSIS OF TENTATIVE PARCEL MAPS**

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL # OF LOTS	# OF VACANT LOTS
<b>APPROVED PROJECTS</b>					
08/24/1992	PM 14325	Leonard Malin	SW corner Sunnyslope Dr and Warren Vista Ave	2	1
10/26/1993	PM 14602	Robert Smith	SE corner of Yucca Tr and Valley Vista Ave	3	2
08/24/1994	PM 14722	Alan Petty	SW corner Dulce Ave and Santa Barbara Dr	4	4
10/27/1998	PM 15202	Tom Humphreville	NW corner Country Club Rd and Quemada Tr	2	0
05/30/2001	PM 15708	Leon Strand	SE corner Balsa Ave & Terbush	4	2
04/05/2004	PM 16561	Copper Hill Homes	W side of Selecta Ave N of Juarez Dr	2	0
12/10/2004	PM 17012	Andora Sprecher	SW corner Jemez Tr and Mountain View Tr	4	4
03/24/2005	PM 17093	Paul Cook/Jean Smith	SW corn Cortez and Dulce	4	4
06/28/2005	PM 17221	Ted Philips/Janet Grace	NE corner Warren Vista and Santa Barbara	4	4
06/20/2006	PM 18056	Mark Melby	NE corner of Cholla Ave and Buena Vista Dr	4	4
08/15/2006	PM 18321	Marcos Ocequeda	Borrego Tr and Papago Tr	2	2
09/25/2006	PM 18009	Robert & Amelia Smith	SW corner Yucca Tr and Valley Vista	2	2
10/06/2006	PM 17784	Phyllis Haley	corner of Balsa Ave and Vaduz Ave	2	2
03/06/2007	PM 18349	Dawn Rowe	NE corner Emerson Ave and Vera Lane	2	2
04/20/2007	PM 18472	Steve Inverno	NW corner Camino Del Cielo and Onaga Tr	2	2
06/01/2007	PM 18759	Helen Holloway	S of Griffis Rd, east and west of SR 247	2	2
09/27/2007	PM 18818	Curtis McGrew	7953 Valley Vista	2	1
03/20/2008	PM 18967	Curtis McGrew	south end of Valley Vista, east side of street	4	3
07/07/2011	PM19288	Mark Stevens	7090, 7110, 7140 Plasse	3	0
			TOTAL # OF APPROVED LOTS	54	
			TOTAL # OF VACANT LOTS		41

---

---

<b>COMPREHENSIVE GENERAL PLAN LAND USE ELEMENT</b>
--

The Land Use Element is interconnected to all other elements of the General Plan, affecting the need for resources, infrastructure, jobs, housing, and public services and facilities. The purpose of the Land Use Element is to provide a comprehensive depiction of land use allocation and distribution throughout Town. The Land Use Element is commonly emphasized, due to its ties with all other Elements of the General Plan.

One program of the Land Use Element of the original General Plan was to have the zoning map consistent with the General Plan Land Use map and updating simultaneously with each General Plan land use Amendment. As part of the General Plan Update, the Town has changed has to a two map system.

During the last reporting period, there were no General Plan Amendments. As indicated under the General Land Use Activity section, there have been only seventeen General Plan Amendments since incorporation; two of these were made to the County General Plan prior to the adoption of the 1995 General Plan. The requests were received in 1993, 1996, 2001, 2003, 2004, and 2005, 2006, 2007, 2008 and 2009.

Yucca Valley does not typically experience a high level of development from large-scale projects and continues to have a slower growth rate in comparison to other southern California communities. This fact is highlighted by the fact that approximately 1,775 single-family residential dwellings have been permitted in the Town over a 21 year period (June 1992 to December 31, 2013). In addition the California Department of Finance estimates the population change between January 1 2012 and January 1, 2013 at 0.8%. This slow growth rate is due to the national and regional economies, and the fact that Yucca Valley is a bedroom community to the Coachella Valley as well as a retirement community. Only during 2002-2006 was there a substantial increase in single family residential construction.

For Calendar year 2013, 18 new single family homes were permitted. Additionally, building permits were issued for the 75 unit CORE Senior Housing Project. The Southern California Association of Governments (SCAG) through their RHNA process is projecting a one percent grown rate for the Town of Yucca Valley over the next 22 years.

---

---

<b>COMPREHENSIVE GENERAL PLAN HOUSING ELEMENT</b>
---

### **HISTORICAL HOUSING UNITS:**

The purpose of the Housing Element is to provide a comprehensive planning approach for the housing needs and to set policies and programs that will enable the Town to reach its defined housing goals. Housing goals are based on a Regional Housing Needs Assessment (RHNA), developed by the Southern California Council of Governments (SCAG). The following identifies the RHNA allocation to the Town of Yucca Valley for the

next SCAG planning period.

2014-2021 RHNA:

<u>Income Category</u>	<u>Number of Units</u>
Lower Income:	358
Moderate Income:	172
<u>Above Moderate Income:</u>	<u>400</u>
Total	930

The following chart lists the numbers of single and multi-family building permits issued during the fiscal years listed.

	SFR	MFR
91-92	16	
92-93	31	
93-94	13	
94-95	24	
95-96	11	
96-97	6	
97-98	21	
98-99	44	
99-00	54	
00-01	82	
01-02	118	
02-03	188	
03-04	353	4
04-05	384	4
05-06	244	13
06-07	99	2
07-08	36	2
08-09	7	0
09-10	11	0
10-11	2	0
11-12	13	0
12-13	2	1
13-14	16	0

As the above chart shows, the number of new single building permits peaked in the 2004-2005 fiscal year and has been in decrease each year since. It should be noted that the numbers above are fiscal year, whereas the numbers included in the technical report to be submitted to the state are based upon calendar year.

Specific actions and expenditures during this reporting period include the following.

## **LEASE OF AGENCY DUPLEXES:**

The Successor Agency to the former Yucca Valley Redevelopment Agency continued to lease the five duplex structures to Unity Homes. The duplexes provide housing to ten very low and low to moderate income families. Presently five units are occupied as of January 31, 2014.

## **SENIOR HOUSING PROJECT:**

The Town approved the Yucca Valley Senior Housing project on May 17, 2011. The project received tax credits in fall of 2012. Building permits were issued on March 27, 2013 and the project is currently under construction. This project is producing 74 age and income restricted housing units.

## **REVIEW OF GOVERNMENTAL CONSTRAINTS ON HOUSING:**

The Town of Yucca Valley has relatively low constraints on housing. This fact is exemplified by the following.

1. Single family residential development requires no architectural review, or any other governmental process, other than the standard Building & Safety Plan Check and field inspection process;
2. The building permit and plan check fees were increased in March 2005 which had not been amended since incorporation of the Town of Yucca Valley in 1991. Per square foot residential valuation remains \$55.18 per square foot for living area.
3. There are no constraints that hinder the development and construction of affordable housing within the Town of Yucca Valley.
4. Repair and rehabilitation of housing units within the Town is not regulated, except through the Uniform Building Codes. There is no requirement for architectural review, design review, or any other entitlement process for the repair and/or rehabilitation of housing units within the Town.
5. Architectural/Site Review processes are included within the entitlement process for new multi-family development projects, and no additional time frames or costs are associated with review of these projects
6. Standard building plans are reviewed within ten business days. Engineered plans may take up to 15 business days to review.
7. The Town Council has reduced the impact fee for all new Infill Single Family Residences to \$2,569.

During the reporting period, issues remained regarding the continued use of septic systems and their impact on water quality. Discussions have continued to take place between the Hi-Desert Water District, Regional Water Quality Board, and the Town. The Regional Water Quality Board has required that Phase One of the HDWD sewer system be operational by 2016. The Hi Desert Water District is working to meet this goal.

**REGIONAL HOUSING NEEDS BY INCOME:**

The Town of Yucca Valley uses Department of Housing and Urban Development income criteria for San Bernardino County area in determining eligibility for affordable housing programs.

San Bernardino County Income Limits 2013										
FY 2013 Income Limit Area	Median Income	FY 2013 Income Limit Category	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
		Extremely Low Income	14,100	16,100	18,100	20,100	21,750	23,500	24,950	26,550
San Bernardino County	\$65,000	Very Low Income limit	23,400	26,800	30,150	33,500	36,200	38,900	41,550	44,250
		Lower Income limit	37,550	42,900	48,250	53,600	57,900	62,200	66,500	70,800
		Median Income Limit	45,500	52,000	58,500	65,000	70,200	75,400	80,600	85,800
		Moderate Income Limit	54,600	62,400	70,200	78,000	84,250	90,500	96,700	102,950

The Town of Yucca Valley’s adopted and State approved Housing Element indicates the Town’s share of regional housing needs is outlined as follows. The Town has updated its Housing Element, which was approved by the Town Council on September 15, 2009. As part of the updated Housing Element the RHNA numbers are listed below. The housing needs figures below reflect the figures for the current SCAG/SANBAG planning period, which expires 2014 and the RHNA figures for the period of 2014-2021.

Income Category	2006-2014 Number of Units	2014-2021 Number of Units
Extremely Low	280	-
Very low Income:	280	-
Low Income:	399	-
Lower Income	-	358
Moderate Income:	474	172
Above Moderate Income:	1,076	400
Total	2,509	

For the 2013 (calendar year) review period, 18 building permits for single family units were issued and a permit was issued for a 74 unit age restricted senior multifamily housing development.

---

**ACTIONS TO IMPLEMENT THE GENERAL PLAN ELEMENTS:**

During the reporting period, development proposals of all types have been reviewed and conditioned so they conform to applicable policies of the Comprehensive General Plan.

---

**CONCLUSION:**

The Development Code is the primary tool for implementing the General Plan. At the May 26, 2009 Town Council meeting authorization was given to begin the process of a Development Code Update. Two Articles of the Development Code Update have been adopted by the Town Council.

It is a goal of the Town to establish a safe, attractive community with appropriate infrastructure for area residents, business owners, and visitors. With proper tools, this goal is attainable.

END OF ANNUAL REPORT

# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction: Town of Yucca Valley  
Reporting Period: 1/1/2013 - 12/31/2013

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

1	2	3	4				5	5a	6		7	8
			Affordability by Household Incomes						Assistance Programs for Each Development	Deed Restrictions		
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Rentier O=Owner	Very Low-Income	Low-Income	Moderate-Income	Above-Moderate-Income	Total Units per Project	Est. # Infill Units*	See Instructions	See Instructions	Deed Restricted Units	Housing without Financial Assistance or Deed Restrictions
N/A			8	66			74	0	TCAC, HOME			Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
<b>(9) Total of Moderate and Above Moderate from Table A3</b>			▲	▲	0	18	18					
<b>(10) Total by income Table A/A3</b>			▲	▲	8	66	18	92				
<b>(11) Total Extremely Low-Income Units*</b>												

\* Note: These fields are voluntary

# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation (CCR Title 25 §6202 )

Jurisdiction: Town of Yucca Valley  
Reporting Period: 1/1/2013 - 12/31/2013

**Table A2  
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant  
to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1) units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary



**ANNUAL ELEMENT PROGRESS REPORT  
Housing Element Implementation**

(CCR Title 25 §6202 )

Jurisdiction Town of Yucca Valley  
Reporting Period 1/1/2013 - 12/31/2013

**Table A3  
Annual building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	18					18	18

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

**Table B**

## Regional Housing Needs Allocation Progress

### Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.	2006		2007		2008		2009		2010		2011		2012		2013		2014		Total Units to Date (all years)	Total Remaining RHNA by Income Level
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9											
Very Low	Income Level	RHNA Allocation by Income Level																		
	Deed																			
	Restricted Non-deed restricted	560																		
Low	Income Level	RHNA Allocation by Income Level																		
	Deed																			
	Restricted Non-deed restricted	399																		
Moderate	Income Level	RHNA Allocation by Income Level																		
	Deed																			
	Restricted Non-deed restricted	474																		
Above Moderate		162	73	24	4	8	28	0	18	317										759
Total RHNA by COG. Enter allocation number:		162	73	24	4	8	28	0	18	317										2,509
Total Units		162	73	24	4	8	28	0	18	317										2,192
Remaining Need for RHNA Period		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202 )

<b>Jurisdiction</b>	Town of Yucca Valley
<b>Reporting Period</b>	1/1/2013 - 12/31/2013

**Table C  
Program Implementation Status**

Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	Status of Program Implementation
	<b>Housing Programs Progress Report - Government Code Section 65583.</b> Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Program 1.A	Maintain the Home Improvement Program for low/very low income households to encourage rehab of 120 existing housing units.	Ongoing	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek new funding sources and to coordinate with the County of San Bernardino to continue the program.
Program 1.B	All Town codes, including building codes, will be enforced to keep existing units in good repair	Ongoing	This is monitored through Code Enforcement and determination is made on a case by case basis.
Program 1.C	Continue to ID neighborhoods with substandard infrastructure and quantify for improvements	Ongoing	The Town has continued to maintain a 5 year Capital Improvements program which identifies allocation of financial resources to infrastructure improvements Town wide.
Program 2.A	Maintain and update as necessary the inventory of all land suitable for residential development	Annually	The Town continues to maintain the Zoning and General Plan Maps. Further a table is maintained which has an inventory of all general plan amendments and tabulates the acreage changes. Table III-14 in the GP Housing Element lists the vacant high density land inventory within the Town Boundaries.
Program 2.B	Maintain land use zoning designations in General Plan and zoning maps that allow for diversity of housing types consistent with low density rural character of the Town	Ongoing	The Town continues to maintain the Zoning and General Plan Maps. The Towns development Code and General Plan provide for a wide variety of housing types. These include 1 dwelling unit per 20 acres (Rural Hillside Reserve) up to 40 units per acre in the Old Town OTSP (OTMU). These designations allow for higher densities in appropriate areas along the highway and more rural type development as you move away from the Highway.
Program 2.C	RDA to establish lot consolidation for the OTSP area for the construction of low,extremely low income housing.	2010-2011, annually thereafter	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to use tools such as lot consolidation for the development of low/extremely low income housing opportunities.
Program 2.D	Monitor capacity of all Specific Plan lands in inventory (table III-14) to assure sufficient capacity of the Town's lower income need remains	Annually	There has been no development within the OTSP boundaries resulting in the elimination or reduction of affordable housing.

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction Town of Yucca Valley  
 Reporting Period 1/1/2013 - 12/31/2013

Program 2.E	To incentivize development in the OTSP area, the RDA will consider financial participation for low income units.	Ongoing	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek out funding sources/collaboration opportunities for the development of low income housing.
Program 3.A	Town's Density Bonus Ordinance shall be updated and maintained current with State Requirements	2008-2009, Ongoing	The Town has updated its Density Bonus Ordinance to be in compliance with State requirements. The ordinance was adopted by Town Council on June 18, 2013.
Program 3.B	Continue coordination with San Bernardino County Housing Authority(SBCHA) to ensure section 8 housing assistance and HOME rental property rehabilitation programs within the Town are actively pursued.	Ongoing	The Town continues to coordinate with the SBCHA for current HOME funds that are available for construction of new affordable units.
Program 3.C	Work with private organizations in assisting with housing for handicap residents.	Ongoing	There have been no requests received for assistance with housing for handicapped residents.
Program 3.D	Continue to support and assist in enforcing the provisions of the Federal Fair Housing Act	Ongoing	Any complaints the Town receives are forwarded to the County for their consideration. Town Code enforcement also addresses service requests regarding the condition of housing units and take appropriate action to ensure the upgrade of substandard units.
Program 3.E	Continue working with SBCHA to encourage the development of 11 acres owned by the Housing Authority in Town for affordable housing.	Ongoing	There have been no applications received by the Town for the development of a County affordable housing project.
Program 3.F	Amend the Development Code to allow Homeless shelters by right, with approval of a Site Plan Review, in the Industrial or Public/Quasi Public zoning Designations	2008-2009	The Town has updated its regulations regarding emergency transitional housing. The ordinance was adopted by Town Council on June 18, 2013.

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction	Town of Yucca Valley	Reporting Period	1/1/2013 - 12/31/2013
Program 3.G	The RDA shall establish a program of incentives for the Development of housing for extremely low and very low income residents to include application fee waivers, plan check fee waivers, and financial assistance with infrastructures improvements.	2008-2009	The former Yucca Valley RDA has been dissolved pursuant to State Law. The Town will continue to seek alternate funding sources to assist low income residents.
Program 3.H	Consistent with Government Code Section 65583 the Development Code Shall be amended to define Single Room Occupancy, to allow as Conditionally Permitted in the Industrial Zone and transitional/supportive housing shall be subject to only those restrictions that apply to other residential uses in the same zone.	2008-2009	The Town has amended its regulations regarding Single Room Occupancy standards. The Ordinance was adopted by Town Council on June 18, 2013.
Program 3.I	The Development Code shall be clarified to state handicapped ramps are permitted in front, side and rear setbacks of any residential structures.	2010-2011	Handicapped ramps and other similar no habitable access improvements are allowed in setback areas pursuant to existing regulations.
Program 4.A	Expediently calculate and allocate Housing set-aside funds to affordable housing programs.	Annually	The Yucca Valley RDA was eliminated pursuant to state law. The Towns finance division allocates all LMI set aside funds to an account that is restricted to expenses for the preservation or construction of affordable housing units.
Program 4.B	The RDA will develop program(s) for the development of new residential units for very low households and assign set-aside funds for these units.	2009-2010	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek out funding sources/collaboration opportunities for the development of low income housing.
Program 4.C	Assist developers in preparation of applications for State and Federal housing grants and loans(HOME/LMI Tax credit) as available.	Ongoing	No developers have requested assistance with the preparation of their applications for the California Tax Credit Allocation Committee during this review period.

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 4.D	Continue to distribute County materials for developers and low income households which contain information on assistance in the development and rehabilitation of low income housing.	Continuous	The Town provides a wide variety of handouts to assist both the citizens and development community.
Program 4.E	Should the Town be notified of housing developments all possible funding sources including CDBG/IRDA set asides should be considered for purchase.	Continuous	The Town has and will continue monitor if any such properties are proposed to be sold.
Program 5.A	Conversion of existing mobile home parks to permanent housing will continue to be regulated by ordinance to ensure appropriate relocation plan for park residents is developed and implemented.	Ongoing	No mobile home park conversions have been proposed.
Program 6.A	Ensure that new development and rehabilitation efforts maximize energy efficiency through architectural and landscape design and the use of renewable resources and conservation.	Ongoing	New construction is required to comply with the standards set forth in the California Building Codes, which includes proper design for the use of renewable energy resources.
Program 6.B	Encourage the use of LEED design principles in multifamily projects.	Ongoing	The Town encourages but does not mandate LEED design principles in multi-family projects.
Program 7.A	Maintain a Planned Development Ordinance (PRD) permit ordinance which allows flexibility in development standards.	Continuous	The Planned Development Ordinance provides for flexibility in design and helps to assist in the affordability of the units. No Planned Development applications were submitted during this review period.
Program 8.A	Specific Plans shall incorporate a variety of housing types and shall include senior and affordable housing within the project.	Ongoing, as Specific Plans are submitted	No Specific Plans were submitted or approved during this review period.

## ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation*

(CCR Title 25 §6202.)

Jurisdiction	Town of Yucca Valley	Reporting Period	1/1/2013 - 12/31/2013
Program 8.B	Encourage infill and expansion of existing wherever possible to lower infrastructure costs.	Continuous	The Town has and will continue to encourage the development of infill projects. The majority of new single family residential units are in fact infill lots. Only 51 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.
Program 8.C	Ensure that infill development occurs in areas with adequate infrastructure to support neighborhood build-out.	Continuous	The Town has and will continue to encourage the development of infill projects, in areas where infrastructure can support. The majority of new single family residential units are in fact infill lots. Only 51 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.
Program 8.D	Promote development of mixed use projects in the OTSP area . The Town shall post Table III-14 on the Towns website as part of a page dedicated to development in the OTSP.	2008-2009, ongoing	The Town has the entire OTSP posted in its website at: <a href="http://www.yucca-valley.org/departments/otyv_sp.html">http://www.yucca-valley.org/departments/otyv_sp.html</a>
Program 9.A	Encourage multi-family rental and owner-occupied projects which construct 3 and 4 bedroom units as a substantial portion of the overall development. Larger units shall be encouraged through Town funding or bond financing.	Continuous	The CORE Senior House Project consists of 74 one bedroom age and income restricted units were permitted during this review period. The Town will continue to encourage 3 and 4 bedroom units as projects are submitted.
Program 9.B.	Amend the Development Code to allow second units on single family residential lots consistent with state law.	2008-2009	The Town has updated its regulations regarding second units. The ordinance was adopted by Town Council on June 18, 2013.
Program 10.A	Maintain the Home Rehabilitation Program to enable 10 senior residents to maintain and rehabilitate their homes. Flyers advertising the program shall be posted at various locations.	Ongoing	The former Yucca Valley RDA was dissolved pursuant to State law. The Town continues to seek new funding sources for the Home Rehabilitation Program. The Town continues to provide a wide variety of handouts to assist the citizens of the community. .
Program 10.B	Provide assistance to developers of affordable senior housing through Housing set-aside funds.	Ongoing	The former Yucca Valley RDA has been dissolved pursuant to State law. The Town has partnered with NationalCORE for the construction of 74 affordable senior housing units. The project is under construction.
Program 11.A	Require Specific Plan projects to develop design guidelines which provide for buffers between land uses, mall scale architecture and appropriate architecture.	Continuous	No Specific Plans were submitted or approved during this review period.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 11.B	Residential projects shall be required to provide bicycle and pedestrian facilities, including trails, sidewalks, benches and open space.	Continuous	No new residential projects beyond the 74 unit age and income restricted CORE project were approved during the review period.
Program 12.A	Require developers of affordable senior housing projects to confer with the public transit agency regarding the provision of service to the project.	Continuous	All development projects are sent to the Morongo Basin Transit Agency for review and comment. If the Agency has any conditions those are included with the Conditions of approval for the project.
Program 12.B	Ensure affordable and senior housing projects are located in areas with adequate public improvements including streets and sidewalks.	Continuous	The Town has partnered with NationalCORE for the development of a senior housing project in an appropriate location. The location is in close proximity to the Senior Center, Museum facility, restaurants and shopping facilities. The project is currently under construction

General Comments:

Please see attached General Plan Annual Report.



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

<b>Jurisdiction</b>	Town of Yucca Valley
<b>Reporting Period</b>	1/1/2013 - 12/31/2013

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** March 12, 2014  
**For Council Meeting:** March 18, 2014

**Subject:** 2013/2014 Storm Events  
Quality Street Services, Inc., Street Sweeper Services  
Agreement Amendment  
Storm Recovery Contract Compensation Increase to \$125,000  
FY 13/14 Budget Amendment

**Prior Council Review:** None.

**Recommendation:** That the Town Council approves the third Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$25,000 to \$125,000, and amending the FY 13/14 Budget, appropriating \$100,000 from the General Fund Catastrophic Event Reserve to 55-59-7110 , Gas Tax Fund (515), Professional Services.

**Summary:** Town Council approval for service agreements is required above \$25,000. The Town's annual contract with Quality Street Services, Inc. is currently set at a base of \$50,000, with the ability to add additional compensation, in an amount not to exceed \$25,000 for storm recovery efforts. However, Town Council authorization is required for increases above \$25,000 for storm recovery efforts. Due to the 2013/2014 storms, authorization to increase the storm recovery compensation with Quality Street Services, Inc., to \$125,000 is required.

**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 annual service contract with Quality Street Services, Inc. is set at \$50,000 for non-storm related street sweeping services. To date, the Town has spent none of that \$50,000 annual base contract amount. The request to increase the Storm Recovery Compensation from \$25,000 to \$125,000 has no bearing on the annual service

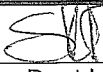
---

Reviewed By:

  
Town Manager

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

  
Mgmt Services

  
Dept Head

---

Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

contract base of \$50,000. The General Fund Catastrophic Events Reserve will be used for cleanup services related to the 2013/2014 storm events.

Four different storm events have occurred in the current fiscal year for which these services were required. It should be noted that there has been no costs for street sweeping incurred by the Town except for rain storm events.

- July 21/22, 2013
- August 26, 2013
- September 7, 2013 (Hospital Wash)
- February 28, 2014

The recommended action includes amending the FY 13/14 Budget to appropriate \$100,000 in funds from the Town's Catastrophic Event Reserve to the Gas Tax Street Operations Fund in order to meet the storm recovery needs.

**Alternatives:** Staff recommends no alternative actions. This action is necessary for storm clean up activity.

**Fiscal impact:** The Street Division budgets \$50,000 for street sweeping services (non-storm related) on an annual basis and these costs are paid from Gas Tax revenues.

The Storm Recovery funds in the amount \$125,000 are for cleanup efforts from the 2013/2014 storm events and will not affect non storm street sweeping services. The Storm Recovery funds in the amount of \$125,000 will be funded from the General Fund Catastrophic Event Reserve, and transferred to the Gas Tax Fund, 515 Professional Services Account.

**Attachments:** Third Amendment  
Second Amendment  
First Amendment  
Contract

**THIRD AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION (“TOWN”), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC. , AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING (“CONTRACTOR”)**

**RECITALS**

1. On September 27, 2005 TOWN and CONSULTANT entered in an Agreement for the provision of Street Sweeping Services (the “Agreement”).
2. The Agreement has previously been amended two times (January 18, 2011 and June 29, 2011) when it was found that additional funding for storm related street sweeping services.
3. Due to the 2013/2014 storms and the resultant costs thereof, it is necessary to increase the amount of funding for Storm Recovery Compensation provided for in Section 17 of the Agreement from \$25,000 to \$125,000, an increase of \$100,000.
4. This Amendment does not modify the amount of Compensation for Base Level Services provided in Section 16 of the Agreement.
5. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

**Section 1.** Agreement Section 17 pertaining to “Storm Recovery Compensation” is hereby amended to read as follows:

Section 17, Storm Recovery Compensation.

“17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$125,000.00, for Storm Recovery efforts expended during the July 1, 2013 through June 30, 2014

fiscal year. Town Council authorization is required for increases above \$125,000.00.”

**Section 2.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: \_\_\_\_\_, 2014.

TOWN OF YUCCA VALLEY

QUALITY STREET SERVICES, INC.

By \_\_\_\_\_  
Shane Stueckle  
Acting Town Manager

By \_\_\_\_\_  
Sean T. McElvy

K:\TC\2014\03-18-2014 TC Meeting\Amendment to Contract for Quality Street Sweeping for Storm Cleanup\03-18-14 tc Contract Amen - Quality Street Sweeping - Storm Cleanup.doc

**SECOND AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION (“TOWN”), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC. , AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING (“CONTRACTOR”)**

**RECITALS**

1. On September 27, 2005 TOWN and CONSULTANT entered in an Agreement for the provision of Street Sweeping Services (the “Agreement”).
2. The Agreement has previously been amended one time (January 18, 2011) when it was found that additional funding for storm related street sweeping services.
3. Due to the 2013/2014 storms and the resultant costs thereof, it is necessary to increase the amount of funding for Storm Recovery Compensation provided for in Section 17 of the Agreement from \$25,000 to \$125,000, an increase of \$100,000.
4. This Amendment does not modify the amount of Compensation for Base Level Services provided in Section 16 of the Agreement.
5. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

**Section 1.** Agreement Section 17 pertaining to “Storm Recovery Compensation” is hereby amended to read as follows:

Section 17, Storm Recovery Compensation.

“17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$125,000.00, for Storm Recovery efforts expended during the July 1, 2013 through June 30, 2014 fiscal year. Town Council authorization is required for increases above \$125,000.00.”

**Section 2.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: \_\_\_\_\_, 2014.

TOWN OF YUCCA VALLEY

QUALITY STREET SERVICES, INC.

By \_\_\_\_\_  
Shane Stueckle  
Acting Town Manager

By \_\_\_\_\_  
Sean T. McElvy

K:\TC\2014\03-18-2014 TC Meeting\Amendment to Contract for Quality Street Sweeping for Storm Cleanup\03-18-14 tc Contract Amen - Quality Street Sweeping - Storm Cleanup.doc

TOWN OF YUCCA VALLEY  
AGREEMENT FOR STREET SWEEPING SERVICES

This agreement is made this 27 day of September 2005 by and between the Town of Yucca Valley, a municipal corporation, hereinafter called "TOWN" and Jack and Elizabeth King doing business as Quality Street Services, Inc., hereinafter called "CONTRACTOR."

1. **Services to be Performed.** CONTRACTOR hereby agrees to perform the street sweeping services subject to a weekly schedule provided by the Town. In addition, to routine scheduled street sweeping programs, and at the direction of the TOWN, Contractor shall provide street sweeping services on a 24 hour per day, on-call basis for emergencies.
2. **Schedule of Performance.** CONTRACTOR shall begin services upon execution of this contract and continue the same under the terms of this contract. TOWN shall provide CONTRACTOR a weekly schedule of street sweeping services to be performed.
3. **Assignment.** CONTRACTOR shall not assign this Agreement or sublet or subcontract any portion of the services to be performed hereunder without the prior written consent of the Town Manager. All subcontracts and related documents, including but not limited to, the level of required insurance, shall be approved by the Town Manager prior to initiation of work.
4. **Facilities and Records.** Unless otherwise approved by the Town Manager, CONTRACTOR shall assemble and maintain such records as are customarily maintained including hours and dates of work performed, equipment used and hours worked at specific locations. Upon request by the TOWN, CONTRACTOR shall make such records shall available to the TOWN for inspection.
5. **Compensation.** Compensation shall be paid at the hourly rate of \$90.00 per hour.
6. **Billing and Payment.** CONTRACTOR shall submit itemized weekly invoices for services rendered in a form acceptable to the TOWN, and shall at a minimum, include locations and lane miles swept, the time required for those specific lane miles, number of hours worked, and the equipment used at each location. TOWN shall pay said invoices as soon thereafter as TOWN regular procedures provide, typically within 30 days, unless the TOWN provides written justification for a longer period.
7. **General Conditions.**
  - (a) TOWN shall not be called upon to assume and CONTRACTOR shall defend (with attorneys approved by TOWN) and indemnify and hold harmless TOWN against any liability for the direct payment of any salary, wage or other compensation to any person employed by CONTRACTOR performing services hereunder for TOWN or for any employee-related claims, including but not limited to worker's compensation claims. The parties understand and agree that CONTRACTOR is acting strictly as an independent contractor under the terms of this Agreement, and this



Agreement is not intended to establish an employer-employee relationship between the TOWN, on the one hand, and CONTRACTOR or any of its employees or subcontractors, on the other hand.

(b) All officers, agents, employees, subcontractors (and their agents, officers, and employees) who are hired by or engaged by CONTRACTOR in the performance of this Agreement shall be deemed officers, agents and employees and subcontractors of CONTRACTOR, and TOWN shall not be liable or responsible to such personnel for anything whatsoever other than the liability to CONTRACTOR as set forth in this Agreement. CONTRACTOR agrees to defend (with attorneys approved by TOWN), indemnify, save, keep and hold harmless TOWN and all of its officers, agents, representatives and employees from all damages, costs or expenses in law and equity, including but not limited to costs of suit and expenses for legal services that may at any time arise or be set up because of damage to property or injury to persons received or suffered by reason of any wrongful or negligent act or omission on the part of CONTRACTOR or any of its agents, officers, and employees and subcontractors in the performance of this Agreement. Payment to CONTRACTOR of compensation hereunder shall not be deemed to waive Town's rights or Contractor's obligations hereunder.

(c) CONTRACTOR shall not be deemed to assume any liability for wrongful or negligent acts of TOWN or its officers, agents, representatives and employees, wherein CONTRACTOR, and its agents, officers, employees, subcontractors or representatives engaged in no wrongful or negligent acts or omissions of any kind, and TOWN shall defend and hold CONTRACTOR harmless against any such claims to the extent permitted by law. In the event that CONTRACTOR is sued in its official capacity for reasons other than any wrongful or negligent acts or omissions of CONTRACTOR or Contractor's officers, agents, representatives, employees or subcontractors, TOWN shall defend and hold harmless CONTRACTOR.

(d) CONTRACTOR agrees to and shall at its own cost and expense procure and maintain during the term of this Agreement from an admitted insurer general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence and annual aggregate, and comprehensive automobile liability insurance in an amount of not less than one million dollars (\$1,000,000.00). Such insurance shall be procured from an insurer approved by Town Manager and admitted in and authorized to do business in California. TOWN, its officers, employees, agents, and volunteers shall be named as an additional insured and the insurance required hereunder shall be primary and not contributing with any other insurance available to or obtained by the Town. CONTRACTOR shall also obtain a policy of Worker's Compensation Insurance covering all of its employees as required by law. No Insurance shall be cancelled without thirty (30) days prior written notice to TOWN. CONTRACTOR shall provide to TOWN on or before July 1<sup>st</sup> of each year, Certificates of Insurance; evidencing all insurance in the amounts required under this paragraph.

(e) Upon termination of this Agreement, CONTRACTOR shall within such reasonable period as may be directed by the Public Works Director/Town Engineer or his designee, complete those items of work which are in various stages of completion and which the Public Works Director/Town Engineer or his designee determines are necessary to be completed by CONTRACTOR to allow the project to be completed in a timely, logical and orderly manner. Further, upon such termination, and provided CONTRACTOR has not been in material breach of the Agreement, the compensation to CONTRACTOR for services effective on the date of

termination shall be proportionately allocated according to the amount of work performed on the projects then in progress, within the limits of the provisions of this Agreement.

(f) The rights and remedies of the TOWN provided in this Agreement are not intended to be exclusive, and are in addition to any other rights and remedies permitted by law.

(g) Notices or correspondence relating to this Agreement shall be in writing. Any notices to be given hereunder shall be effective when personally delivered, or two days after placing in the United States Mail by certified mail, postage prepaid, and addressed to the party to whom the notice is directed. The current addresses of the parties are as follows:

TOWN:

Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284  
Attention: Public Works Director/Town Engineer

CONTRACTOR:

Elizabeth King  
Quality Street Service  
~~74-885 Joni Drive, Suite 4~~  
~~Palm Desert, CA 92260~~

(h) CONTRACTOR agrees that TOWN or any of its duly authorized representatives shall have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time and work records, employment records or other records relating to this Agreement. Such material, including all pertinent cost accounting, financial records and proprietary data, must be kept and maintained by CONTRACTOR for a period of at least four years after completion of Contractor's performance hereunder, unless Town's written permission is given to dispose of same prior to that time, unless a longer period is required by law.

(i) TOWN will provide or make available to CONTRACTOR, such documents, plans, schedules, as appropriate and necessary for the provision of Contractor's services contemplated under this Agreement.

(j) Any invalidity, in whole or in part, of any provision hereof shall not void or affect the validity of any other provision.

(k) No waiver of breach of any provision hereof by either party shall constitute a waiver of any other or future breach. Failure of either party to enforce any provision hereof at any time or from time to time shall not be construed as a waiver thereof.

(l) This Agreement is intended to be binding on the parties, and their respective successors and assigns. The plural shall include the singular, and the singular shall include the plural and neuter wherever the context so requires.

(m) In accordance with the provisions of Division 2, Part 7, Chapter 1, Article 5 (commencing with Section 1860) and Division 4, Part 1, Chapter 4 (commencing with Section 3700) of the Labor Code of the State of California, the Contractor is required to secure the payment of compensation to his employees and shall for that purpose obtain and keep in effect adequate Workers Compensation Insurance.

8. Scope of Work

(a) Standard of Performance

Contractor street sweeping shall collect all leaves, paper, dirt, sand, rocks, cans and all other debris to ensure the free flow of water in the gutter, to ensure clear travel lanes for the motoring public, and to maintain Town streets in a state of cleanliness. The Public Works Director/Town Engineer or his designee will determine whether the work has been satisfactorily completed and, where necessary, direct the Contractor to re-sweep areas not swept in a satisfactory manner.

Where the Public Works Director/Town Engineer or his designee directs the re-sweeping of an area, the Contractor shall re-sweep the area within two calendar days from notification, without interruption in the regular street sweeping schedule and at no cost to the Town.

(b) Sweeping

The Contractor shall sweep and clean all public streets and areas as directed by the Public Works Director/Town Engineer or his designee. The sweeping shall include the following as a minimum:

- (1) Sweeping along all curbs. Where gutters exist the sweeping path shall include the gutter area.
- (2) Sweeping of the edges of pavement on streets without curbs.
- (3) Sweeping of median island curbs and pockets.
- (4) Sweeping of accumulations of dust sand and debris within paved intersections.
- (5) Sweeping of cul-de-sacs and, where designated, alleys and parking lots.
- (6) Hand cleaning of areas not accessible by the power sweeping equipment, including narrow cul-de-sacs, median noses and portions of left turn pockets.

Sweeping shall normally consist of a single pass over the area to be swept at a speed of not less than three (3) nor more than five (5) miles per hour. Additional sweeping shall be done where accumulation of sand, silt, debris, or other conditions are such that a single pass over the area is insufficient to collect the accumulation.

Water shall be used in sweeping to minimize creation of fugitive dust and prevent tracking of mud or dirt behind the sweeper. Contractor shall furnish and pay for all water necessary for sweeping operations.

(c) Disposal of Refuse and Debris

- (1) Clean material collected during sweeping operations shall be the property of the Town and shall be disposed of at the direction of the Public Works Director/Town Engineer or his designee.
- (2) The Contractor shall transport and dispose of all contaminated refuse and debris collected during sweeping operations at no cost to the Town. Contaminated debris shall be disposed of only at a County-approved landfill.

(d) Hours of Sweeping Operation. Except for emergency street sweeping conducted at the direction of the Public Works Director/Town Engineer or his designee, the Contractor shall conduct street sweeping operation during the hours of 7:00 AM to 4:00 PM, Monday through Friday, excluding legal holidays. Said legal holidays are as set forth in Exhibit A attached hereto and made a part of this Agreement. Further provided, the hours of street sweeping are subject to the following limitations:

- (1) Arterials and highways shall not be swept during peak traffic hours of 7:00 AM to 9:00 AM; and 11:30 AM to 1:30 PM, unless directed to do so by the Public Works Director/Town Engineer or his designee.
- (2) Streets adjacent to apartments or condominiums or other areas where all night on-street parking is prevalent shall be swept after 8:00 AM, unless directed to do so by the Public Works Director/Town Engineer or his designee.

(e) Reports. The Contractor shall provide periodic reports of work performed in a format and frequency to be determined by the Public Works Director/Town Engineer or his designee.

(f) Raindays. In the event of inclement weather, the Contractor shall contact the Public Works Director/Town Engineer or his designee who shall determine if street sweeping is necessary on that day.

9. Utilities.

The Contractor shall exercise due care to prevent damage to public improvements and utility facilities in the public right of way.

10. Air Quality. Street sweeping services, the equipment used in the course of street sweeping, and the disposal of any debris collected in the course of street sweeping activity shall comply with all applicable Town, State, Federal and District regulations, including the regulations and requirements of the Mojave Desert Air Quality Management District (MDAQMD).

11. Complaints. The Contractor shall notify the Public Works Director/Town Engineer or his designee as soon as possible of any complaint received by the Contractor regarding the performance of the services under this Agreement.

12. Use of Appropriate Equipment. The Contractor shall employ street sweeping equipment that is commensurate and appropriate to the nature of the work. Due to the unique topography within the Town, weather conditions, the Town's desire to comply with MDAQMD advisory and mandatory

regulations, or Town adoption of elective air quality regulation, the Town reserves the right to direct that a particular type of equipment be used, including but not limited to a "PM 10" sweeper or a mobile "bottom dump" sweeper.

13. **Term.** This Agreement shall be for a term of twelve months and shall automatically renew for an additional twelve-month term unless either party gives thirty (30) days written notice to the other party of intent not to renew. TOWN may terminate this Agreement without cause upon thirty (30) days written notice to CONTRACTOR, or with cause at any time upon material breach of this Agreement by CONTRACTOR. In the event of termination without cause, CONTRACTOR shall be compensated for services under the terms of this Agreement up to the date of termination. CONTRACTOR may terminate this Agreement by providing TOWN with at least thirty (30) days written notice.

**14. Public Records Disclosure.** All information received by the Town from CONTRACTOR or any source concerning this Agreement, including the Agreement itself, may be treated by the TOWN as public information subject to disclosure under the provisions of the California Public Records Act, Government Code §6250 et seq. (the "Public Records Act"). CONTRACTOR understands that although all materials received by the TOWN in connection with this Agreement are intended for the exclusive use of the TOWN, they are potentially subject to disclosure under the provisions of the Public Records Act. In the event a request for disclosure of any part or all of any information which CONTRACTOR has reasonably requested TOWN to hold in confidence is made to the TOWN, the TOWN shall notify CONTRACTOR of the request and shall thereafter, disclose the requested information unless TOWN, within five (5) days of receiving notice of the disclosure request, requests nondisclosure, provides the TOWN a legally sound basis for the nondisclosure, and agrees to indemnify, defend, and hold TOWN harmless in any/all actions brought to require disclosure. CONTRACTOR waives any and all claims for damages, lost profits, or other injuries of any and all kinds in the event TOWN fails to notify CONTRACTOR of any such disclosure request and/or releases any information concerning the contract received from CONTRACTOR or any other source.

15. **Compliance with Applicable Laws.** In performing all services hereunder, CONTRACTOR shall comply with all applicable Federal and State laws and regulations and all applicable laws and regulations of the Town and/or all other relevant government agencies. Also, CONTRACTOR certifies and agrees that all persons employed by CONTRACTOR, its affiliates, subsidiaries and related entities, if any, will be treated equally by CONTRACTOR, without unlawful discrimination based upon creed, sex, race or national origin. If TOWN finds that any of the provisions of this paragraph have been violated, such violation shall constitute a material breach of this Agreement upon which TOWN may determine to cancel, terminate, or suspend the Agreement. While TOWN reserves the right to determine independently that the antidiscrimination provisions of the Agreement have been violated, in addition, a determination by the California Fair Employment Practices Commission, or successor agency, or the Federal Equal Employment Opportunity Commission, that CONTRACTOR has violated State or Federal antidiscrimination laws shall constitute a finding by TOWN that CONTRACTOR has violated the antidiscrimination provisions of this Agreement
16. **Compensation, Base Level Services:** Maximum compensation under this contractor to CONTRACTOR shall be a maximum of \$50,000.00 annually. Town Council authorization is required for increases above \$50,000.00 for annual services.



**FIRST AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION ("TOWN"), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC. , AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING ("CONTRACTOR")**

**RECITALS**

1. On September 27, 2005 TOWN and CONSULTANT entered in an Agreement for the provision of Street Sweeping Services (the "Agreement").
2. Due to the December 2010 storms and the resultant costs thereof, it is necessary to increase the amount of funding for Storm Recovery Compensation provided for in Section 17 of the Agreement from \$25,000 to \$50,000, an increase of \$25,000.
3. This Amendment increases the amount of Compensation for Base Level Services provided in Section 16 of the Agreement from \$50,000 to \$75,000, an increase of \$25,000.
4. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

**Section 1.** Agreement Section 16 pertaining to "Compensation, for Base Level Services" is hereby amended to read as follows:

"Section 16. Compensation, Base Level Services. Maximum compensation under this contract to CONTRACTOR shall be a maximum of \$75,000 for the fiscal year July 1, 2010 through June 30, 2011.

Compensation for the fiscal year commencing July 1, 2011 and for each subsequent fiscal year thereafter, the compensation to the CONTRACTOR shall not exceed \$50,000. Town Council authorization is required for increases above \$50,000 for annual services.

**Section 2.** Agreement Section 17 pertaining to "Storm Recovery Compensation" is hereby amended to read as follows:

Section 17, Storm Recovery Compensation.

"17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$50,000.00, for Storm Recovery efforts expended during the July 1, 2010 through June 30, 2011 fiscal year. Town Council authorization is required for increases above \$50,000.00."

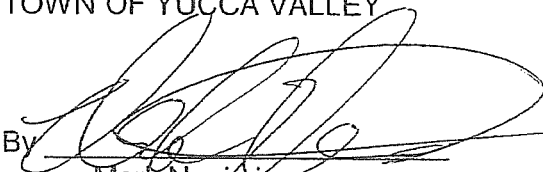
**Section 3.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: 3/10/, 2011.

TOWN OF YUCCA VALLEY

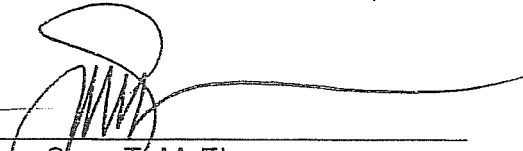
QUALITY STREET SERVICES, INC.

By



Mark Nuaimi  
Town Manager

By



Sean T. McElvy



**SECOND AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION ("TOWN"), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC., AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING ("CONTRACTOR")**

**RECITALS**

1. On September 27, 2005 TOWN and CONTRACTOR entered in an Agreement for the provision of Street Sweeping Services (the "Agreement").
2. The Agreement has previously been amended one time (January 18, 2011) when it was found that additional funding for storm recovery and an increase for Base Level Services were necessary.
3. This Amendment increases the amount of funding for Storm Recovery Compensation provided in Section 17 from \$50,000 to \$77,000, an increase of \$27,000.
4. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

**Section 2.** Agreement Section 17 pertaining to "Storm Recovery Compensation" is hereby amended to read as follows:

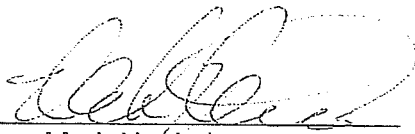
Section 17, Storm Recovery Compensation.

"17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$77,000, for Storm Recovery efforts expended during the July 1, 2010 through June 30, 2011 fiscal year. Town Council authorization is required for increases above \$77,000."

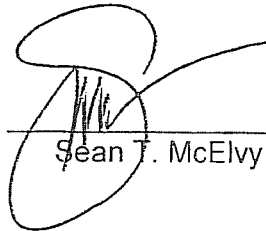
**Section 3.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: 6/29, 2011.

TOWN OF YUCCA VALLEY

By   
Mark Nuáimi  
Town Manager

QUALITY STREET SERVICES, INC.

By   
Sean T. McElvy

K:\TC\2011\05-17-11 TC Meeting\Quality Street Sweeping Contract Amendment\05-17-11 tc Second Contract Amen - Quality Street Sweeping - Storm Cleanup.doc

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: March 12, 2014
For Council Meeting: March 18, 2014

Subject: February 2014 Storm Event
Clark Construction Co., Shoulder Maintenance and Grading Agreement
Contract Amendment in excess of \$25,000
Contract Increase to \$40,000
FY 13/14 Budget Amendment

Prior Council Review: There has been no prior Town Council review of the recommended action.

Recommendation: That the Town Council approves the Fifth Amendment to the Service Agreement with Clark Construction Co., increasing total compensation under the contract from \$25,000 to \$40,000, and appropriating \$15,000 from the General Fund Catastrophic Events Reserve to the Gas Tax Fund Professional Services account, authorizing the Town Manager to sign all necessary documents related to the Agreement.

Summary: Town Council approval for service agreements is required above \$25,000. The Town's annual contract with Clark Construction Co. is set at \$25,000. When storm clean-up programs or additional work is required, Town Council action approving the contract in excess of \$25,000 is required.

Order of Procedure:

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

Discussion: The Town contracts annually with Clark Construction Co., for shoulder maintenance program implementation. The annual contract is a not to exceed amount of \$25,000, which the Town Manager is authorized to enter into pursuant to the Municipal Code.

Reviewed By: [Signatures]
Town Manager, Town Attorney, Mgmt Services, Dept Head

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

Due to the 2013/2014 storm events, Clark Construction has been assisting the Town of Yucca Valley with its storm clean up efforts. Because of this additional work, Town Council approval in excess of \$25,000 is required.

These services were required for the following storm event.

- February 28, 2014

**Alternatives:** Staff recommends no alternative actions. This action is necessary for storm clean up activity.

**Fiscal impact:** The Gas Tax Fund Street Division budgets \$25,000 for shoulder maintenance (non-storm related) services on an annual basis and these costs are paid from Gas Tax revenues. This action appropriates \$15,000 from the General Fund Catastrophic Events Reserve to the Gas Tax Fund Professional Services account, to accommodate the increased costs.

**Attachments:**       Contract Amendments  
                              Contract

**FIFTH AMENDMENT TO THE AGREEMENT FOR SHOULDER MAINTENANCE SERVICES BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION (TOWN), AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, (CONTRACTOR) DATED JULY 1, 2000**

**RECITALS**

1. On July 1, 2000 TOWN and CONSULTANT entered in an Agreement for the provision of Shoulder Maintenance Services (the "Agreement").
2. The Agreement provides for funding of storm related and non-storm related maintenance services in the amount of \$25,000.
3. The Agreement has previously been amended four times (October 31, 2003, February 24, 2005, September 15, 2005, and January 18, 2011) when it was found that additional funding for storm related shoulder maintenance was necessary.
4. This Amendment provides for an increase in the amount of funding from \$25,000 to \$40,000, an increase of \$15,000.

That certain Agreement for Shoulder Maintenance Services between the TOWN and CONTRACTOR dated July 1, 2000 and attached hereto is amended in the following respects only:

**Section 1.** Agreement Section 5 pertaining to "Compensation" is hereby amended to read as follows:

Section 5, Compensation.

"5. Compensation. Compensation to the CONTRACTOR shall be at the rate as set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed Forty Thousand Dollars (\$40,000) for shoulder maintenance services expended during the fiscal year July 1, 2013 through June 30, 2014 fiscal year.

Compensation for the fiscal year commencing July 1, 2015 and for each subsequent fiscal year thereafter, the compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand Dollars (\$25,000.00)."

**Section 2.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: \_\_\_\_\_, 2014.

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By \_\_\_\_\_  
Shane Stueckle  
Acting Town Manager

By \_\_\_\_\_  
Hal Scott Clark

K:\TC\2014\03-18-2014 TC Meeting\Amendment to Contract for Scott Clark for Storm Cleanup\03-18-14 tc Contract Amend -Scott Clark-Storm Cleanup.doc

**THIRD AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES**

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 and amended October 31, 2003 and February 24, 2005 attached hereto as Exhibit "A" is further amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:

5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) for the twelve-month term commencing July 1, 2005 and ending June 30, 2006 only.

Effective July 1, 2006 compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand dollars (\$25,000.00) per each twelve-month term.

2. Except as amended, all of the terms and conditions of the original Agreement as amended are incorporated as though fully set forth herein.

Dated: 9-15-, 2005.

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By

  
Andy Takata  
Town Manager

By

  
Hal Scott Clark

**FOURTH AMENDMENT TO THE AGREEMENT FOR SHOULDER MAINTENANCE SERVICES BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION (TOWN), AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, (CONTRACTOR) DATED JULY 1, 2000**

**RECITALS**

1. On July 1, 2000 TOWN and CONSULTANT entered in an Agreement for the provision of Shoulder Maintenance Services (the "Agreement").
2. The Agreement provides for funding of storm related and non-storm related maintenance services in the amount of \$25,000.
3. The Agreement has previously been amended three times (October 31, 2003, February 24, 2005, and September 15, 2005) when it was found that additional funding for storm related shoulder maintenance was necessary.
4. This Amendment provides for an increase in the amount of funding from \$25,000 to \$82,380, an increase of \$57,380.

That certain Agreement for Shoulder Maintenance Services between the TOWN and CONTRACTOR dated July 1, 2000 and attached hereto is amended in the following respects only:

**Section 1.** Agreement Section 5 pertaining to "Compensation" is hereby amended to read as follows:

Section 5, Compensation.

"5. Compensation. Compensation to the CONTRACTOR shall be at the rate as set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed Eighty Two Thousand Three Hundred Eighty Dollars (\$82,380) for shoulder maintenance services expended during the fiscal year July 1, 2010 through June 30, 2011 fiscal year.

Compensation for the fiscal year commencing July 1, 2011 and for each subsequent fiscal year thereafter, the compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand Dollars (\$25,000.00)."

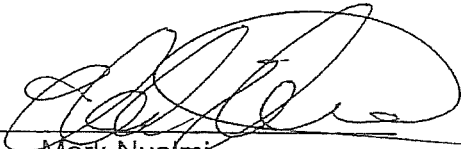
**Section 2.** Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

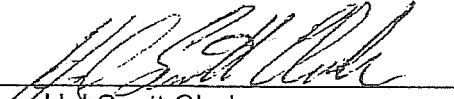


Dated: March 10, 2011.

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By   
Mark Nualmi  
Town Manager

By   
Hal Scott Clark

K:\TC\2011\01-18-11 TC Meeting\Amendment to Contract for Scott Clark for Storm Cleanup\01-18-11 tc Contract Amend -Scott Clark-Storm Cleanup.doc

TOWN OF YUCCA VALLEY

AGREEMENT FOR SHOULDER MAINTENANCE SERVICES

This agreement is made this 1<sup>st</sup> day of July, 2000 by and between the Town of Yucca Valley, a municipal corporation, hereinafter called "TOWN" and Scott Clark doing business as Clark Construction Company, a sole proprietorship, hereinafter called "CONTRACTOR."

1. **Services to be Performed.** TOWN hereby engages CONTRACTOR and CONTRACTOR hereby accepts such engagement, to perform the street shoulder maintenance and emergency storm clean-up services on a 24 hour per day, on-call basis at the direction of the TOWN. .
2. **Schedule of Performance.** CONTRACTOR shall begin services immediately and continue the same under the terms of this contract. TOWN shall provide CONTRACTOR a weekly schedule of maintenance to be performed.
3. **Assignment.** CONTRACTOR shall not assign this Agreement or sublet or subcontract any portion of the services to be performed hereunder without the prior written consent of the Town Manager. All subcontracts and related documents, including but not limited to, the level of required insurance, shall be approved by the Town Manager prior to initiation of work.
4. **Facilities and Records.** Unless otherwise approved by the Town Manager, CONTRACTOR shall assemble and maintain such records as are customarily maintained including hours and dates of work performed, equipment used and hours worked at specific locations. Upon request by the TOWN, CONTRACTOR shall make such records shall available to the TOWN for inspection.
5. **Compensation.** Compensation to the CONTRACTOR shall be as set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed twenty-five thousand dollars (\$25,000).
6. **Billing and Payment.** CONTRACTOR shall submit itemized weekly invoices for services rendered in a form acceptable to the TOWN. TOWN shall pay as soon thereafter as TOWN regular procedures provide, within 30 days unless the TOWN provides written justification for a longer period. CONTRACTOR shall include documentation with itemized invoices indicating number of hours worked and equipment used at each location weekly.

7. General Conditions.

(a) TOWN shall not be called upon to assume and CONTRACTOR shall defend (with attorneys approved by TOWN) and indemnify and hold harmless TOWN against any liability for the direct payment of any salary, wage or other compensation to any person employed by CONTRACTOR performing services hereunder for TOWN or for any employee-related claims, including but not limited to worker's compensation claims. The parties understand and agree that CONTRACTOR is acting strictly as an independent contractor under the terms of this Agreement, and this Agreement is not intended to establish an employer-employee relationship between the TOWN, on the one hand, and CONTRACTOR or any of its employees or subcontractors, on the other hand.

(b) All officers, agents, employees, subcontractors (and their agents, officers, and employees) who are hired by or engaged by CONTRACTOR in the performance of this Agreement shall be deemed officers, agents and employees and subcontractors of CONTRACTOR, and TOWN shall not be liable or responsible to such personnel for anything whatsoever other than the liability to CONTRACTOR as set forth in this Agreement. CONTRACTOR agrees to defend (with attorneys approved by TOWN), indemnify, save, keep and hold harmless TOWN and all of its officers, agents, representatives and employees from all damages, costs or expenses in law and equity, including but not limited to costs of suit and expenses for legal services that may at any time arise or be set up because of damage to property or injury to persons received or suffered by reason of any wrongful or negligent act or omission on the part of CONTRACTOR or any of its agents, officers, and employees and subcontractors in the performance of this Agreement. Payment to CONTRACTOR of compensation hereunder shall not be deemed to waive Town's rights or Contractor's obligations hereunder.

(c) CONTRACTOR shall not be deemed to assume any liability for wrongful or negligent acts of TOWN or its officers, agents, representatives and employees, wherein CONTRACTOR, and its agents, officers, employees, subcontractors or representatives engaged in no wrongful or negligent acts or omissions of any kind, and TOWN shall defend and hold CONTRACTOR harmless against any such claims to the extent permitted by law. In the event that CONTRACTOR is sued in its official capacity for reasons other than any wrongful or negligent acts or omissions of CONTRACTOR or Contractor's officers, agents, representatives, employees or subcontractors, TOWN shall defend and hold harmless

(d) CONTRACTOR agrees to and shall at its own cost and expense procure and maintain during the term of this Agreement general liability insurance in an amount of not less than \$1,000,000. Such insurance shall be procured from an insurer approved by Town Manager and admitted in California. TOWN shall be named as an additional insured and the insurance required hereunder shall be primary and not contributing with any other insurance available to or obtained by TOWN. CONTRACTOR shall also obtain Worker's

Compensation Insurance covering all of its employees as required by law. Certificates of Insurance shall be filed with TOWN and shall contain provisions that TOWN will be given thirty (30) days written notice in advance of cancellation or reduction in coverage of any policy of insurance.

(e) Upon termination of this Agreement, CONTRACTOR shall within such reasonable period as may be directed by the Public Works Supervisor, complete those items of work which are in various stages of completion and which the Public Works Supervisor determines are necessary to be completed by CONTRACTOR to allow the project to be completed in a timely, logical and orderly manner. Further, upon such termination, and provided CONTRACTOR has not been in material breach of the Agreement, the compensation to CONTRACTOR for services effective on the date of termination shall be proportionately allocated according to the amount of work performed on the projects then in progress, within the limits of the provisions of this Agreement.

(f) The rights and remedies of the TOWN provided in this Agreement are not intended to be exclusive, and are in addition to any other rights and remedies permitted by law.

(g) Notices or correspondence relating to this Agreement shall be in writing. Any notices to be given hereunder shall be effective when personally delivered, or two days after placing in the United States Mail by certified mail, postage prepaid, and addressed to the party to whom the notice is directed. The current addresses of the parties are as follows:

Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284  
Attention: Public Works Supervisor

Clark Construction Company  
6518 Mojave Avenue  
Twentynine Palms, CA 92277

(h) CONTRACTOR agrees that TOWN or any of its duly authorized representatives shall have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time and work records, employment records or other records relating to this Agreement. Such material, including all pertinent cost accounting, financial records and proprietary data, must be kept and maintained by CONTRACTOR for a period of at least four years after completion of Contractor's performance hereunder, unless Town's written permission is given to dispose of same prior to that time, unless a longer period is required by law.

(i) TOWN will provide or make available to CONTRACTOR, such documents, plans, maps, materials, assistance and cooperation as appropriate and necessary for the provision of Contractor's services contemplated under this Agreement.

(j) Any invalidity, in whole or in part, of any provision hereof shall not void or affect the validity of any other provision.

(k) No waiver of breach of any provision hereof by either party shall constitute a waiver of any other or future breach. Failure of either party to enforce any provision hereof at any time or from time to time shall not be construed as a waiver thereof.

(l) This Agreement is intended to be binding on the parties, and their respective successors and assigns. The plural shall include the singular, and the singular shall include the plural and neuter wherever the context so requires.

8. **Underground Service Alert.** CONTRACTOR is responsible for compliance with underground service alert requirements of California Government Code Section 4216. CONTRACTOR shall not perform work under this Agreement without first contacting Underground Service Alert in compliance with California Government Code Section 4216.
9. **Traffic Control.** Traffic control shall conform to the current California Department of Transportation (CALTRANS) "Manual of Traffic Controls" and the "WATCH" Handbook. When performance of work by the CONTRACTOR results in only one traffic lane being open to traffic, a minimum of two (2) flagpersons shall be provided. CONTRACTOR shall be responsible for traffic control at all times, including weekends and Town non-working hours. The requirements for traffic control shall apply to all public right-of-way, whether paved or unpaved. CONTRACTOR shall provide additional traffic control other than that described above at the direction of the TOWN.

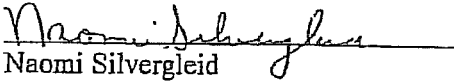
10. **Prevailing Wages.**

Copies of the prevailing rate of per diem wages are on file at the office of the Town Clerk located at: 57090 Twentynine Palms Highway, Yucca Valley, CA 92284 which shall be made available to any interested party on request. In addition, copies of the determination of the Director of the Department of Industrial Relations for per diem wages shall be posted at each job site that is the subject of the contract awarded.

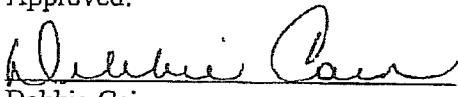
11. **Term.** The term of this Agreement shall be for a period of twelve months and shall automatically renew for a twelve-month term unless either party gives thirty (30) days written notice to the other party of intent not to renew. TOWN may terminate this Agreement without cause upon thirty (30) days written notice to CONTRACTOR, or with cause at any time upon material breach of this Agreement by CONTRACTOR. In the event of termination without cause, CONTRACTOR shall be compensated for services under the terms of this Agreement up to the date of termination. CONTRACTOR may terminate this Agreement by providing TOWN with at least thirty (30) days written notice.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions above stated on the day and year first above written in this Agreement.

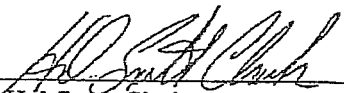
Approved as to Form:

  
Naomi Silvergleid  
Town Attorney

Approved:

  
Debbie Cain  
Administrative Services Director

FOR THE CONTRACTOR  
dba Clark Construction Company

 6-26-2000  
Hal Scott Clark Date  
Contractor

FOR THE TOWN OF YUCCA VALLEY

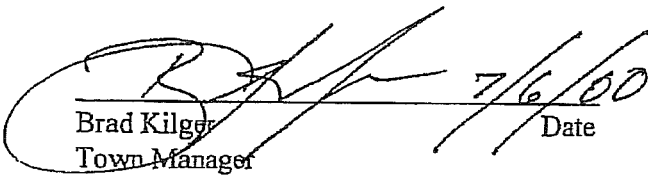
 7/6/00  
Brad Kilger Date  
Town Manager

EXHIBIT "A"  
COMPENSATION SCHEDULE  
AGREEMENT FOR SHOULDER MAINTENANCE SERVICES

LABORER	\$27.50 PER HOUR
OPERATED DUMP TRUCK	\$55.00 PER HOUR (two axle) \$70.00 PER HOUR (three axle)
OPERATED GRADER	\$70.00 PER HOUR
OPERATED LOADER	\$70.00 PER HOUR

FIRST AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 attached hereto as Exhibit "A" is amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:
  5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed ninety thousand dollars (\$90,000) for the twelve-month term commencing July 1, 2003 and ending June 30, 2004 only.

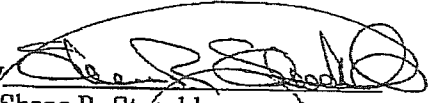
Effective July 1, 2004 compensation to the CONTRACTOR shall not exceed twenty-five thousand dollars (\$25,000) per each twelve-month term.
2. Except as amended, all of the terms and conditions of the original Agreement are incorporated as though fully set forth herein.

Dated: October 31, 2003


TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By

  
Shane R. Stueckle  
Acting Town Manager

By

  
Hal Scott Clark



**SECOND AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES**

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 and amended October 31, 2003 attached hereto as Exhibit "A" is further amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:

5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) for the twelve-month term commencing July 1, 2004 and ending June 30, 2005 only.

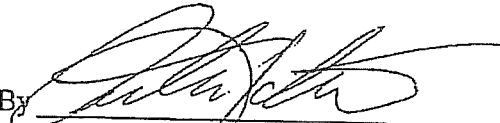
Effective July 1, 2005 compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand dollars (\$25,000.00) per each twelve-month term.

2. Except as amended, all of the terms and conditions of the original Agreement as amended are incorporated as though fully set forth herein.

Dated: 9-15, 2005

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By 

Andy Takata  
Town Manager

By   
Hal Scott Clark



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.

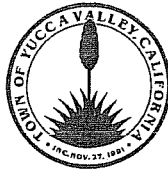
**Fiscal impact:** There is no anticipated financial impact associated with the recommended approval of AB1234 reporting requirements.

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

# Town of Yucca Valley

## Councilmember AB1234 Meetings Schedule Month of February 2014

<u>Date of Travel</u>	<u>Organization</u>	<u>Description</u>	<u>Location</u>
<b>Mayor Lombardo</b>	No Reportable Meetings		
<b>Mayor Pro Tem Huntington</b>	No Reportable Meetings		
<b>Councilmember Abel</b>	No Reportable Meetings		
<b>Councilmember Rowe</b>	No Reportable Meetings		
<b>Councilmember Leone</b>	San Bernardino County Homeless Committee	Monthly Committee Meeting	San Bernardino, CA
	Mojave Desert Air Quality Management District	Monthly Board Meeting	Victorville, CA



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Administrative Services Director  
**Date:** March 10, 2014  
**Council Meeting:** March 18, 2014  
**Subject:** Warrant Register March 18, 2014

### Recommendation:

Ratify the Payroll Registers total of \$129,798.67 dated February 28, 2014.  
Warrant Registers total of \$326,632.62 for checks dated March 6, 2014.

### 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:

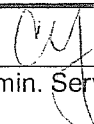
Payroll Register No. 34 dated February 28, 2014 total of \$129,798.67  
Warrant Register No. 39 dated March 6, 2014 total of \$326,632.62


---

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 # 34**  
**CHECK DATE - February 28, 2014**

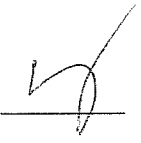
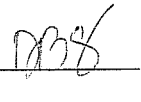
Fund Distribution Breakdown

**Fund Distribution**

General Fund	\$119,005.38
Gas Tax Fund	10,793.29
Successor Agency	<u>0.00</u> **

<b>Grand Total Payroll</b>	<u><u>\$129,798.67</u></u>
----------------------------	----------------------------

**\*\*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 34 - Paid 02/28/2014  
(February 08, 2014 - February 21, 2014)  
Checks: 4834 - 4841

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,914.66		\$3,914.66
Direct Deposit	62,986.80	-	62,986.80
Sub-total	66,901.46		66,901.46
<b><u>Employee Tax Withholding</u></b>			
Federal	10,543.55		10,543.55
Medicare	1,281.51	1,281.49	2,563.00
SDI - EE	-	-	-
State	3,250.09		3,250.09
Sub-total	15,075.15	1,281.49	16,356.64
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	3,329.68	2,931.14	6,260.82
PERS Survivor Benefit	46.00		46.00
Health Café Plan	1,343.70	11,086.60	12,430.30
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	85.25		85.25
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	253.92		253.92
PERS EE - Contribution 7%	943.75		943.75
PERS EE - Contribution 8%	4,739.74		4,739.74
PERS Retirement - Employer 6.25 %	-	253.92	253.92
PERS Retirement - Employer 7.846 %	-	1,085.18	1,085.18
PERS Retirement - Employer 18.586 %	-	11,558.91	11,558.91
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		877.59	877.59
Other Post Employee Benefit's		2,384.70	2,384.70
Unemployment Insurance		1,526.63	1,526.63
Workers' Compensation		3,489.39	3,489.39
Sub-total	11,346.51	35,194.06	46,540.57
<b>Gross Payroll</b>	<b>\$93,323.12</b>	<b>\$36,475.55</b>	<b>\$129,798.67</b>


Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 


**WARRANT REGISTER # 39**  
**CHECK DATE - MARCH 6, 2014**


**FUND DISTRIBUTION BREAKDOWN**

Checks # 44304 to # 44408 are valid

GENERAL FUND # 001	\$188,265.38
INTERNAL SERVICE FUND # 100	\$2,256.97
DEPOSITS FUND # 200	\$7,609.83
COPS-LLESA FUND # 511	\$25,374.12
GAS TAX FUND # 515	\$14,759.40
MEASURE I 2010-2040 FUND # 524	\$28.88
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$2,078.04
CDBG FUND # 560	\$86,260.00
<b>GRAND TOTAL</b>	<b><u><u>\$326,632.62</u></u></b>

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**

March 6, 2014

Fund	Check # Vendor	Description	Amount
001	GENERAL FUND		
	44304 Action Pumping, Inc.	Annual Septic Maintenance	\$ 160.00
	44305 Aleshire & Wynder, LLC	01/14 Professional Services	17,705.37
	44306 Ruth Alkire	Contract Instructor	46.20
	44307 AlSCO/American Linen, Inc.	Facilities Operating Supplies	150.37
	44308 American Planning Association	Membership Dues	388.00
	44309 Animal Action League	Spay & Neuter Services	1,705.00
	44310 Arrowhead Mountain Water	Office Supplies	66.57
	44311 AT & T Mobility	Cell Phone Service	306.21
	44313 Blue Shield of California	03/14 Medical Insurance	1,246.21
	44315 Cheyenne Bonnell	Contract Instructor	58.80
	44316 Carol Boyer	Contract Instructor	47.60
	44317 Jeff Brady	Sports Referee	176.00
	44318 Brian's Lockshop	Shelter Keys	97.20
	44319 C & S Electric	Brehm Park Maintenance	226.09
	44321 Vanessa Cantu	Professional Services	1,260.00
	44322 Dennis Cavins	Sports Referee	126.00
	44323 Dennis Cavins, Jr.	Sports Referee	201.00
	44324 CDW Government, Inc.	Computer Maintenance	875.67
	44325 Charles Abbott & Assoc, Inc.	Plan Check Services	8,327.68
	44326 Chevron & Texaco Card Svs.	Vehicle Fuel	256.85
	44329 Janine Cleveland	Contract Instructor	196.00
	44330 Companion Animal Clinic	Veterinary Services & Supplies	155.00
	44331 Corelogics Information Solutions	Property Search Information	165.00
	44332 Robert Cox	Contract Instructor	39.20
	44333 Desert Pacific Exterminators	Exterminator Services	251.00
	44334 Shirlene Doten	CSTI Training Expense	849.72
	44335 Edward G. Drake	Parking Citation Refund	79.00
	44336 Susan Earnest	CSTI Training Expense	272.60
	44337 Alec Earnest	Sports Referee	75.00
	44338 Employment Develop. Dept.	10/1-12/31/13 Unemployment Ins.	18,359.00
	44339 Evangelical Free Church	Facility Rental	7,500.00
	44340 Farmer Bros. Co.	Office Supplies	123.26
	44342 Catherine Fletcher	Contract Instructor	29.40
	44343 Jackie Florcyk	Facility Rental Refund	210.00
	44344 Ray Foster	Special License Refund	80.00
	44345 Fred's Tires	Vehicle Maintenance	399.64
	44346 G & K Propane	Vehicle Maintenance	246.63
	44348 Jess Geeson	Sports Referee	60.00
	44350 Carol Giannini	Staff Education Services	700.00
	44351 Graphic Penguin	Web Site Maintenance	400.00
	44352 Joy Groves	Contract Instructor	226.10

*Town of Yucca Valley*

**Warrant Register**

March 6, 2014

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
	44353 HdL Hinderliter, DeLlamas	Sales Tax Audit Services	938.93
	44354 Hi-Desert Glass	Welcome Center Repair	729.21
	44355 Hi-Desert Water	Water Service	1,050.52
	44356 Hi-Desert Publishing	Public Hearing Notice	886.50
	44357 Hi-Grade Materials Co.	Essig Park Concrete	340.20
	44358 International Council Shopping Ctrs	Membership Renewal	135.00
	44359 Johnson Lift/Hyster	Vehicle Maintenance	118.26
	44360 Susan Jordan	Contract Instructor	252.00
	44361 Heather Kaczmarczk	Contract Instructor	874.50
	44362 Legacy Office Products	Office Supplies	256.41
	44363 Bob Leone	SBCO Meeting Mileage	74.48
	44364 Bob Lombardo	LOCC-New Mayor Academy	958.11
	44365 Pat Lumbattis	Contract Instructor	23.80
	44366 David Luse	Contract Instructor	14.00
	44367 Bill McClay	Sports Referee	105.00
	44368 Brent Murphy	Sports Referee	30.00
	44369 Karver Murphy	Sports Referee	114.00
	44370 Morongo Unified School Dist.	Fleet Vehicle Fuel	3,140.19
	44371 Michael Myers	Sports Referee	60.00
	44372 NRO Engineering	Engineering Services	500.00
	44373 Sierra Oakes	Contract Instructor	11.20
	44374 Oasis Office Supply, Inc.	Town Hall Toners	149.88
	44375 Carl Otteson	Backflow Testing	270.00
	44376 Perris Fence & Supply	Parks Fence Supplies	6.21
	44377 Phone Solutions	Replacement Voicemail System	769.65
	44378 Precision Garage Doors	Facilities Maintenance	2,560.00
	44379 Pro Security	Annual Security Monitoring Svcs.	5,215.00
	44380 Pro Video	Town Council Taping	200.00
	44381 Rogers,Anderson, Malody	Professional Services	3,500.00
	44382 Celeste Reyes	Sports Referee	132.00
	44383 Linda Sande	Contract Instructor	63.70
	44386 San Bernardino County	2014 City-County Conference	868.00
	44387 SBCO Sheriff's Dept	10-12/13 Overtime Charges	48,760.59
	44388 SCE	Electric Service	2,092.50
	44389 Beverly Schmuckle	Contract Instructor	44.80
	44390 So. Cal. Gas Co.	01/14 Natural Gas Service	3,505.06
	44391 Bradley Soares	Sports Referee	165.00
	44392 Southwest Networks, Inc.	Computer Maintenance	3,909.92
	44393 Sprint	Cell Phone Service	5.01
	44394 Star2Star Communications, LLC	Shelter Phone Service	390.32
	44395 Stater Bros	Recreation Program Expense	105.14
	44396 Steven Enterprises	Printer Cartridges	686.84

**Town of Yucca Valley**

**Warrant Register**

**March 6, 2014**

<b>Fund</b>	<b>Check # Vendor</b>	<b>Description</b>	<b>Amount</b>
	44397 Superior Filtration Products	Facilities Maintenance	292.12
	44398 Tease Shirts	Community Services Events	1,638.88
	44399 The Planning Center	General Plan Update Svs.	22,988.72
	44400 Tops n Barricades, Inc.	Solar Powered Message Board	12,476.00
	44401 Trophy Express	Engraving Services	1,626.69
	44402 Vagabond Welding Supply	YVHS Pool Expense	68.04
	44404 Valley Independent	Printing Expense	52.33
	44405 Walmart Community	Recreation Program Expense	862.80
	44406 Woods Auto Repair	Fleet Vehicle Maintenance	51.50
	44407 Yucca Valley Mirror & Glass	Facilities Maintenance	404.00
	44408 Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	149.00
<b>Total 001</b>	<b>GENERAL FUND</b>		<b>\$ 188,265.38</b>
100 INTERNAL SERVICE FUND			
	44347 GE Capital Corporation	Com Dev Copier Lease	\$ 1,933.08
	44374 Oasis Office Supply, Inc.	Copy Paper	323.89
<b>Total 100</b>	<b>INTERNAL SERVICE FUND</b>		<b>\$ 2,256.97</b>
200 DEPOSITS FUND			
	44341 FedEx	Delivery Service	\$ 69.83
	44372 NRO Engineering	Engineering Services	7,440.00
	44384 SBCO-Clerk/Board of Supervisors	Notice Filing Fee	50.00
	44385 SBCO-Clerk/Board of Supervisors	Notice Filing Fee	50.00
<b>Total 200</b>	<b>DEPOSITS FUND</b>		<b>\$ 7,609.83</b>
511 COPS-LLESA FUND			
	44387 SBCO Sheriff's Dept	10-12/13 LLESA Overtime	\$ 25,336.01
	44403 Verizon Wireless	Sheriff's Office Phone Svs.	38.11
<b>Total 511</b>	<b>COPS-LLESA FUND</b>		<b>\$ 25,374.12</b>
515 GAS TAX FUND			
	44307 AlSCO/American Linen, Inc.	Streets Uniform Service	\$ 33.00
	44312 Becarbcomliant	Vehicle Certification	90.00
	44314 Bobcat of Cerritos	Vehicle Maintenance	168.01
	44320 Cal-Stripe	Grinding & Restriping	7,945.00
	44328 Clark Construc/Hal Scott Clark	Streets Services	1,070.00
	44349 Gemini Specialized Machining	Vehicle Maintenance	520.00
	44388 SCE	Electric Service	46.76
	44400 Tops n Barricades, Inc.	Street Signage Supplies	4,790.88
	44406 Woods Auto Repair	Vehicle Maintenance	45.00
	44408 Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	50.75
<b>Total 515</b>	<b>GAS TAX FUND</b>		<b>\$ 14,759.40</b>

*Town of Yucca Valley*

**Warrant Register**

March 6, 2014

Fund	Check # Vendor	Description	Amount
524	MEASURE I - 2010-2040 FUND		
	44388 SCE	Electric Service	\$ 28.88
<b>Total 524</b>	<b>MEASURE I - 2010-2040 FUND</b>		<b>\$ 28.88</b>
527	PUBLIC LANDS FEDERAL GRANT		
	44341 FedEx	Delivery Service	\$ 78.04
	44372 NRO Engineering	Engineering Services	2,000.00
<b>Total 527</b>	<b>PUBLIC LANDS FEDERAL GRANT</b>		<b>\$ 2,078.04</b>
560	CDBG Fund		
	44327 Cicero Engineering	Paradise Park Improvement	\$ 86,260.00
<b>Total 560</b>	<b>CDBG Fund</b>		<b>\$ 86,260.00</b>
<b>***</b>	<b>Report Total</b>		<b><u>\$ 326,632.62</u></b>

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
 Alex Qishta, Project Engineer  
**Date:** March 4, 2014  
**For Council Meeting:** March 18, 2014



**Subject:** State Safe Routes to School Grant Funds (SR2S)  
 Sage Avenue Safe Route to School (SR2S) Improvements – Town Project  
 No. 8320  
 Authorization to Bid

**Prior Council Review:** On March 20, 2012 the Town Council authorized Town staff to submit a Safe Routes to School (SR2S) grant application, and directed staff to return with a budget amendment appropriating \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement. On July 17, 2012 the Town Council accepted the SR2S grant funds in the amount of \$399,800, authorized staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans, authorized staff to release a Request For Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications, and cost estimates for the Project following necessary Caltrans approvals, and approved and authorized the Town Manager as the designated signatory for the SR2S program. On January 22, 2013 the Town Council awarded a contract for professional design services to Minagar & Associates, Inc. for the design of the Sage Avenue Improvements for the preparation of bid ready construction documents in the amount of \$46,317.00.

**Recommendation:** That the Town Council adopts the Resolution, approves the plans and specifications for Project No. 8320, and authorized the Town Clerk to advertise and receive bids.

**Executive Summary:** Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on April 24, 2014. Bid recommendations will be brought before the Town Council in May 2014, with the project construction commencing in July 2014.

---

Reviewed By:	 _____ Town Manager	_____ Town Attorney	 _____ Mgmt Services	SRS _____ 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

**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:** Sage Avenue Improvements project consist of improvements on Sage, between Onaga Trail and SR 62, consisting of sidewalks, curb, and gutter. Additionally, the replacement of 6 outdated speed signs at Yucca Valley Elementary School, Onaga Elementary School, and La Contenta Middle School. The electronic components of the existing radar speed signs are outdated and replacement components are no longer available.

On October 29, 2012, staff received an authorization from Caltrans to proceed with design and construction of the SR2S Project.

Prior to commencing construction of public facilities, plans and specifications must be prepared for the public works project bidding and construction process.

After the completion of the design, the engineer's estimate indicates that to completely construct all improvements on Sage Avenue and replace the outdated speed signs would require a budget of \$450,000, which exceeds the grant funds available.

Staff value engineered the project to provide sufficient safe routes for students to walk and meet the grant money received. Staff proposes to completely build curb gutter and sidewalk on the west side of sage and improvements on the east side from Pueblo Avenue to SR62. The engineer's estimate to complete this work is valued at \$360,000.

Also the design for Sage Avenue was based on the old Traffic Circulation Element of the adopted General Plan that shows a right-of-way of 80 feet. The new adopted General Plan Traffic Circulation Element shows sage to be 70 foot right-of-way street with curb, gutter and sidewalk.

The following table illustrates the cost associated with each option staff evaluated.

ITEMS	COMPLETE PROJECT	COMPLETE EAST SIDE	COMPLETE WEST SIDE	COMPLETE WEST SIDE AND PUEBLO NORTH
Construction Administration (Traffic Control, grading, clear and grubbing, Construction Survey)	\$35,000	\$35,000	\$35,000	\$35,000
Concrete work (sidewalk curb, gutter, driveways, and Handicap Ramps)	\$235,000	\$166,000	\$75,000	\$160,000
Asphalt (Removal, Replacement, and Stripping)	\$100,000	\$51,000	\$45,000	\$85,000
Furnish and Install Solar-Powered Pedestrian Flashing Beacon and Cabinet on Type 1A Pole	\$20,000	0	0	\$20,000
Furnish and Install Speed Limit Radar signs at Yucca Valley Elementary School, Onaga Elementary School, and La Contenta Middle School.	\$60,000	\$60,000	\$60,000	\$60,000
<b>TOTAL</b>	<b>\$450,000</b>	<b>\$312,000</b>	<b>\$215,000</b>	<b>\$360,000</b>
<b>Testing and Inspection</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>
<b>Indirect Cost Recovery</b>	<b>\$18,000</b>	<b>\$18,000</b>	<b>\$18,000</b>	<b>\$18,000</b>
<b>Available Funds</b>	<b>\$396,000</b>	<b>\$396,000</b>	<b>\$396,000</b>	<b>\$396,000</b>

**Alternatives:** Staff recommends no alternative actions. Formal bidding procedures are required by the Caltrans for SR2S Funds. The timing of this project is structured for construction to commence at the conclusion of 2013/2014 school year and be completed prior to the start of 2014/2015 school year.

**Fiscal impact:** The following are the anticipated remaining expenditures for completion of the project.

Estimated Available Fund for Construction	\$378,000
Indirect Cost Recovery	\$18,000

Total Projected Project Costs **\$396,000**

**Attachments:** Notice Inviting Bids  
Resolution No.  
Minutes of March 20, 2012, July 17, 2012 and January 22, 2013  
Town Council Meeting

## **NOTICE INVITING SEALED BIDS OR PROPOSALS**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the 24<sup>th</sup> day of April, 2014, sealed bids or proposals for the Construction of:

### **Project No. 8320, Sage Avenue Safe Route to School (SR2S) Improvements**

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

### **Project No. 8320, Sage Avenue Safe Rote to Schools (SR2S) Improvements**

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

SUBCONTRACTED WORK: The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional



information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

**INELIGIBLE SUBCONTRACTORS:** The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

**YOU MUST SUBMIT** with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "A" contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$50.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$15.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 18<sup>th</sup> day of March 2014.

By: \_\_\_\_\_  
Town Clerk  
Town of Yucca Valley

**RESOLUTION NO.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SAGE AVENUE IMPROVEMENTS IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.**

**WHEREAS,** it is the intention of the Town of Yucca Valley to construct certain improvements in the Town; and

**WHEREAS,** the Town has prepared plans and specifications for the construction of certain improvements.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS.**

**SECTION 1:** The plans and specifications presented to the Town Council are hereby approved as the plans and specifications for: **SAGE AVENUE SAFE ROUTE TO SCHOOLS (SR2S) IMPROVEMENTS, PROJECT NO.8320**

**SECTION 2:** The Town Clerk is hereby authorized and directed to advertise as required by law for the receipt of sealed bids or proposals for doing of the work specified in the aforesaid plans and specifications, which said advertisement shall be in form and content as approved by the Town Attorney and a copy of this Resolution shall be contained in each specification package for the work.

**"NOTICE INVITING SEALED BIDS OR PROPOSALS"**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, **NOTICE IS HEREBY GIVEN** that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 P.M. **on the April 24, 2014** sealed bids or proposals for the construction of:

**SAGE AVENUE SAFE ROUTE TO SCHOOLS (SR2S) IMPROVEMENTS, PROJECT NO.8320**

Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of:

**SAGE AVENUE SAFE ROUTE TO SCHOOLS (SR2S) IMPROVEMENTS, PROJECT NO.8320**

**PREVAILING WAGE:** Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department

of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

§ 1777.5, as amended, requires the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When employment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- B. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The Contractor and subcontractor under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract and the Contractor and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours as set forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The Contractor shall forfeit, as a penalty to the Town, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

Contractor agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

The bidder must submit with his proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town for an amount equal to at least ten percent (10%) of the amount of said bid as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and in event of failure to enter into such contract said cash, cashier's check, certified check, or bond 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 amount of the bond to be given to secure a faithful performance of the contract for said work shall be one hundred percent (100%) of the contract price thereof, and an additional bond in an amount equal to one hundred (100%) of the contract price for said work (except as otherwise modified in the General Provisions section of the contract documents) shall be given to secure the payment of claims for any materials or supplies furnished for the performance of the work contracted to be done by the Contractor, or any work or labor of any kind done thereon, and the Contractor will also be required to furnish a certificate that he carries compensation insurance covering his employees upon work to be done under contract which may be entered into between him and the said Town for the construction of said work.

No proposal will be considered from a Contractor who is not properly licensed as required by the Notice Inviting Bids at time of bid in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, § 7000, *et seq.*) and rules and regulations adopted pursuant thereto or to whom a proposal form has not been issued by the Town.

The work is to be done in accordance with the profiles, plans, and specifications of the Town of Yucca Valley on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of \$50.00, said \$50.00 is nonrefundable.

Upon written request by the bidder, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with an additional non-reimbursable payment of \$15.00 to cover the cost of mailing charges and overhead.

The successful bidder will be required to enter into a contract satisfactory to the Town.

In accordance with the requirements of the General Provisions, as set forth in the Plans and Specifications regarding the work contracted to be done by the Contractor, the Contractor may,

upon the Contractor's request and at the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The Town of Yucca Valley reserves the right to reject any and all bids.

ADOPTED AND APPROVED this 18th day of March, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority's Joint Powers Agreement.
8. **Approve**, Governing Body Resolution No. 12-05 for the 2011-2012 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

9. **Adopt**, Resolution No. 12-06, authorizing Town staff to submit a Safe Routes to School (SR2S) grant application for the March 30, 2012 grant cycle, for the purpose of installing improvements in the public right of way for Yucca Valley High School and for replacing radar speed signs at Onaga Elementary, Yucca Elementary, and La Contenta Middle Schools, and direct staff to return with a budget amendment appropriating a maximum \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement, if the grant application is successful.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA AUTHORIZING THE TOWN'S APPLICATION FOR A CALIFORNIA SAFE ROUTES TO SCHOOL GRANT (SR2S, 10<sup>TH</sup> CYCLE) FOR THE PURPOSE OF INSTALLING IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY FOR YUCCA VALLEY HIGH SCHOOL AND FOR REPLACING RADAR SPEED SIGNS AT ONAGA ELEMENTARY, YUCCA ELEMENTARY, AND LA CONTENTA MIDDLE SCHOOLS

10. **Receive and file**, the General Plan 2011 Annual Report, Annual Housing Element Report
11. **Approve**, Alternative 1, Vision 2035 for the General Plan Update project.
12. **Waive**, the minor defects in the bid consisting of the bidder's failure to remove, following an addendum issued by the Town, costs of curb ramp construction from the bid documents, finding that the bid submitted by United Paving Company Inc., substantially conforms to the Call for Bids and the defect in the bid did not affect the lowest responsible and responsive bidder determination, nor was any bidder given an advantage or benefit not allowed other bidders. Moreover, the defect in the United Paving Company Inc., proposal does not relate to, or impact, the issue of bidder responsibility; **Award**, the construction contract, pending final property acquisition by San Bernardino County Superior Court, to United Paving Company, Inc., in the amount of \$151,863.00; and, authorize a construction contingency in the amount of \$10,137.00, for a total contract amount of \$162,000, authorizing the Mayor, Town

Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project, Church Street Improvements – Town Project No. 8348

13. **Ratify**, the Warrant Register total of \$256,927.51 for checks dated March 8, 2012. Ratify Payroll Registers total of \$145,372.58 for checks dated March 2, 2012.

Council Member Lombardo moved to adopt Consent Agenda Items 2-13. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

#### DEPARTMENT REPORTS

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

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

Town Manager Nuaimi gave the staff report in the printed agenda. The application for HUD-202 funding was denied, however staff has continued to work with National Community Renaissance of California (NCRC) to secure additional funding sources. We have received notification that the County Board of Supervisors approved allocation of HOME Program funds in the amount of \$1.622 million towards the Yucca Valley Senior Affordable Housing Project. The California Tax Credit Allocation Committee (TCAC) is a popular source of funding for affordable housing projects, and conducts two tax credit grant award cycles per year. Based on recent grant cycles, NCRC and staff have worked to complete an application for the March 22, 2012 TCAC cycle. If successful in acquiring tax credits, all the financing will be in place. One of the requirements for completion of a TCAC application is an executed Disposition & Development Agreement between the Town and NCRC, demonstrating the financial commitments of the Town to the project and the site control of the Dumosa property by NCRC through this agreement. The Town's participation is as a lender, selling the property to the developer for \$940,000 and providing an additional loan in the amount of \$635,000. The Town will carry a note for \$1,575,000 earning ½ percent interest for a 55 year term. It was noted when the item was brought forward for the HUD-202, the RDA entered into commitment of up to \$3.2 million dollars, and this action is

and invited Council Members to attend the Board retreat on Saturday August 18<sup>th</sup> from 8:30 a.m. to 2:00 p.m.

Hi Desert Water District

4. **Water & Wastewater Project Updates.**

Sarann Graham, Hi Desert Water District Board President, gave the monthly Water and Wastewater Project update for June, 2012.

APPROVAL OF AGENDA

Council Member Abel moved to approve the agenda. Council Member Lombardo seconded. Motion carried 4-0-1.

CONSENT AGENDA

- 5. **Approve**, Special Town Council Meeting Minutes of June 26, 2012, as presented.
- 6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 7. **Receive and file**, the monthly statistical Fire Department Report for June, 2012
- 8. **Receive and file**, the AB1234 Reporting Requirement Schedule for the months of April and May 2012
- 9. **Adopt**, Resolution No. 12-24, appointing a Board Member and an Alternate Board Member to the Board of Directors of the Public Agency Risk Sharing Authority of California.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA TO APPOINT TWO REPRESENTATIVES TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA BOARD OF DIRECTORS

- 10. **Accept**, Safe Routes to School (SR2S) grant funds in the amount of \$399,800, and authorize staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans; Authorize Staff to release a Request for Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications and cost estimates for the project following necessary Caltrans approvals; Approve and authorize the Town Manager as the designated signatory for the SR2S program; and **Adopt**, Resolution No. 12-25 amending the FY 2012-13 Adopted Budget.



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 2<sup>nd</sup> 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

## CONSENT AGENDA

3. **Approve**, Minutes of the Special Town Council Meetings of December 4, 2012 and December 18, 2012, Regular Town Council Meeting of December 18, 2012, as presented.
4. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
5. **Receive and file**, Monthly Statistical Fire Department Report for December 2012
6. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of December 2012
7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority (MBTA) Joint Powers Agreement (JPA) to amend Board of Supervisors Representation
8. **Award**, contract for professional design services to Minagar & Associates, Inc., for the design of the Sage Avenue Improvements and replacement of outdated radar speed indication signs at the three other school sites, including the preparation of bid ready construction documents in the amount of \$46,317.00, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project, Safe Routes to School Grant Funds (SR2S) – Town Project No. 8320
9. **Adopt**, Resolution No. 13-01, approving the Administering Agency-State Master Agreement No. 00394S, and the Program Supplemental Agreement No. J92 Rev. 000, authorizing the Town Manager to sign all necessary documents in the program, Federal Project No. SR5SL-5466(020), Sage Avenue Improvements, Caltrans District 8/Town of Yucca Valley.  
  
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM MASTER AGREEMENT NO.00394S, AND PROGRAM SUPPLEMENTAL AGREEMENT NO. J92 REV.000 FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS
10. **Ratify**, Warrant Register total of \$631,324.72 for checks dated December 19-20, 2012 and January 10, 2013. Ratify Payroll Registers total of \$468,629.30 for checks dated December 7, 2012 to January 4, 2013.

Council Member Rowe 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

**PUBLIC HEARING**

- 11. **Annexation Area No. 2 (Improvement Area No. 3) (Super Wal-Mart), APN 0601-201-37 to Community Facilities District No. 11-1**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION AREA NO. 2 (IMPROVEMENT AREA NO. 3) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), SPECIAL TAX LEVY FOR FY 2013/14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING RESULTS OF THE SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA 3, ANNEXATION NO 2, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (SUPER WAL-MART)

Mayor Abel opened the public hearing and questioned if the Town Clerk has proof of publication and mailing of notice of hearing. Town Clerk Anderson advised that proof of publication is on file in the Town Clerk's office showing that notices were published and mailed in a timely manner. Mayor Abel questioned if there have been any written protests filed with the Clerk concerning this matter. Town Clerk Anderson advised that no written protests have been received.

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Council  
**From:** Curtis Yakimow, Director of Administrative Services  
Maureen Randall, Administrative Assistant III  
**Date:** March 13, 2014  
**For Council Meeting:** March 18, 2014

**Subject:** Facility Use Policy Approval

**Prior Council Review:** The Council last updated the Facility Use Policy in March, 2011.

**Recommendation:** It is recommended that the Council:

- Review and approve the suggested edits and modifications to the existing Facility Use Policy as approved by the Town's Parks, Recreation and Cultural Commission.

**Summary:** From time to time in the management of Town facilities, issues surface that are not fully addressed in the Town's Facility Use Policy. These circumstances trigger a review to ensure that the policy is up to date and sufficient to guide decisions regarding the use of Town buildings and outdoor areas.

**Order of Procedure:**

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

**Discussion:** In the day to day management of public facilities, circumstances surface that prompt discussion about the need for clarification and/or change. Recommending policies to regulate the use of Town facilities is among the specified responsibilities of the Parks, Recreation and Cultural Commission (PRCC). Accordingly, the Town's Facility Use Policy is subject to periodic review by the Commission. Over the past year, the PRCC has worked to suggest the appropriate modifications to the existing Facilities Use Policy. This process is summarized as follows for the Council's consideration.

Review and recommendations to date


The Commission began its current policy review in November 2012, and completed the review with a final draft in December 2013, with a recommendation to return the Policy to the Town Council for final review and approval. While the majority of the changes are

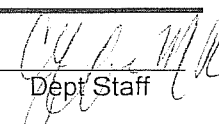
---

Reviewed By:

  
Town Manager

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

  
Admin Services

  
Dept Staff

---

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

minor and administrative in nature, the following is a summary of the more significant changes to the existing policy.

1. Section 4 -b- Change in normal operating hours for facility rentals from 7:00 am – 9:00 pm M-Th, to 9:00 am – 8:00 pm M-Th; and from 7:00 am – 10:00 pm Fri & Sat to 9:00 am – 10:00 pm Fri & Sat (with exceptions provided as needed).
2. Section 5 h- Prohibition of animals in Town buildings (not including properly designated service animals).
3. Section 7-d- Clarification on advance facility use notice requirements.
4. Section 7-g- No sub-letting.
5. Section 8-f (3)- Expanded Director/Commission flexibility on the determination of waivers or fee reductions. Establishment of a maximum fee reduction amount authority of the Director.
6. Section 8-g- The inclusion of language that provides the flexibility and obligation of the Commission to annually determine a set waiver policy for qualified applicants. This change will help ensure equity, consistency and ease of administration.
7. Section 8-g- Require the adoption of a fee waiver/reduction policy for various qualified user groups by the commission annually.
8. Section 8-end Establishes a Facility Fee Exempt List for governmental agencies and governmental sponsored organizations.

At its meeting of December 10, 2013, the PRCC completed its review of the revised Facility Use Policy, and requested that staff present the recommended policy for Council consideration.

**Alternatives:** Modify the proposed Facility Use Policy as desired.

**Fiscal Impact:** The proposed Facility Use Policy is accommodated by the current adopted FY 2013-14 budget. Anticipated fiscal impacts associated with the suggested revisions are minor.

**Attachments:** Exhibit One – Redline version of the Policy from December 2013  
Exhibit Two – Clean version of the proposed Policy  
Exhibit Three – PRCC meeting minutes of December 10, 2013

Exhibit 1

**Blueline Version of the Facility Use Policy**

**December 2013**

**Yellow Highlight Represents Changes prior to April 2013**

**Blueline represents changes from April – December 2013**

Town of Yucca Valley  
Community Services Department

Facility Use Policy  
(Amended by the YV Town Council \_\_/\_\_/13)

1. **Authority**

- a. In May, 2003, the Yucca Valley Town Council directed the Parks, Recreation and Cultural Commission to review the Town’s facilities use policy.
- b. History: A Commission recommendation for policy revision was forwarded to the Council in November, 2003. The revised policy was adopted by the Town Council in December, 2003. Subsequent revisions were recommended by the Commission and adopted by the Council in April 2006, May 2007, October 2008, March 2011, and \_\_\_\_\_, 2013.

2. **Policy Statement**

- a. The Town of Yucca Valley’s public parks and buildings are used for Town-sponsored recreational, cultural, civic and social activities and programs. Additionally, the Town makes use of public facilities for conducting the business of the Town Council and its appointed commissions, committees and work groups. The Town also makes certain facilities available to the public for meetings, activities, events and services that meet similar needs and interests of the community. The Director of ~~Community Services~~ or his/her designee is authorized to interpret and implement the policies and regulations contained herein.

3. **Definitions**

- a. Applicant – in a transaction involving the reserved use of Town facilities, the individual or organization that will be responsible for all rental fees, deposits, and compliance with facility use requirements.
- b. Building – refers to public buildings owned, leased and/or managed by the Town of Yucca Valley

- c. Commission – the Parks, Recreation and Cultural Commission appointed by the Yucca Valley Town Council.
- d. Council – the elected Town Council of the Town of Yucca Valley.
- e. Department – unless otherwise specified, refers to the Town of Yucca Valley’s Community Services Department.
- f. Director – the Director(s) of Community or Administrative Services of the Town of Yucca Valley or his/her designee.
- g. Facility – Refers to parks, buildings and the rooms and other spaces within the buildings, common areas, and parking lots owned and/or operated by the Town of Yucca Valley.
- h. Non-resident – individuals whose primary residence is outside of Yucca Valley’s town limits; organizations or enterprises with a primary business address outside of Yucca Valley’s town limits.
- i. Park – any developed or undeveloped areas owned or leased by the Town of Yucca Valley and designated for recreational purposes or conserved for scenic or historical interest, to include the landscaping and recreational elements of such facilities.
- j. Town – the municipality known as the Town of Yucca Valley.
- k. User group – the applicant, whether an organization, agency or individual(s).

**4. Hours of Use**

- a. Parks – Town of Yucca Valley Parks are open daily from 6:00 am until 11:00 pm. Unless the hours are specifically extended by the Town to accommodate a special event, no person shall remain in any Park between the hours of 11:00 pm and 6:00 am without written permission from the Director. Town of Yucca Valley Municipal Code 11.60.040(c)
- b. Buildings – Except for public meetings and special events conducted by the Town of Yucca Valley, Town buildings are available for use from 7:00 am until 9:00 pm (RECOMMENDATION: 9:00 am until 8:00 pm) Monday through Thursday, and from 7:00 am (RECOMMENDATION: 9:00 am) until 10:00 pm Friday and Saturday. For the purpose of determining facility use fees, weekend rates apply from Friday at 5:00 pm until Monday at 7:00 am. Town Buildings are not available for rented or reserved use on Sundays, ~~or~~ Holidays, or closed hours unless specifically authorized by the Director and/or Commission acting on behalf of the Council.



## 5. General Rules and Regulations

With respect to the Town's public Parks and Facilities, the following activities are not permitted:

- a. Storage – to store personal property, including camping gear.
- b. Bulletin Boards – to affix flyers or posters of any kind to bulletin boards or display areas within or attached to Town facilities. Unless specifically designated otherwise, such areas are for Town use only to provide public information or to promote Town-sponsored meetings, events or activities. The Town may, but is not required to, provide a community bulletin board where outside events and meetings may be noticed. Final determination of allowable postings shall be made by the Director.
- c. The throwing or other use of rice, birdseed, glitter, confetti in relation to the approved use of Town facilities.
- d. Fire – to make or kindle a fire with wood or any material other than charcoal (in designated areas only) without written approval from the Department.
- e. Alcohol – to possess any can, bottle or other receptacle containing any alcoholic beverage that has been opened, a seal broken, or the contents partially removed, without a permit issued by the Department.
- f. Bathing – to bathe in any facility not designated for that purpose.
- g. Refuse – to leave garbage, cans, bottles, papers or other refuse at any park or facility other than in the receptacles provided. If no receptacle is provided, patrons are responsible to remove all waste and dispose of it in an appropriate manner.
- h. Animals – to hitch, ride or let loose any animal or fowl without the written approval of the Department. This shall not apply to dogs at Town Parks when led by a leash or chain no more than six feet long. Owners of said animals and pets are responsible for the conduct of the animal and for the proper disposal of all waste and fecal matter. Pets are not permitted in Town buildings or in the softball field area of the Town's Summer Music Festival or at other similar events. Seeing eye dogs and other properly designated service animals are not subject to these restrictions.
- i. Camping – to camp in or upon any Town Park without written permission from the Director.

- j. Smoking – to smoke in, or within 20 feet of the entrance to, any Town building, ~~or~~ area designated for children’s play, or athletic activities, or to discard any lighted or unlighted cigar, cigarette or tobacco-related litter in said areas.
- k. Reckless Operation – to ride or use any roller skates, scooters, skateboards, or bicycles at any Town park or facility in a reckless manner or with disregard for the safety of persons or property, or to cause such items to be ridden in such a manner.

**6. Priority use of Town Facilities**

- a. Reasonable attempts will always be made to avoid scheduling conflicts, however, if clarification is needed, the following prioritization will apply to the use of Town Facilities:
  - i. Town-sponsored meetings, activities and events
  - ii. Meetings, events and activities sponsored by governmental or other agencies working jointly with the Town
  - iii. Local non-commercial user groups
  - iv. Local commercial enterprises and concerns
  - v. Out of town user groups
  - vi. User groups whose facility use fees have been waived or reduced

**7. Reserved Use of Town Facilities**

- a. The following Town of Yucca Valley Facilities are available for rental or reserved use, in accordance with established procedures and rental rates:

	<b>Location</b>	<b>Capacity Dining/Conference</b>
Yucca Room	Community Center	250/350
Joshua Tree Room	Community Center	32/45
Cholla Room	Community Center	65/80
Ocotillo Room	Community Center	44/50
Mesquite Room	Community Center	18/30
Senior Center	Community Center	180/250
Soccer Fields	Community Center	-
Softball Field	Community Center	-
Snack Bar	Community Center	-
Community Room	Machris Park	54/75
Softball Field	Machris Park	-
Snack Bar	Machris Park	-
Community Room	Jacobs Park	54/75

Tennis Courts	Jacobs Park	-
Swimming Pool	Yucca Valley High School	-
Parking Lots	Various	-

- b. Arrangements may be made with the Department for reserved use of other areas of Town parks, ~~or facilities, or amenities not listed in section a.~~ In such cases, the Director and/or Commission will determine appropriate parameters and fees for use.
- c. Individuals 18 years of age or older may apply for reserved use of Town facilities at least fourteen days and no more than thirteen months prior to the proposed event.
- d. To obtain reserved use of available Town facilities, individuals or organizational representatives must complete and return a current Facility Use Application/Agreement and submit all required diagrams, deposits, permits, contracts and appropriate insurance documents to the Community Services Office at least fourteen ~~seven~~ days prior to the requested date(s) of use. Requests received within fourteen days of the event date will be accommodated as available, at the discretion of the Department.
- e. Town staff will make a reasonable effort to accommodate each application, and will provide written confirmation of approval or denial within three working days of receipt of all required materials.
- f. User groups are not entitled to place signs, banners or other such materials on Town Facilities without written permission from the Director.
- g. Under no circumstances is any approved user group authorized to share access with other groups or individuals, to sublet or permit another group or individual to use Town facilities before, during or after the approved time of use, or to duplicate facility keys; doing so will result in cancellation of the approved use and forfeiture of all deposits.
- h. The Town reserves the right to deny the application of individuals, groups or organizations that have previously not complied with Town requirements or regulations.
- i. The applicant must notify the Department of cancellation at least 48 hours prior to the scheduled event or activity. Failure to give the required written notice of a cancellation may result in forfeiture of the applicant's deposit.
- j. The Town reserves the right to inspect any reserved rooms, snack bars, parks, or other areas at any time to ensure cleanliness and proper compliance with typical health and safety standards. Clutter, damage, vandalism, unsafe or unclean conditions will result in revocation of the approval to use the facility.

**8. Fees for use of Town Facilities**

- a. Fee Schedule. Fees for reserved use of Town Facilities will be charged for the entire time the user group requires access to the facility, including time for setting up the event, decorating, cleaning up, etc. Fees are charged in accordance with the Town’s most recent adopted fee schedule (Appendix A).
- b. Deposits. When public Facilities are rented or reserved, a refundable deposit is required according to the following schedule. Payment of the deposit is required even if facility use fees are waived or reduced. Personal checks are not accepted for facility use deposits.

Small Rooms	\$200
Large Rooms	\$500
CC Courtyard	\$200
Kitchens	\$200
Community Rooms	\$200
Athletic Fields	\$200
Snack Bars	\$500
Swimming Pool	\$500
Parking Lot	\$200

- 1. If damage to Town property occurs during use or if excessive clean-up is necessary after the use, the actual cost of repairs or clean-up will be deducted from the deposit.
  - 2. If the cost of repairs and/or clean-up exceeds the deposit amount, the user will be billed for the difference.
  - 3. If the user group remains in the facility beyond the scheduled time, the deposit ~~may will~~ be forfeited and additional fees may be charged for the additional time in the facility.
  - 4. If the user group misrepresents any material facts about the event (i.e., the serving of alcohol, etc.) the entire deposit will be forfeited.
  - 5. If any or all of the deposit has been forfeited, the full required deposit must be replenished prior to any subsequent use.
- c. Setup and Breakdown. When available, the use of tables and chairs is included in the facility rental fee. Town staff will arrange chairs and tables for indoor and outdoor assemblies as close to diagrams submitted by the applicant as possible.
  - d. User groups shall not obstruct any pathways or access routes inside or outside Town buildings, or otherwise interfere with the safety or convenience of the public or other facility users.

- e. Electrical & Water Service. If electrical and/or water service is requested and approved for any activity or event on Town Park areas, a minimum fee of \$25 will be charged for up to four hours of use. Additional hours will be charged at \$10/hr. up to a maximum daily rate of \$50.
  
- f. Fee Waivers or Fee Reductions. The Town Council has authorized the Director and the Commission to make a determination on all requests for fee waivers or fee reductions. Generally, No fee waivers or reductions will be granted for facility use on weekends or holidays. If a waiver or reduction is granted, the group's use will be accommodated on a space-available basis. Waivers or reduction requests will be considered if the applicant complies with all Town Facility use requirements and the proposed use meets one of the following conditions:
  - 1. The activity or event is conducted by a local organization and the primary purpose of the activity or event is to provide services for the youth of the community.
  - 2. The activity or event is of large scale community-wide interest or benefit, is conducted by a local organization and will be open free of charge to all members of the local community who wish to participate.
  - 3. If the activity or event does not clearly meet either of the first two guidelines, it must be demonstrated that the service provided replaces the need for the Town to provide such services, or provides other substantial and significant community benefits to the Town as determined by the Director and/or Commission.- Fee waivers in excess of \$2,500 must be approved by the Commission.
  
- g. Fee waivers shall not be granted in excess of \$500 or 20 hours of facility use for any user group in a calendar year, unless substantial community benefit is determined by the Commission acting on behalf of the Town Council. It is the intent of the Policy to apply any such waivers or fee reductions in an efficient, equitable and uniform manner. -Accordingly, the Commission may implement specific fee reduction policies that apply to various categories of user groups (e.g. - athletic field users, non-profit community groups, etc.). Such policies must be formally adopted by the Commission on an annual basis.
  
- h. If the recipient of a waiver or fee reduction does not strictly comply with all conditions regulating the use of Town facilities, including adherence to approved entry and exit times, the user group will be responsible to pay all fees normally associated with such use.

- i. Recipients of waivers or fee reductions may be relocated or canceled without notice if the facilities are required by the Town for other purposes.
- ii. Certain governmental agencies and governmental sponsored organizations shall be exempt from Facility Use Fees when requesting use of Town facilities for official meetings to conduct public business, providing that the space is available as requested. The list of exempt organizations is attached to this Policy as Appendix C, and may be modified only by the Commission.

#### **9. Use of Town Equipment Off-Site**

- a. The Town makes certain equipment available for rental and use off site. Deposits will only be refunded if the equipment is returned clean, on-time and undamaged. If the cost of repairs, replacement and/or clean-up exceeds the deposit amount, the user will be billed for the difference. Fees and deposits for equipment are listed in Appendix B, subject to availability.

#### **10. Alcohol Use in Public Facilities**

- a. The sale or use of alcoholic beverages at Town Parks and Facilities is not allowed without a permit issued by the Department. Permit information is available at the Department office. Permits will only be approved when the following conditions are met:
- b. The applicant shall ensure the full compliance with state and local laws regarding the consumption of alcohol during their facility use. The applicant will be held responsible for the behavior of all attendees.
- c. The applicant shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees, agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- d. Any caterers or other concerns engaged in the sale of alcoholic beverages in or on Town Facilities shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- e. The applicant is required to provide a \$1,000 security deposit, refundable if the facility is left on time, clean and without damage. Actual costs for additional time, additional maintenance requirement, or damage will be deducted from the deposit. If the cost of repairs and/or clean-up exceeds the

deposit amount, the user will be billed for the difference. Personal checks are not accepted for deposits.

f. The applicant shall provide proof of compliance with insurance and security requirements at least seven days prior to the event.

~~f.g.~~ Whenever alcohol will be served or sold at the event, the applicant will be required to contract with the San Bernardino County Sheriff's Department or other approved security company for event security. The Director will confer with the Sheriff's Office to determine the specific security requirement for each event, but generally two officers will be required. Proof of the contract for security must be on file in the Community Services Department Office at least fourteen days prior to the event.

### **11. Security Requirement**

a. ~~Whenever alcohol will be served or sold at the event, or At at other times the~~ Director or Commission deem appropriate, the applicant will be required to contract with the San Bernardino County Sheriff's Department or other approved security company for event security. The Director will confer with the Sheriff's Office to determine the specific security requirement for each event, but generally two officers will be required. Proof of the contract for security must be on file in the Community Services Department Office at least fourteen ~~seven~~ days prior to the event.

### **12. Insurance requirements**

- a. For one-time events (weddings, parties, large meetings, concerts, etc.), the Town requires that the applicant provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the amount of \$1,000,000 with an endorsement naming the Town, its officers, employees, agents and volunteers as additional insured.
- b. Organizations and agencies requesting reserved use of Town Facilities may be required to provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the amount of \$1,000,000 with an endorsement naming the Town, its officers, employees agents and volunteers as additional insured.
- c. All required insurance policies and endorsements are to be primary and non-contributory with any insurance or self insurance programs carried or administered by the Town.
- d. To assist user groups in compliance with the insurance requirements, the Town of Yucca Valley makes coverage available through Alliant Insurance Services, for a typical charge of \$115 to \$180 per event.

## APPENDIX A

### Facility Use Fee Schedule (fee revision effective \_\_/\_\_/\_\_)

<b>Small Rooms (Mesquite, Cholla, Joshua Tree, Ocotillo) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
<b>Large Rooms (Senior Center, Yucca Room) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
Non-resident, commercial group, or activity where fees are charged	\$45 / hr	\$65 / hr	\$95 / hr
<b>Community Rooms (Jacobs Park, Machris Park) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
<b>Soccer Fields, Softball Fields – 2 hr min</b>			
Reserved use without lights	\$10 / hr (\$20/hr non-resident)		
Reserved use with lights	\$20 / hr (\$30/hr non-resident)		
<b>Concession Facilities</b>			
Machris Park Snack Bar	\$10 / day (\$20/day non-resident)		
Community Center Snack Bar	\$10 / day (\$20/day non-resident)		
Vendor fee Town events (concerts, etc.)	\$50 per day upon approval		
<b>Other Facilities</b>			
Community Center Courtyard	\$45 (\$55 nr) per hour		
YVHS Swimming Pool (2 hr min)	\$40 (\$50 nr) per hour		
Parking Lots	\$1 per space per day (20 space min.)		
<b>Miscellaneous facility charges</b>			
Kitchen Charge	\$30 (\$40 nr) + \$100 deposit		
Kitchen Only	\$30 (\$40 nr) per hour + \$100 deposit		
Electricity	\$25 (\$35 nr) flat fee (up to 4 hours)		
Tennis Court Keys	\$45 annually – 3 year term (\$20 nr) per key		
Other Unlisted Facilities	TBD by Director and/or Commission		



## APPENDIX B

### Equipment Available for Off-site Rental (revised fees effective March 15, 2011)

	<b>Daily Rental</b>	<b>Deposit</b>
Mobile Band Stage	\$500	\$1,000
Tables	\$8	\$100 per 5 tables
Chairs	\$1.00	\$100 per 25 chairs
Hot dog cooker	\$25	\$100
Field chalker	\$10	\$100
Coffee pot, 100 cup	\$10	\$100

## APPENDIX C

The following governmental agencies and government sponsored organizations shall be exempt from Facility Use Fees when requesting use of Town Facilities for official meetings to conduct public business, providing that the space is available as requested.

California Highway Patrol  
Citizens on Patrol – Yucca Valley  
City of Twentynine Palms  
Community Emergency Response Team (CERT)  
Hi Desert Water District  
League of California Cities  
Mojave Water Agency  
Morongo Basin Transit Authority  
San Bernardino Associated Governments (SANBAG)  
San Bernardino County Fire Department  
San Bernardino County Food Distribution Program  
San Bernardino County – meetings  
San Bernardino County Registrar of Voters  
San Bernardino County Sheriff's Department  
San Bernardino County Superior Court  
YV Youth Accountability Board  
Yucca Valley Branch Library  
Yucca Valley Chamber of Commerce

Exhibit 2

**Clean Version of the Facility Use Policy**

**Dated December 2013**

Town of Yucca Valley  
Community Services Department

Facility Use Policy  
(Amended by the YV Town Council \_\_/\_\_/13)

**1. Authority**

- a. In May, 2003, the Yucca Valley Town Council directed the Parks, Recreation and Cultural Commission to review the Town’s facilities use policy.
- b. History: A Commission recommendation for policy revision was forwarded to the Council in November, 2003. The revised policy was adopted by the Town Council in December, 2003. Subsequent revisions were recommended by the Commission and adopted by the Council in April 2006, May 2007, October 2008, March 2011, and \_\_\_\_\_, 2013.

**2. Policy Statement**

- a. The Town of Yucca Valley’s public parks and buildings are used for Town-sponsored recreational, cultural, civic and social activities and programs. Additionally, the Town makes use of public facilities for conducting the business of the Town Council and its appointed commissions, committees and work groups. The Town also makes certain facilities available to the public for meetings, activities, events and services that meet similar needs and interests of the community. The Director or his/her designee is authorized to interpret and implement the policies and regulations contained herein.

**3. Definitions**

- a. Applicant – in a transaction involving the reserved use of Town facilities, the individual or organization that will be responsible for all rental fees, deposits, and compliance with facility use requirements.
- b. Building – refers to public buildings owned, leased and/or managed by the Town of Yucca Valley
- c. Commission – the Parks, Recreation and Cultural Commission appointed by the Yucca Valley Town Council.

- d. Council – the elected Town Council of the Town of Yucca Valley.
- e. Department – unless otherwise specified, refers to the Town of Yucca Valley’s Community Services Department.
- f. Director – the Director(s) of Community or Administrative Services of the Town of Yucca Valley or his/her designee.
- g. Facility – Refers to parks, buildings and the rooms and other spaces within the buildings, common areas, and parking lots owned and/or operated by the Town of Yucca Valley.
- h. Non-resident – individuals whose primary residence is outside of Yucca Valley’s town limits; organizations or enterprises with a primary business address outside of Yucca Valley’s town limits.
- i. Park – any developed or undeveloped areas owned or leased by the Town of Yucca Valley and designated for recreational purposes or conserved for scenic or historical interest, to include the landscaping and recreational elements of such facilities.
- j. Town – the municipality known as the Town of Yucca Valley.
- k. User group – the applicant, whether an organization, agency or individual(s).

**4. Hours of Use**

- a. Parks – Town of Yucca Valley Parks are open daily from 6:00 am until 11:00 pm. Unless the hours are specifically extended by the Town to accommodate a special event, no person shall remain in any Park between the hours of 11:00 pm and 6:00 am without written permission from the Director. Town of Yucca Valley Municipal Code 11.60.040(c)
- b. Buildings – Except for public meetings and special events conducted by the Town of Yucca Valley, Town buildings are available for use from 9:00 am until 8:00 pm Monday through Thursday, and from 9:00 am until 10:00 pm Friday and Saturday. For the purpose of determining facility use fees, weekend rates apply from Friday at 5:00 pm until Monday at 7:00 am. Town Buildings are not available for rented or reserved use on Sundays, Holidays, or closed hours unless specifically authorized by the Director and/or Commission acting on behalf of the Council.

**5. General Rules and Regulations**

With respect to the Town's public Parks and Facilities, the following activities are not permitted:

- a. Storage – to store personal property, including camping gear.
- b. Bulletin Boards – to affix flyers or posters of any kind to bulletin boards or display areas within or attached to Town facilities. Unless specifically designated otherwise, such areas are for Town use only to provide public information or to promote Town-sponsored meetings, events or activities. The Town may, but is not required to, provide a community bulletin board where outside events and meetings may be noticed. Final determination of allowable postings shall be made by the Director.
- c. The throwing or other use of rice, birdseed, glitter, confetti in relation to the approved use of Town facilities.
- d. Fire – to make or kindle a fire with wood or any material other than charcoal (in designated areas only) without written approval from the Department.
- e. Alcohol – to possess any can, bottle or other receptacle containing any alcoholic beverage that has been opened, a seal broken, or the contents partially removed, without a permit issued by the Department.
- f. Bathing – to bathe in any facility not designated for that purpose.
- g. Refuse – to leave garbage, cans, bottles, papers or other refuse at any park or facility other than in the receptacles provided. If no receptacle is provided, patrons are responsible to remove all waste and dispose of it in an appropriate manner.
- h. Animals – to hitch, ride or let loose any animal or fowl without the written approval of the Department. This shall not apply to dogs at Town Parks when led by a leash or chain no more than six feet long. Owners of said animals and pets are responsible for the conduct of the animal and for the proper disposal of all waste and fecal matter. Pets are not permitted in Town buildings or in the softball field area of the Town's Summer Music Festival or at other similar events. Seeing eye dogs and other properly designated service animals are not subject to these restrictions.
- i. Camping – to camp in or upon any Town Park without written permission from the Director.
- j. Smoking – to smoke in, or within 20 feet of the entrance to, any Town building, area designated for children's play, or athletic activities, or to discard any lighted or unlighted cigar, cigarette or tobacco-related litter in said areas.

- k. Reckless Operation – to ride or use any roller skates, scooters, skateboards, or bicycles at any Town park or facility in a reckless manner or with disregard for the safety of persons or property, or to cause such items to be ridden in such a manner.

**6. Priority use of Town Facilities**

- a. Reasonable attempts will always be made to avoid scheduling conflicts, however, if clarification is needed, the following prioritization will apply to the use of Town Facilities:
  - i. Town-sponsored meetings, activities and events
  - ii. Meetings, events and activities sponsored by governmental or other agencies working jointly with the Town
  - iii. Local non-commercial user groups
  - iv. Local commercial enterprises and concerns
  - v. Out of town user groups
  - vi. User groups whose facility use fees have been waived or reduced

**7. Reserved Use of Town Facilities**

- a. The following Town of Yucca Valley Facilities are available for rental or reserved use, in accordance with established procedures and rental rates:

	<b>Location</b>	<b>Capacity Dining/Conference</b>
Yucca Room	Community Center	250/350
Joshua Tree Room	Community Center	32/45
Cholla Room	Community Center	65/80
Ocotillo Room	Community Center	44/50
Mesquite Room	Community Center	18/30
Senior Center	Community Center	180/250
Soccer Fields	Community Center	-
Softball Field	Community Center	-
Snack Bar	Community Center	-
Community Room	Machris Park	54/75
Softball Field	Machris Park	-
Snack Bar	Machris Park	-
Community Room	Jacobs Park	54/75
Tennis Courts	Jacobs Park	-
Swimming Pool	Yucca Valley High School	-
Parking Lots	Various	-

- b. Arrangements may be made with the Department for reserved use of other areas of Town parks, facilities, or amenities not listed in section a. In such cases, the Director and/or Commission will determine appropriate parameters and fees for use.
- c. Individuals 18 years of age or older may apply for reserved use of Town facilities at least fourteen days and no more than thirteen months prior to the proposed event.
- d. To obtain reserved use of available Town facilities, individuals or organizational representatives must complete and return a current Facility Use Application/Agreement and submit all required diagrams, deposits, permits, contracts and appropriate insurance documents to the Community Services Office at least fourteen days prior to the requested date(s) of use. Requests received within fourteen days of the event date will be accommodated as available, at the discretion of the Department.
- e. Town staff will make a reasonable effort to accommodate each application, and will provide written confirmation of approval or denial within three working days of receipt of all required materials.
- f. User groups are not entitled to place signs, banners or other such materials on Town Facilities without written permission from the Director.
- g. Under no circumstances is any approved user group authorized to share access with other groups or individuals, to sublet or permit another group or individual to use Town facilities before, during or after the approved time of use, or to duplicate facility keys; doing so will result in cancellation of the approved use and forfeiture of all deposits.
- h. The Town reserves the right to deny the application of individuals, groups or organizations that have previously not complied with Town requirements or regulations.
- i. The applicant must notify the Department of cancellation at least 48 hours prior to the scheduled event or activity. Failure to give the required written notice of a cancellation may result in forfeiture of the applicant's deposit.
- j. The Town reserves the right to inspect any reserved rooms, snack bars, parks, or other areas at any time to ensure cleanliness and proper compliance with typical health and safety standards. Clutter, damage, vandalism, unsafe or unclean conditions will result in revocation of the approval to use the facility.



**8. Fees for use of Town Facilities**

- a. Fee Schedule. Fees for reserved use of Town Facilities will be charged for the entire time the user group requires access to the facility, including time for setting up the event, decorating, cleaning up, etc. Fees are charged in accordance with the Town’s most recent adopted fee schedule (Appendix A).
- b. Deposits. When public Facilities are rented or reserved, a refundable deposit is required according to the following schedule. Payment of the deposit is required even if facility use fees are waived or reduced. Personal checks are not accepted for facility use deposits.

Small Rooms	\$200
Large Rooms	\$500
CC Courtyard	\$200
Kitchens	\$200
Community Rooms	\$200
Athletic Fields	\$200
Snack Bars	\$500
Swimming Pool	\$500
Parking Lot	\$200

- 1. If damage to Town property occurs during use or if excessive clean-up is necessary after the use, the actual cost of repairs or clean-up will be deducted from the deposit.
  - 2. If the cost of repairs and/or clean-up exceeds the deposit amount, the user will be billed for the difference.
  - 3. If the user group remains in the facility beyond the scheduled time, the deposit may be forfeited and additional fees may be charged for the additional time in the facility.
  - 4. If the user group misrepresents any material facts about the event (i.e., the serving of alcohol, etc.) the entire deposit will be forfeited.
  - 5. If any or all of the deposit has been forfeited, the full required deposit must be replenished prior to any subsequent use.
- c. Setup and Breakdown. When available, the use of tables and chairs is included in the facility rental fee. Town staff will arrange chairs and tables for indoor and outdoor assemblies as close to diagrams submitted by the applicant as possible.
  - d. User groups shall not obstruct any pathways or access routes inside or outside Town buildings, or otherwise interfere with the safety or convenience of the public or other facility users.

- e. Electrical & Water Service. If electrical and/or water service is requested and approved for any activity or event on Town Park areas, a minimum fee of \$25 will be charged for up to four hours of use. Additional hours will be charged at \$10/hr, up to a maximum daily rate of \$50.
- f. Fee Waivers or Fee Reductions. The Town Council has authorized the Director and the Commission to make a determination on all requests for fee waivers or fee reductions. Generally, no fee waivers or reductions will be granted for facility use on weekends or holidays. If a waiver or reduction is granted, the group's use will be accommodated on a space-available basis. Waivers or reduction requests will be considered if the applicant complies with all Town Facility use requirements and the proposed use meets one of the following conditions:
  - 1. The activity or event is conducted by a local organization and the primary purpose of the activity or event is to provide services for the youth of the community.
  - 2. The activity or event is of large scale community-wide interest or benefit, is conducted by a local organization and will be open free of charge to all members of the local community who wish to participate.
  - 3. If the activity or event does not clearly meet either of the first two guidelines, it must be demonstrated that the service provided replaces the need for the Town to provide such services, or provides other substantial and significant community benefits to the Town as determined by the Director and/or Commission. Fee waivers in excess of \$2,500 must be approved by the Commission.
- g. It is the intent of the Policy to apply any such waivers or fee reductions in an efficient, equitable and uniform manner. Accordingly, the Commission may implement specific fee reduction policies that apply to various categories of user groups (e.g. - athletic field users, non-profit community groups, etc.). Such policies must be formally adopted by the Commission on an annual basis.
- h. If the recipient of a waiver or fee reduction does not strictly comply with all conditions regulating the use of Town facilities, including adherence to approved entry and exit times, the user group will be responsible to pay all fees normally associated with such use.
- i. Recipients of waivers or fee reductions may be relocated or canceled without notice if the facilities are required by the Town for other purposes.

- j. Certain governmental agencies and governmental sponsored organizations shall be exempt from Facility Use Fees when requesting use of Town facilities for official meetings to conduct public business, providing that the space is available as requested. The list of exempt organizations is attached to this Policy as Appendix C, and may be modified only by the Commission.

**9. Use of Town Equipment Off-Site**

- a. The Town makes certain equipment available for rental and use off site. Deposits will only be refunded if the equipment is returned clean, on-time and undamaged. If the cost of repairs, replacement and/or clean-up exceeds the deposit amount, the user will be billed for the difference. Fees and deposits for equipment are listed in Appendix B, subject to availability.

**10. Alcohol Use in Public Facilities**

- a. The sale or use of alcoholic beverages at Town Parks and Facilities is not allowed without a permit issued by the Department. Permit information is available at the Department office. Permits will only be approved when the following conditions are met:
- b. The applicant shall ensure the full compliance with state and local laws regarding the consumption of alcohol during their facility use. The applicant will be held responsible for the behavior of all attendees.
- c. The applicant shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees, agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- d. Any caterers or other concerns engaged in the sale of alcoholic beverages in or on Town Facilities shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- e. The applicant is required to provide a \$1,000 security deposit, refundable if the facility is left on time, clean and without damage. Actual costs for additional time, additional maintenance requirement, or damage will be deducted from the deposit. If the cost of repairs and/or clean-up exceeds the deposit amount, the user will be billed for the difference. Personal checks are not accepted for deposits.

- f. The applicant shall provide proof of compliance with insurance and security requirements at least seven days prior to the event.
- g. Whenever alcohol will be served or sold at the event, the applicant will be required to contract with the San Bernardino County Sheriff's Department or other approved security company for event security. The Director will confer with the Sheriff's Office to determine the specific security requirement for each event, but generally two officers will be required. Proof of the contract for security must be on file in the Community Services Department Office at least fourteen days prior to the event.

### **11. Security Requirement**

- a. At times the Director or Commission deem appropriate, the applicant will be required to contract with the San Bernardino County Sheriff's Department or other approved security company for event security. The Director will confer with the Sheriff's Office to determine the specific security requirement for each event, but generally two officers will be required. Proof of the contract for security must be on file in the Community Services Department Office at least fourteen days prior to the event.

### **12. Insurance Requirements**

- a. For one-time events (weddings, parties, large meetings, concerts, etc.), the Town requires that the applicant provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the minimum amount of \$1,000,000, or in a greater amount as determined by the Director, with an endorsement naming the Town, its officers, employees, agents and volunteers as additional insured.
- b. Organizations and agencies requesting reserved use of Town Facilities may be required to provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the minimum amount of \$1,000,000, or in a greater amount as determined by the Director, with an endorsement naming the Town, its officers, employees agents and volunteers as additional insured.
- c. All required insurance policies and endorsements are to be primary and non-contributory with any insurance or self insurance programs carried or administered by the Town.
- d. To assist user groups in compliance with the insurance requirements, the Town of Yucca Valley makes coverage available through Alliant Insurance Services.

## APPENDIX A

### Facility Use Fee Schedule (fee revision effective \_\_/\_\_/\_\_)

<b>Small Rooms (Mesquite, Cholla, Joshua Tree, Ocotillo) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
<b>Large Rooms (Senior Center, Yucca Room) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
Non-resident, commercial group, or activity where fees are charged	\$45 / hr	\$65 / hr	\$95 / hr
<b>Community Rooms (Jacobs Park, Machris Park) 2 hr min</b>			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
<b>Soccer Fields, Softball Fields – 2 hr min</b>			
Reserved use without lights	\$10 / hr (\$20/hr non-resident)		
Reserved use with lights	\$20 / hr (\$30/hr non-resident)		
<b>Concession Facilities</b>			
Machris Park Snack Bar	\$10 / day (\$20/day non-resident)		
Community Center Snack Bar	\$10 / day (\$20/day non-resident)		
Vendor fee Town events (concerts, etc.)	\$50 per day upon approval		
<b>Other Facilities</b>			
Community Center Courtyard	\$45 (\$55 nr) per hour		
YVHS Swimming Pool (2 hr min)	\$40 (\$50 nr) per hour		
Parking Lots	\$1 per space per day (20 space min.)		
<b>Miscellaneous facility charges</b>			
Kitchen Charge	\$30 (\$40 nr) + \$100 deposit		
Kitchen Only	\$30 (\$40 nr) per hour + \$100 deposit		
Electricity	\$25 (\$35 nr) flat fee (up to 4 hours)		
Tennis Court Key	\$5 annually – 3 year term		
Other Unlisted Facilities	TBD by Director and/or Commission		

## APPENDIX B

### Equipment Available for Off-site Rental (revised fees effective March 15, 2011)

	Daily Rental	Deposit
Mobile Band Stage	\$500	\$1,000
Tables	\$8	\$100 per 5 tables
Chairs	\$1.00	\$100 per 25 chairs
Hot dog cooker	\$25	\$100
Field chalker	\$10	\$100
Coffee pot, 100 cup	\$10	\$100

## APPENDIX C

The following governmental agencies and government sponsored organizations shall be exempt from Facility Use Fees when requesting use of Town Facilities for official meetings to conduct public business, providing that the space is available as requested.

California Highway Patrol  
Citizens on Patrol – Yucca Valley  
City of Twentynine Palms  
Community Emergency Response Team (CERT)  
Hi Desert Water District  
League of California Cities  
Mojave Water Agency  
Morongo Basin Transit Authority  
San Bernardino Associated Governments (SANBAG)  
San Bernardino County Fire Department  
San Bernardino County Food Distribution Program  
San Bernardino County – meetings  
San Bernardino County Registrar of Voters  
San Bernardino County Sheriff's Department  
San Bernardino County Superior Court  
YV Youth Accountability Board  
Yucca Valley Branch Library  
Yucca Valley Chamber of Commerce

Exhibit 3

**PRCC Minutes**

**Meeting of December 10, 2013**



**TOWN OF YUCCA VALLEY  
PARKS, RECREATION & CULTURAL COMMISSION  
MINUTES**

**TUESDAY, DECEMBER 10, 2013**

**CALL TO ORDER** by Chair Evans at 4:02 p.m.

**PLEDGE OF ALLEGIANCE** led by Commissioner Silver

**ROLL CALL** Commissioners present: Commissioner Silver, Commissioner Jones-Poland, Vice Chair Harman, and Chair Evans.

**APPROVAL OF AGENDA**

1. Action                      **Motion: Move to approve the agenda of the December 10, 2013 Parks, Recreation and Cultural Commission meeting.**
- Move: Harman              2nd: Silver      Vote: 5-0-0-0

**CONSENT AGENDA**

2. **MINUTES OF PARKS, RECREATION & CULTURAL COMMISSION MEETING OF OCOTBER 8, 2013.**

Recommendation:      **Approve minutes as presented.**

3. **MUSEUM REPORT**

Recommendation      **Move to receive and file the Hi-Desert Nature Museum monthly reports October & November 2013**

4. **YOUTH COMMISION**

Recommendation      **Review the additional application and move to recommend the appointment of Nicole Caguioa to the 2013-14 Youth commission.**

*member of the Parks, Recreation and Cultural Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting.*

Action                      Motion: **Move to approve Consent Agenda items 2-5**

Move: Silver                      2<sup>nd</sup> Jones                      Vote: 5-0-0-0

*All items listed on the consent calendar are considered to be routine or non-controversial matters. 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*

## **PUBLIC COMMENTS**

None

## **STAFF REPORTS**

### **5. Offered Donation to the Hi Desert Nature Museum**

Stefanie Ritter, Museum Program Coordinator handed out some example photos of the offered donations.

The following donation reflects local history which will be used for educational programs and history exhibitions.

#### Dick Sroda

1 Book, "Desert Moods, Museum and Prose" by June LeMert Paxton, signed and with notation.

#### Natural History

The following donations focus on local natural history. They will be used to enhance future natural history exhibits and educational programs, as well as Hi-Desert Nature Museum publications.

#### Barbara and Rick Sternberg

86 black and white photographs by Hans Bearwald

The Hi-Desert Nature Museum already owns part of the Hans Bearwald Collection which was donated by the Palm Springs Desert Museum after closing its Natural History Department. Barbara Sternberg is the daughter of the photographer.

#### Hi-Desert Nature Museum Association Inc.

22 original ink drawings by Geiger, picturing desert plants and animals.

The Hi-Desert Nature Museum Association purchased these drawings, but never used them.

Action                    Motion: **Move to accept three offered donations into the permanent collections of the Hi Desert Nature Museum**

Move: Silver                    2<sup>nd</sup> Jones                    Vote: 5-0-0-0

## 6. Hi Desert Heat Football

Director Yakimow reported that Hi Desert Heat AAA Football Club has submitted a request to use Town facilities from December 2013 through end of April 2014. The organization's owner has requested a waiver or reduction of fees associated with the reserved use. The group would like to use Machris Park athletic field for football practices two days a week from 6:00pm to 10:00pm for ages 18 and over. It is the owners hope that the franchise and volunteers will set a great example for players that wear the uniform.

Director Yakimow reviewed the current criteria for consideration in dealing with a waiver or reduction request.

- 1. The activity or event is conducted by a local organization and the primary purpose of the activity of event is to provide services for the youth of the community.*
- 2. The activity or event is of large scale community-wide interest or benefit, is conducted by a local organization and will be open free of charge to all members of the local community who wish to participate.*
- 3. If the activity or event does not clearly meet either of the first two guidelines, it must be demonstrated that the service provided replaces the need for the Town to provide such services.*

When a request does not fit into the above criteria, staff will bring it to the commission.

At the October 8<sup>th</sup> meeting the Commission adopted an interim fee waiver/reduction policy that provided a waiver of 75% or normal calculated fees for the 2012-13 and FY 2013-14 for groups meeting the Town's current waiver/deduction criteria in the policy. The Commission has not addressed a recent fee waiver/reduction request that does not meet the policy.

Currently reserved use of athletic field with lights in \$20 per hour and a \$200 refundable deposit.

Chair Evans invited representatives to speak on behalf of the request.

Jim Keiffer spoke on behalf of the request, stating that this club will give the 18 and above men something to do in the community.

Diana spoke of the benefit of the team.

Will spoke in favor of the reduction, stating the benefit of the team.

Lisa Harper spoke in favor of the request. She also stated that the organization will be helping out the Lobos Youth football and cheer squad, the Food Pantry and Special Olympics.

Tom Lewis, owner of the organization read a statement in favor of the group's request. Mr. Lewis mentioned the team is an LLC however his main goal is to give aback to the community. Six of the nine scheduled games will be played at the Yucca Valley High School field, which will bring money into the community.

Commissioner Jones-Poland inquired on the process in which the team will be able to make facility use payments when they are not charged the players a registration fee.

Mr. Lewis stated the organization only needs help to start up and will not be asking again.

With discussion the commission moved to grant a 50% reduction of athletic field use fees for the months of December through April.

On a roll call vote:

Silver Yes

Harman Yes

Jones Yes

Jones-Poland Yes

Evans Yes

#### **7. Facility Use Policy Review**

Director Yakimow reported on the Facility Use Policy Review. He stated that this review has suggested edits and modifications to the last review back in Mach 2013.

Director Yakimow summarized that the red markings are the current suggested additions/deletions to the policy.

Action      Motion: **Move to recommend Town Council review and approval of the Facility Use policy as presented by staff.**

Move: Harman

2<sup>nd</sup> Jones-Poland

Vote: 5-0-0-0

#### **COMMISSIONER REPORTS AND COMMENTS**

1. **Commissioner Silver:** No comment.
2. **Commissioner Jones:** Commissioner Jones mentioned she would like an update on the dog park at Essig Park and the issue of children under the posted age in the dog area.
3. **Commissioner Jones-Poland:** Nice to be back

4. **Vice Chair Harman:** No comment
5. **Chair Evans:** Chair Evans mentioned there is a Town Council meeting tonight and the Sports Council meeting for December has been cancelled.

#### **STAFF INFORMATION**

None

#### **FUTURE AGENDA ITEMS**

Essig Park Dog Area  
Donation Guidelines  
Smoking Ordinance  
Museum Registrar Update

#### **ANNOUNCEMENTS**

The next regular scheduled meeting of the Parks, Recreation and Cultural Commission will be Tuesday, January 14, 2014 at 4:00 p.m. in the Joshua Tree Room at the Yucca Valley Community Center.

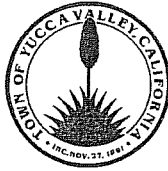
#### **ADJOURNMENT**

The meeting was adjourned at 5:25 pm.

Respectfully submitted,

---

Maureen S. Randall PRCC Secretary  
Community Services Department



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Administrative Services Director  
Sharon Cisneros, Senior Accountant  
**Date:** March 11, 2014  
**For Council Meeting:** March 18, 2014  
**Subject:** Reserve Policy Review

**Prior Council Review:** Current Reserve Policy reviewed and approved by Council January 2011.

**Recommendation:** Review the actual fiscal year 2012-13 reserve balances and projected fiscal year 2013-14 reserve balances and adopt a resolution modifying the Town's Reserve Policy as follows:

- Establish the stated Reserve Policy range to 50%-55% as indicated in the adopted FY 2013-14 budget, and direct staff to complete the FY 2013-14 infrastructure transfer in the amount of \$150,000 from the Town's General Fund to the Town's Capital Projects Reserve Fund for use in the upcoming 2014 Slurry Seal/Street Maintenance project.

**Order of Procedure:**

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

**Discussion:** The Town's reserve policy is designed to ensure a solid financial base for both ongoing and exceptional Town operations. Specifically, the policy accomplishes the following:

- Clarifies that the Town's general fund reserves, excluding designations, will be in the range of 25-30% of operating expenditures.
- Establishes a vehicle and equipment reserve within the Town's existing internal service fund at 125% of annual depreciation, capped at a maximum amount of \$500,000.

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

- Establishes the capital projects reserve fund, into which general fund financial resources in excess of the policy guidelines will be appropriated.

Prior Year Analysis

At the council meeting of December 10, 2013, staff presented a recap of the 2012-13 fiscal year. Part of the recap included a summary of revenue over/under expenditure, and its impact on the Town's fund balance. Year end balances indicated that total revenues exceeded total expenditures by \$394,000. The question was then raised regarding the flexibility of designating some or all of the \$394,000 towards the Town's Capital Projects Fund for infrastructure maintenance allocation.

After reviewing the specific nature of the surplus revenues by type, the following chart illustrates the limitations on designating those funds:

<b>Excess Revenue FY12-13</b>	<b>\$ 393,722</b>
<b>Restrictions and Budgeted Reserve Transfers</b>	
Cyla Wells Restricted funds	(302,679)
Catastrophic Reserve Increase	(200,000)
<b>Balance to Transfer</b>	<b><u>(108,957)</u></b>

As indicated in the chart above, the revenue restrictions and budgeted reserve allocations impacting the FY 2012-13 ending fund balance will not allow further allocation of those funds.

Current Year Analysis

As the Council is aware, over the past five years, the Town has experienced a decrease in retail sales activity, lower property tax valuations, and a generally lackluster economic climate, resulting in lower revenues. As a result, the Council has favored a conservative approach in managing the Town's general fund financial reserves, as evidenced by a reserve policy range well in excess of the Town's historical range of 25% - 35%. In recent years, this range has been varied from 45% - 70%.

The proposed policy recommendation will establish a reserve policy range of 50% - 55%, and will provide the Town with the most flexibility in managing potential economic weakness. The resolution does call for maintaining the current funding of the existing general fund designations, and the vehicle and equipment reserve.

The fiscal year 2013-14 adopted budget established a proposed infrastructure transfer of \$170,000, or 1.8% of adopted expenditures. While the year to date budget augmentations total \$48,000, staff has reviewed all cumulative adjustments and forecast that the current year budget can support an initial infrastructure transfer of

\$150,000 to the Town's Capital Projects Fund for use in the 2014 slurry seal/street maintenance project. Accordingly, staff is recommending that the Council authorize that transfer to occur prior to the year end, with the remaining \$20,000 to be transferred contingent on final year end results. If both transfers are completed, the fund balance as of June 30, 2014 is projected to be as follows:

	<u>FY 2013/14</u>
	<u>Projected</u>
	<u>Ending</u>
	<u>Fund Balance</u>
Unassigned Reserves	\$ 4,844,814
Nonspendable	-
Advance to Other Funds	343,138
Prepaid Items	300,000
Restricted	-
Public Safety	250,000
Assigned	-
Risk Management	200,000
Catastrophic	1,000,000
Other	100,000
	<u>7,037,952</u>

As the Council and staff identify and work through the development of the Town's Strategic planning efforts, it is possible that alternative uses of the Town's reserves may be identified. Such uses may include one-time capital or planning expenditures, financial investment options, or other specific uses. Having these increased reserves will afford the Town maximum flexibility and leverage in best utilizing these funds.

**Alternatives:** Complete all transfers in accordance with the historical reserve policy range, and do not increase the general fund reserve range.

**Fiscal impact:** With the adoption of the revised policy range resolution, the Town's general fund reserve will be funded at 50% of operating expenditures, as incorporated in the Town's FY 2013-14 adopted budget. If approved, a current year transfer of \$150,000 will be completed from the Town's General Fund to the Town's Capital Projects Reserve Fund for use in the 2014 slurry seal/street maintenance project.

**Attachments:** Resolution



**RESOLUTION NO. 14-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,  
CALIFORNIA ADJUSTING AND IMPLEMENTING THE TOWN'S RESERVE POLICY**

WHEREAS, the Town has adopted a reserve policy establishing guidelines for appropriate levels of fund balances for the Town's general fund; and

WHEREAS, the Town may need to modify such policy in light of past actual financial results for the prior year ended June 30; and

WHEREAS, the Town may need to modify such policy in light of expected financial results for the current year ending June 30; and

WHEREAS, Town may need to modify such policy in light of information received or projected which will materially affect the current or future economic forecasts, and

WHEREAS, Town may need to modify such policy to accommodate projects or programs that are reasonably foreseen in the near future affecting such Funds.

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

**Section 1.** The general fund reserve cap is established at a range of 50 – 55% for the fiscal year 2013-14 as a temporary measure to provide maximum flexibility in managing the Town's financial resources.

APPROVED AND ADOPTED THIS 18<sup>h</sup> day of March, 2014

---

MAYOR

ATTEST:

---

TOWN CLERK

