

**TOWN OF YUCCA VALLEY**  
**TOWN COUNCIL MEETING MINUTES**  
**April 17, 2012**

**OPENING CEREMONIES**

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

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

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

**PLEDGE OF ALLEGIANCE**

Led by HI Desert Water Director Roger Mayes

**INVOCATION**

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

**1. Employee of the Quarter**

Awarded to Facilities Maintenance Supervisor, Jerry McPheeters

**2. Longevity Awards.**

Awarded to Deputy Town Manager Shane Stueckle, 20 years; Skilled Maintenance Worker Dave Ainsworth, 5 years; and Facilities Maintenance Supervisor Jerry McPheeters, 5 years.

**AGENCY REPORTS**

**Chamber of Commerce**

**3. Monthly Statistical Report for March 2012**

Vickie Bridenstine, Chamber President, gave the monthly statistical Chamber of Commerce Report for March 2012.

**APPROVAL OF AGENDA**

Council Member Hagerman moved to approve the agenda. Council Member Huntington seconded. Motion carried 5-0.

**CONSENT AGENDA**

4. **Approve**, Regular Town Council Meeting Minutes of April 3, 2012, as presented.
5. **Waive**, further reading of all ordinances and read by title only.
6. **Receive and file**, Monthly Statistical Fire Department Report for March, 2012
7. **Receive and file**, AB 1234 Reporting Requirements for March 2012
8. **Waive**, based on the findings and substantial evidence described below, the minor defects in the bid consisting of the bidder's failure to allocate a maximum of \$25,000 for Caltrans permit fees as described in the Town's bid document, finding that the bid submitted by Steiny and 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 Steiny and Company Inc., proposal do not relate to, or impact, the issue of bidder responsibility; **Award**, the construction contract to Steiny and Company, Inc., in the amount of \$245,371.00, and authorizes a construction contingency in the amount of \$24,629.00, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project; **and Amend**, the 2011-2012 fiscal year budget, appropriating and transferring \$20,000 from Traffic Safety Fund 507 to Measure I – Major Arterial Fund 522, for the project; SR 62/247 Median Island Improvements
9. **Adopt**, Resolution No. 12-09, approving the plans and specifications for Project No. 8340, and authorizing the Town Clerk to advertise and receive bids, Town-Wide Slurry Seal Project

A RESOLUTION OF THE TOWN COUNCIL FO THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2012/13 TOWN WIDE SLURRY SEAL IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS

10. **Receive and file**, the report outlining the Summer 2012 programs and events to be organized and conducted by the Community Services Department.

Council Member Huntington moved to adopt Consent Agenda Items 4-10. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Member Abel, Hagerman, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** Mayor Rowe on item 4 only  
**ABSENT:** None

## DEPARTMENT REPORTS

### 11. Award of bid for South Side Neighborhood Park, Phase 1A

#### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2011-12 BUDGET

Deputy Town Manager Stueckle gave the staff report included in the printed agenda, and displayed a power point presentation giving the background and scope of the project.

Town Manager Nuaimi presented a breakdown of the potential funding sources, noting that the funding budgeted showed \$300,000 in LTF funds for road improvements, however only \$135,000 is useable funding from that source. He advised the initial funding proposal included \$250,000 from RDA Funds, which staff feels is a defensible use for those funds, but requires Oversight Board and Department of Finance approval. Staff recommendation is that the Council establishes a loan in the amount of \$299,890 from the General Fund to the Park Development Impact Fee fund, to be repaid as new development occurs.

Margo Sturges, Yucca Valley, spoke in favor of the project, recommended awarding bid Alternate A and C, and putting a parcel tax on the residents of Sky Harbor.

Council Member Abel questioned the additional expense involved for maintenance of the restroom facility. Deputy Town Manager Stueckle advised it will have a marginal effect on the maintenance costs. Council Member Abel requested an explanation for not putting in the shade shelter at this time. Town Manager Nuaimi advised that staff felt the restroom would be needed most and plan to bring back the shade shelter if the Oversight Board and Department of Finance approve the use of the RDA funds. Council Member Abel expressed concern about coming to the newly formed Oversight Board requesting funding. Town Manager Nuaimi advised staff will be taking several prior agreements or actions the Council/Agency has taken to the board for ratification. We believe these are enforceable obligations and that we have a strong position. Council Member Abel commented the 3 acres being development with this project is a great first step to get something done with moneys from partnerships. He questioned if

the shade shelter will have to be rebid, or if we can still use what was submitted with this bid. With regard to public comments on the project, he stated if this was a pocket park that just benefits a certain residential area he would agree with trying to get that funding from resident fees, however the project is a portion of an 80 acre park, with just a small portion being used as a dog park. He noted he would like to see the parking lot lighting even though he has been assured the park is only going to be open from dawn to dusk. Deputy Town Manager Stueckle clarified that the contractor will hold the unit prices of his bid for 60 days, so if we don't get an answer from the Oversight Board before the end of that 60 days, the item will need to be bid again.

Council Member Hagerman questioned if the parking lot lights would be a requirement if it was a private developer rather than the Town. Deputy Town Manager Stueckle advised the lighting is optional and not a requirement.

Council Member Lombardo questioned if we would expect a decrease in vandalism if the parking lot is lit. Deputy Town Manager Stueckle advised lighting can help dissuade some individuals.

Council Member Hagerman questioned what the current hours at the other parks are. Community Services Director Schooler advised they are sun-up to 11:00 p.m. Council Member Hagerman commented he believes that the restroom and parking lot lights should be required.

Council Member Huntington commented that the HUD EDI dollars have to be used on this park, adding he feels all the alternatives should be awarded at this time. The reserves are healthy enough to borrow all the funding.

Council Members Hagerman and Lombardo agreed.

Mayor Rowe questioned what it would cost to go back out to bid for alternative A and C. Town Manager Nuaimi advised there is not a significant cost to go to bid; the risk is whether or not you can deliver a \$60,000 shelter with a \$4,000 mobilization cost any cheaper. The logic being that no one will be able to mobilize any cheaper than the contractor who is already here doing the other work. Mayor Rowe commented she approves of the project, however, her concern is that the Council has not yet determined the final budget or received the final numbers for the Sheriff's contract. She is cautiously optimistic that the Oversight Board will see the need to grant the \$250,000 but there are several scenarios they need to go through. Town Manager Nuaimi advised staff will not recommend spending one time reserves to pay for recurring costs. There are one time expenditures that have been brought forward to begin chipping away at some of the deficits of amenities and deferred maintenance in this community. Award of this project is independent of our 2012/13 budget.

Council Member Hagerman stated it is important to point out that there is a possibility future Councils may wave impact fees making it more difficult to repay this loan.

Mayor Rowe stated she agrees with everything that has been discussed but is apprehensive about taking action until the Oversight Board and Department of Finance have ruled and until we go through our budgeting process. She is in favor of the project in general but will be voting no on expending the highest cost.

Council Member Lombardo moved to approve the withdrawal of bid by C.S. Legacy Construction, based upon the following findings: A) C.S. Legacy Construction made a clerical mistake establishing an incorrect bid amount for grading; B) C.S. Legacy Construction gave the Town of Yucca Valley written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, and specified in the letter in detail how the clerical mistake occurred by failure to include an additional \$100,000 in grading costs; C) The clerical mistake made by C.S. Legacy Construction is materially different than C.S. Legacy intended by the failure to include \$100,000 in grading costs that were not included in the bid item due to the clerical mistake; and D)The clerical mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications. Council Member Hagerman seconded. Motion carried 5-0.

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

Council Member Huntington moved to award the “Base Bid” construction contract to Doug Wall Construction, Inc., in the amount of \$932,775.00, and award the “Bid Alternate A” Shade Shelter in the amount of \$64,545.00, “Bid Alternate B” Restroom in the amount of \$140,000.00, and “Bid Alternate C” Parking Light lighting in the amount of \$12,300.00, for a total contract amount of \$1,149,620.00, subject to all final HUD approvals, authorizing a construction contingency in the amount of \$93,275.00, and 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. Council Member Hagerman seconded. Motion carried 4-1 with Mayor Rowe voting no.

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

Council Member Hagerman moved to authorize the Town Manager to execute the standard contract between the Town of Yucca Valley and the County of San Bernardino related to the granting of County discretionary funds (\$200,000) towards the project. Council Member Huntington seconded. Motion carried 5-0.

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

Council Member Huntington moved to adopt Resolution No. 12-10 amending the FY 2011-12 adopted budget approving a loan from the General Fund (001) Unassigned Fund Balance to the Development Impact Fee Special Revenue Fund (350) in an amount not to exceed \$377,000 amend the exhibit to the Resolution to reflect the amended amount and direct repayment of loan out of future Development Impact Fees and/or Redevelopment Agency funding, and authorizing all related project funding transfers. Council Member Hagerman seconded. Motion carried 4-1 with Mayor Rowe voting no.

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

**12. Mandatory Commercial Recycling – AB 341**

Administrative Services Director Yakimow gave the staff report advising California’s mandatory commercial recycling bill, AB 341 was adopted on January 17, 2012 and requires that, effective July 1, 2012, all businesses, multi-family units of 5 or more, and public entities that generate at least four cubic yards of solid waste per week arrange for recycling services.

Administrative Assistant Rice gave a presentation to be shown to the local businesses to educate them regarding the requirement. She noted the first presentation will be on May 2<sup>nd</sup> at a Chamber of Commerce Brown Bag Lunch.

Council Member Huntington asked how much time staff is anticipating for monitoring purposes. Administrative Services Director Yakimow advised he feels the bulk of the time will be in the first 6 months, then it will be relatively limited. Council Member Huntington questioned if this is going to cause the businesses to have twice the garbage costs because of the additional requirements for a second dumpster. Administrative Services Director Yakimow advised that some may be able to reduce their costs by replacing one dumpster for a recycling bin.

Council Member Hagerman commented regarding the problems with this legislation.

Council Member Abel questioned if we know the percentage of businesses that are already meeting these standards. Administrative Services Director Yakimow commented that we don't have those figures, however, there are about 102 businesses that will now fall into the category.

Council Member Lombardo moved to receive and file the informational report regarding the recent approval of Assembly Bill 341 that requires mandatory commercial recycling, effective July 1, 2012. Council Member Huntington seconded. Motion carried 5-0.

**FUTURE AGENDA ITEMS**

Council Member Hagerman requested discussion regarding the policy on the Town's reserve level. Town Manager Nuaimi advised those discussions will occur during budget discussions.

**PUBLIC COMMENT**

Margo Sturges, Yucca Valley, spoke concerning the recent Parks, Recreation and Cultural Commission meeting and the conceptual plan presented for the playground renovation. Ms. Sturges expressed concerns regarding the potential removal of trees and commented that she was told the park design consultant has full discretion of whether trees would remain or be removed.

**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle reported regarding the upcoming public outreach efforts for the General Plan kicking off during Earth Day on Saturday. There will be press releases as well as e-mail blasts going out advising of workshops and outreach sessions on April 21<sup>st</sup>, 10:00 a.m.-2:00 p.m., April 25<sup>th</sup>, 6:00 p.m. – 8:00 p.m. May 4<sup>th</sup> 3:00 p.m. – 5:30 p.m., May 5<sup>th</sup> 10:00 a.m. – 2 p.m., and May 26, 10:00 a.m. – 5:00 p.m. There is also a “General Plan 101” workshop at the Planning Commission meeting of May 8<sup>th</sup>. He noted staff does not anticipate any significant requested changes to the Land Use Plan, which is scheduled to come before the Town Council at both of their meetings in June.

Deputy Town Manager Stueckle advised he did not attend the meeting of the Parks, Recreation and Cultural Commission when the splash pad plan was discussed, but advised the consultants do not have full discretion regarding whether or not the trees will be removed, the Council does. He noted there are some 40 year old and diseased trees that do need to be removed for safety reasons.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**13. Council Member Huntington**

Congratulate Jerry McPheeters for being selected as Employee of the Quarter and serving the Town for 5 years. He also congratulated David Ainsworth for 5 years of service and Shane Stueckle for 20 years.

Reminded everyone that Earth Day is Saturday from 9-2 at the Community Center and noted that the Mojave Desert/Mountain JPA is one of the sponsors of the event.

Advised the Morongo Basin Conservation Association will be having a Desert Wise Living Landscape Tour on Sunday, April 22<sup>nd</sup>.

Reported the dedication of the Bob Burke Joshua Tree Government Center, will be Wednesday April 25<sup>th</sup>.

Reported the Sheriff's Office in Joshua Tree will be having a "drug drop off day" pm April 28<sup>th</sup> for residents to turn in prescription drugs that need to be disposed of.

**14. Council Member Lombardo**

Congratulated Jerry McPheeters for being selected as Employee of the Quarter as well as serving 5 years with the town. He also congratulated David Ainsworth and Shane Stueckle for their longevity.

**15. Council Member Abel**

Thanked the Town's Animal Control Staff for allowing him the opportunity to job shadow Animal Control Office Casey.

**16. Mayor Pro Tem Hagerman**

Congratulated Jerry McPheeters and Dave Ainsworth for serving 5 years, Jerry McPheeters for being selected as Employee of the Quarter, and Shane Stueckle for serving 20 years.

**17. Mayor Rowe**

Echo congratulations to Jerry McPheeters, David Ainsworth and Shane Stueckle

Commented that Spring cleanup day was a very successful event.



**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, May 1, 2012, 6:00 p.m.

**CLOSED SESSION**

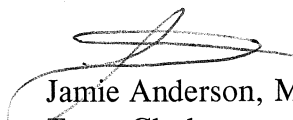
18. **CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**  
(Subdivision (a) of Section 54956.9)  
*Lovell v. Town of Yucca Valley, Case No. CIVMS 1200185*
  
19. **CONFERENCE WITH LEGAL COUNSEL---ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case.

Mayor Rowe adjourned to Closed Session at 7:41 p.m., reconvened at 7:54 p.m., and announced there was no reportable action taken. There were no members of the public present.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 7:54 p.m.

Respectfully submitted,

  
Jamie Anderson, MMC  
Town Clerk