

**TOWN OF YUCCA VALLEY
REGULAR AND SPECIAL TOWN COUNCIL MEETING MINUTES
NOVEMBER 6, 2012**

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:04 p.m.

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

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Boswell, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Mayor Rowe

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Introduce Sharon Cisneros, Senior Accountant.

Town Manager Nuaimi introduced Sharon Cisneros, Senior Accountant.

APPROVAL OF AGENDA

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

CONSENT AGENDA

2. Approve, Minutes of the Town Council Meeting of October 30, 2012, as presented.

3. Waive, further reading of all ordinances and read by title only.

Council Member Huntington requested to pull Item No. 4, Black Lava Butte Wind Project, Resolution.

Council Member Huntington moved to adopt Consent Agenda Items 2 and 3. Council Member Lombardo seconded. Motion carried 4-0 on a roll call vote.

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

4. Black Lava Butte Wind Project, Resolution of Opposition

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, OPPOSING THE CONSTRUCTION OF THE BLACK LAVA BUTTE WIND PROJECT

Deputy Town Manager Stueckle gave the staff report advising that the Bureau of Land Management (BLM) authorized the installation of four meteorological test towers in unincorporated County areas near Yucca Valley. Local coalitions formed to oppose the development of wind energy generation towers in the noted locations for a number of factors, including but not limited to, potential impacts on cultural and historic resources, view sheds, and impacts to biological resources. Prior Town Council action resulted in the adoption of Resolution No. 07-19, opposing the Green Path North project.

April Sall, Pioneertown, advised the application for this project came with the Green Path North application from Los Angeles Department of Water and Power (DWP). DWP withdrew their project application, however this portion was not withdrawn and sat stagnant until a new company came by and bought it. It could bring back Green Path North and would have detrimental effects on the environment. She encouraged the Council to adopt the resolution.

Claudia Sall, Pioneertown, spoke in opposition to the project and requested Council's support in opposing it.

Council Member Huntington commented this is obviously the re-spawning of Green Path North, which Council adamantly opposed in 2007.

Council Member Lombardo commented that, although he is in favor of wind energy, this is not the appropriate place for such a project.

Council Member Abel commented regarding the importance of the view shed, and the need to let our voices be heard.

Mayor Rowe thanked the Salls for their efforts.

Council Member Huntington moved to adopt Resolution No. 12-43, opposing construction of the Black Lava Butte Wind Project. Council Member Lombardo

seconded. Motion carried 4-0.

DEPARTMENT REPORTS

4a. Acceptance of Cyla Wells' Bequest

Town Manager Nuaimi advised in April, 2012, Town staff received notification that the Hi Desert Humane Center had been named as a beneficiary in the last will and testament of Ms. Cyla Wells, a deceased Yucca Valley resident. Ms. Wells had been a supporter of the Humane Center, the agency that carried out the animal adoption functions when the Town's local animal shelter was privately owned and operated as Hi Dez Kennels. Staff investigated the matter to determine whether the Yucca Valley Animal Shelter could be the rightful recipient of the bequest based on its presence in the same physical location, its role as the functional successor to Hi Dez Kennels, and its continuation of the animal adoptions previously handled by the Humane Center. Following review of the records, the Town Attorney's office petitioned the court to find the Town of Yucca Valley as the rightful successor to the Hi Desert Humane Center and entitled to the share of Ms. Wells' estate. The funds have been placed in a holding account pending Council acceptance and direction.

Town Manager Nuaimi thanked Animal Care & Control Manager Crider for her efforts in demonstrating that the Town was the rightful owner of the kennel.

Council Member Lombardo expressed his appreciation that one of our citizens would do this for the kennels.

Council Member Abel commented the Council wants to honor Ms. Wells by using the funding wisely

Council Member Abel moved to accept the bequest from the Cyla Wells estate; direct staff to provide the necessary accounting procedures to ensure that the funds are used to benefit the Yucca Valley Animal Shelter, in accordance with the restrictions placed on the use of funds by the benefactor; and direct staff to bring back a recommended expenditure plan that would be consistent with the restrictions placed on use of the funds. Council Member Huntington seconded. Motion carried 4-0.

5. Replacement Animal Shelter, ACJPA Project No. 1, Approve Bid Process, Contract Award, Town Construction Management/Specialized Inspections.

Town Manager Nuaimi gave the background of the project. R. C. Construction was the original apparent low bidder but pulled their bid within the prescribed amount of time due to a clerical error. Last time the item was before the Council it was presented that the worst-case total cost would be \$4,168,219, however, the bid came in under \$2.8 million

which brings the total project cost down to \$3.75 million. The original JPA agreement with the County was to construct a \$3.5 million facility with the Town and County splitting the cost 50/50. The Town and County were to contribute \$437,500 annually for four consecutive years to fund the obligation. We are now bringing forward the 2nd Amendment to the JPA whereby the JPA constructs the facility and dissolves after it is complete. The Town will operate the facility and continue to provide Shelter Services to the County. The Town has deposited \$437,500 with the JPA and has made additional contributions towards the project. The County will provide the balance of funding to complete the construction, and when complete the County and Town will co-own the facility. The County/Town initial shares based upon contributions will be 79%/21%. The Town will acquire ownership up to 50% over the next 20 years through an annual Operational Services Credit.

Council Member Huntington advised that he and Council Member Lombardo went through this issue at the JPA meeting and reviewed all the items. He added it is understood that the proposed \$60,000 from the Cyla Wells bequest will be in the contingency fund so if it is not needed it will be put back into the fund.

Council Member Lombardo commented this opportunity is going to help deliver a much needed facility through an incredibly good deal for the Town.

Council Member Abel questioned if the JPA had a discussion regarding including the startup costs, and if not, questioned if we are going in the wrong direction. Town Manager Nuaimi advised that all recommended actions were brought to the JPA as well as asking them to approve using the unused contingency toward startup costs. Council Member Abel commented he is also pleased to see the County is partnering with us on what to do with the current shelter facility in the future. Town Manager Nuaimi advised those costs will be built into capital expenses of future budgets. Council Member Abel questioned when it is anticipated the new shelter will be ready for use. Town Manager Nuaimi stated if construction is completed by next October, conservatively they will be occupying the shelter in the beginning of 2014. Council Member Abel questioned if the Town Engineer will be overseeing the project. Town Manager Nuaimi advised he will.

Mayor Rowe commented it has taken a long time, and is good to see the project go forward. She noted her concern was the earlier amount and is happy to see the bids come in under cost. Recommendation No. 2 is her only concern, and she would love to see the project remain at that original \$3.5 million, and the contingency remain unused. She added the facility will be a fantastic addition to our community.

Council Member Lombardo moved to review and approve the JPA's competitive bid process for the construction of the Animal Shelter, including, but not limited to the proposed consent to withdrawal of bid by R.C. Construction Services, Inc., based upon the following findings: A) R.C. Construction Services, Inc., made a clerical mistake

establishing an incorrect bid amount for Metal Buildings; B) R.C. Construction Services, Inc. gave the ACJPA written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, and specified in the letter in detail how the clerical mistake occurred by failure to include an additional \$400,000 in metal building costs; C) The clerical mistake made by R.C. Construction Services, Inc., is materially different than R.C. Construction Services, Inc. intended by the failure to include \$400,000 in Metal Buildings costs that were not included in the bid item due to the clerical mistake; and D) The clerical mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans and specifications. Council Member Abel seconded. Motion carried 4-0.

Council Member Abel moved to approve the Second Amendment to the ACJPA Agreement that increases the total project cost called out in the ACJPA Agreement from \$3.5 to \$3.75 million. Council Member Lombardo seconded. Motion carried 3-1 with Mayor Rowe voting no.

Council Member Lombardo moved to approve Second Amendment to the ACJPA Agreement that defines: Attachment A - Proposed Work Plan; Attachment B – Joint Funded Animal Shelter Project; Attachment C – Operational Agreement; and Attachment D – Joint Ownership agreement. Council Member Huntington seconded. Motion carried 4-0.

Council Member Abel moved to approve the JPA’s proposed award of the “Base Bid” construction contract to Facility Builders and Erectors, Inc., in the amount of \$2,849,400.00, and the “Bid Alternate B” construction contract in the amount of \$31,800.00; approve the JPA’s proposed authorization of a Construction Contingency in the amount of \$391,294 (14% of construction costs); and accept Town staff’s proposal for Construction Management and Specialized Inspection Services. Council Member Huntington seconded. Motion carried 4-0.

Council Member Abel moved to approve the JPA’s proposal that unused Construction Contingency be budgeted against one-time start-up costs for the replacement animal shelter. Such expenditure will be brought to the JPA Board for prior approval. Council Member Lombardo seconded. Motion carried 4-0.

Council Member Huntington pointed out if the contingency is used, the startup costs will come out of the shelter operating budget.

Council Member Abel moved to approve the Co-Ownership Agreement in form as presented in the JPA Second Amendment (Attachment D); Authorize the Town Manager and Town Attorney to make non-substantive modifications to finalize such agreement and its Exhibits to final form; and authorize the Mayor to execute the final agreement on behalf of the Town. Council Member Lombardo seconded. Motion carried 4-0.

Council Member Lombardo moved to approve the Fifth Amendment to Contract (No. 08-1152) between the County of San Bernardino and the Town of Yucca Valley for providing Animal Shelter Services for FY 2013/14. Council Member Abel seconded. Motion carried 4-0.

FUTURE AGENDA ITEMS

Mayor Rowe requested consideration of the Council’s current invocation policy be brought forward for review in light of the recent controversy surrounding religious references at the High School. Council agreed.

PUBLIC COMMENT

Chad Purtell, Yucca Valley, commented regarding the speeding problem around the curve on Palo Alto onto Murray lane.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow welcomed Senior Accountant Cisneros.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

6. Council Member Huntington

Welcomed Senior Accountant Cisneros.

Wished the Candidates on the dais and in the audience best of luck in the election.

7. Council Member Lombardo

Welcome Senior Accountant Cisneros to the Yucca Valley family.

Wished his fellow candidates on the ballot well.

8. Mayor Pro Tem Abel

Welcomed Senior Accountant Cisneros stating he is thrilled to have her on staff.

Questioned the best way for people to express their concerns to Town Hall. Town Manager Nuaimi recommended the “Ask Yucca” page on the Town’s website, or call Town Hall directly.

Commented he is excited about the election tonight, noting it is wonderful that our

citizens get the opportunity to vote and let their voices be heard.

Commented the Town has a fantastic staff, and he is thrilled about how the animal shelter is coming along.

9. Mayor Rowe

Welcomed Senior Accountant Cisneros,

Congratulated Animal Care & Control Manager Crider on the shelter project moving forward.

Wished all the candidates good luck.

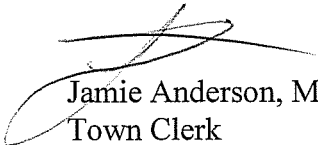
ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, November 20, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:51 p.m.

Respectfully submitted,


Jamie Anderson, MMC
Town Clerk