

**TOWN OF YUCCA VALLEY  
SPECIAL TOWN COUNCIL MEETING MINUTES  
JULY 23, 2013**

**OPENING CEREMONIES**

Mayor Pro Tem Lombardo called the meeting to order at 6:45 p.m.

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

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Police Lieutenant Toms, and Deputy Town Clerk Copeland

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. **Approve**, the minutes of the budget workshop of May 16, 2013, the special Town Council meeting of May 16, 2013, and the Special Town Council Meeting of May 28, 2013
2. **Waive**, further reading of all ordinances and read by title only.
3. Item Pulled

Mayor Pro Tem Lombardo moved to approve items 1 and 2 of the consent agenda. Council member Huntington seconded. Motion carried 5-0 on a voice vote.

**Item 3- Public Facility Development Impact Fees, Ordinance No. 173, Section 3.40.050, Resolution No. 05-59, Credit for Improvements Provided By Developers**

Deputy Town Manager Stueckle presented the staff report explaining the credit to development impact fees for qualifying facilities and improvements construction as a part of a development project through Town Ordinance No. 173. Resolution No. 05-59 authorizes the Town Manager to enter into agreements related to impact fees, subject to Town Council ratification. The Super Wal-Mart project resulted in the construction of public improvements. Because of these public improvements, a fee credit of \$580,777 is being requested.

Margo Sturges, Yucca Valley spoke in opposition of the fee credits

Ron Cohen, Yucca Valley questioned items pertaining to the Wal-Mart EIR.

Mayor Abel commented of the benefits of development impact fees.

Mayor Pro Tem Lombardo spoke of the benefits of past Town Council decisions on imposing development impact fees.

Council Member Huntington commented on fee credits, indicating that construction cost for Wal-Mart to complete improvements is considerably less than Town costs to complete.

Council Member Leone expressed he doesn't see the need for traffic signals on Yucca Trail.

Council Member Huntington moved to authorize the Town Manager to enter into an agreement with Wal-Mart for implementation of Section 3.40.050 of Ordinance No. 173, Credit For Improvements Provided by Developers. Mayor Pro Tem Lombardo seconded. Motion carried 4-1 on a voice vote with Council Member Leone in opposition.

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

**DEPARTMENT REPORTS**

**4. SR62 Median & Sidewalk Improvements Project – Town Project No. 8327, Award of Construction Contract, C.S. Legacy Construction, Inc. Chino, CA**

Deputy Town Manager Stueckle introduced the staff report, explaining the award of bid is for Town Project 8327 known as the Transportation Congestion Relief Program (TCRP) and involves the construction of raised medians on SR 62 between Kickapoo Trail and Elk Trail, and from Cherokee Trail to Apache Trail. The project also includes curb, gutter, ADA complaint ramps, and sidewalk improvements from Palm Avenue to Dumosa Avenue.

Deputy Town Manager Stueckle continued to present information on the bidding process for the project. On April 30, 2013, the Town Council authorized construction bidding. The project was advertised for sealed bids beginning May 25, 2013. The bid period was originally scheduled to close on June 27, 2013, but due to a low number of plan holders, the bid period was extended to July 11, 2013. One bid was received for the project. The bidder, CS Legacy, Inc. brought in a base bid of \$2,045,547.00 with an additional alternative 1 bid at \$115,600, for a total of \$2,161,147. The bid by CS Legacy appears to be a good value bid and is below the construction budget of \$2,612,886.00.

Deputy Town Manager Stueckle explained that five (5) firms purchased design plans. Three (3) of the plan holders declined to bid because of work commitments elsewhere during the required project timeline. One (1) potential bidder missed the bid closure time. Stueckle gave rationale for the recommendation of awarding the contract with only one bid, including funding (SLPP) deadlines; the received bid is below the engineer's estimate; awarding at this time allows for

phasing of activity along SR62 (TCRP, PLHD, Senior Housing)

Margo Sturges, Yucca Valley, spoke in opposition of awarding the bid.

Ron Cohen, Yucca Valley, spoke in opposition of awarding the bid.

Fritz Koenig, Yucca Valley, spoke in opposition of awarding the bid.

Bill Neeb, Indio, spoke in favor of awarding the bid.

Mayor Abel commented on the contractor's work load.

Council Member Leone spoke of concern with the contractor's current work commitments.

Council Member Rowe asked for clarification of the bidding process and noted favorably that the bid received is below the engineer's estimate.

Council Member Huntington commented on the contractor's resume and qualifications.

Town Manager Nuaimi confirmed that funding is secure and in place for this program and noted that the contractor's qualifications are reviewed and bonds are in place.

Council Member Rowe moved to award the construction contract to C.S. Legacy Construction, Inc. in the amount of \$2,161,147.00 and authorizes a construction contingency in the amount of \$215,853.00 for a total contract amount of \$2,377,000.00 authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorize the Town Manager to expend the contingency funds, if necessary, to complete the project. Mayor Pro Tem Lombardo seconded. Motion carried 4-1 on a roll call vote with Council Member Leone in opposition.

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

**FUTURE AGENDA ITEMS**

Mayor Abel requested to include an update of the Questar Southern Trails Pipeline Oil Conversion Project on a future agenda. Council Members Rowe, Huntington, and Mayor Pro Tem Lombardo concurred.

**PUBLIC COMMENT**

Charles McHenry, Yucca Valley thanked the Town Council for the opportunity to assist with the Development Code update.

## YUCCA VALLEY TOWN COUNCIL MINUTES

July 23, 2013

Margo Sturges, Yucca Valley spoke of concern on the timing of the playground construction at the Yucca Valley Community Center.

Scot McKone, Yucca Valley commented on the potential recall and of summer activities offered by the Town of Yucca Valley.

Cary Harwin, Yucca Valley commented on the potential recall.

### MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

5. **Council Member Leone** commented on the division the community is currently experiencing.
6. **Council Member Rowe** thanked the Public Works crew for the recent storm clean up and spoke in support for Mayor Pro Tem Lombardo and Council Member Huntington.
7. **Council Member Huntington** thanked staff for the solid waste update heard this evening and the diligence in moving the TCRP program forward for our community
8. **Mayor Pro Tem Lombardo** thanked staff for bringing the long-awaited highway sidewalks to fruition.
9. **Mayor Abel** expressed support for his fellow council members and their families and commented on the difficult decisions the Council is required to make.

### ANNOUNCEMENTS

Next Town Council Meeting, 6:00 p.m. Tuesday, August 6, 2013, Yucca Valley Community Center, Yucca Room

### ADJOURNMENT

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

Respectfully submitted,

Lesley Copeland, CMC  
Deputy Town Clerk