

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – February 12, 2008**

CLOSED SESSION

1. Closed Session

Mayor Jasper announced that Closed Session would be moved to the end of the agenda.

OPENING CEREMONIES

CALL TO ORDER:

Mayor Jasper called to order the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper.

Absent/Excused: None.

Mayor Jasper announced that there was a need to add an item to the agenda that came to the attention of the Town after the agenda was posted.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, that based upon finding a need to consider immediate action which came to the attention of the Town after the agenda was posted, Move to add an item under Presentations – Supervisor Brad Mitzelfelt.

OPENING CEREMONIES

PLEDGE OF ALLEGIANCE:

Summit Leadership Academy - Color Guard Students

Ashley Evans

Brittany Vobecky

Matthew Lerma

Ali Haddock

Lance Scherer

SPECIAL ANNOUNCEMENTS: None.

PRESENTATIONS:

Brad Mitzelfelt, First District Supervisor, San Bernardino County, welcomed Mayor Pro Tem Sagona back to the Council.

Supervisor Mitzelfelt commented on upcoming projects within the high desert and the desert continuing to compete for Proposition 1B funds. He stated that he would like to coordinate with the high desert regarding transportation in the Victor Valley.

Supervisor Mitzelfelt presented a check to the Town of Apple Valley in the amount of \$75,000 for marketing efforts.

Employee of the Quarter – Jamie Korby, Code Enforcement Technician

PUBLIC COMMENTS

Richard Rorex, Apple Valley, commented on the economic growth in Apple Valley. He recommended that we receive a list from the community on their desires for development and submit the list to developers.

Sandy Campbell, Apple Valley, expressed concern regarding a violation she received from Code Enforcement. She also expressed concern regarding neighbors in her community that have excessive trash and debris surrounding their home.

Doug Shumway, Apple Valley Chamber of Commerce, presented Mayor Pro Tem Sagona with a welcome back card from the Chamber of Commerce. He also announced that the next Chamber Meeting would be held on Friday, February with Mr. Bob Steel as the speaker.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Boards, Committees and Commissions

Mayor Pro Tem Sagona congratulated the Mayor on his appointment as Mayor. He thanked the community for their prayers and warm wishes. He commented on an issue that was brought up at the last meeting regarding the \$2.00 surcharge fee on the Department of Motor Vehicles license renewal to be used for new buses. He stated that this item would be discussed later on the agenda.

Councilman Roelle commented on the San Bernardino Associated Governments (SANBAG) Meeting and the discussion that was held and voted on regarding Victorville being paid back funds for the Nisqually Interchange. He stated that he believed Victorville would move forward with this project in June/July.

Councilman Allan thanked Councilman Roelle for his hard work at the SANBAG Meeting and working to support the high desert. He also stated that he visited the San Bernardino County Museum which will open its new exhibit hall soon. He encouraged everyone to visit the museum.

Councilman Nassif commented on the SANBAG issue and thanked Councilman Roelle for his hard work as Chair and accomplishing this goal. He also spoke of the League of California Cities, Mountain Desert Division Meeting which is focusing on off-road vehicle/public safety emergency services.

Councilman Nassif also commented on the wind generators proposed for Apple Valley for alternative energy. He expressed concern about what it will do to our environment and the size of the proposed wind generators.

Councilman Nassif, with the consensus of the Town Council recommended this item be agendized for a future discussion on March 11, 2008. The Council recommended that the county be present at the meeting to answer any questions.

Mayor Jasper commented on his trip to Washington DC with the Town Manager. He stated that they met with staff from the offices of Senator Feinstein, Senator Boxers, Congressman Lewis and Congressman McKeon. He stated that during the meetings they requested funding for transportation. He stated that during the Conference of Mayors the major issue discussed was the housing issue and foreclosures. He noted that the problem of foreclosures was being felt throughout the region.

Mayor Jasper also stated that at the last Southern California Associated Governments meeting, the board asked the author of AB375 to give a presentation on this issue at a future meeting.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Sagona, with the consensus of the Town Council, requested a future agenda item be prepared regarding guidance to the Planning Commission Members on findings for projects. He recommended that future reports to the Planning Commission include both positive and negative findings, and both pros and cons to all projects.

Mayor Pro Tem Sagona also recommended, with the consensus of the Town Council, to discuss Kiowa Road as a truck stop on a future agenda.

Time, Date & Place for Next Town Council Regular or Special Meeting:

- A. Special Meeting (Workshop) Friday, February 15, 2008, 8:00 a.m., Yucca Loma Fire Station, Apple Valley**
- B. Regular Meeting – Tuesday, February 26, 2008, 6:30 p.m. – Council Chambers**

CONSENT AGENDA

Paul Hood, Apple Valley, expressed concern regarding Agenda Item Number 6. He stated that there were some typographical errors in the ordinance that should be corrected.

Discussion ensued regarding the non-substantive changes to be made to the Ordinance and whether or not this item should be pulled from the agenda for approval at a future meeting. It was the consensus of the Town Council to approve the item as amended.

Brad Miller, Town Engineer, explained that there appeared to be confusion amongst the bidders regarding how the low bidder for the project would be identified. He stated that staff believes they could improve the clarity of the documents and recommended that the Town Council reject all bids and re-advertise.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, as amended.

Vote: Motion carried 5-0-0-0.

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

2. Approval of Minutes of the Town Council

A. Special Meeting – January 3, 2008

B. Regular Meeting – January 8, 2008

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Reginald Rene Wright

Recommendation:

Reject the claim of Reginald Rene Wright.

4. Claimant – George Karkaletsis and Yolanda Alkwass DBA Skyline Villa

Recommendation:

Reject the claim of George Karkaletsis and Yolanda Alkwass DBA Skyline Villa.

6. Adopt Ordinance No. 375 “An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Amending Section 12.20.020 Of Chapter 12.20., Entitled “Special Speed Limits” Of Title 12 Of The Town Of Apple Valley Municipal Code” (Speed Limit On Riverside Drive Between Sahale Lane And Branding Iron Road; Speed Limit On Ottawa Road Between Kiowa Road And Navajo Road; Speed Limit On Del Oro Road Between Apple Valley Road And Deep Creek Road)

Recommendation:

Adopt Ordinance No. 375.

7. Review And Approve Construction Plans For The Traffic Signal At Navajo Road And Powhatan Road, And Authorize Staff To Proceed With Advertisement For This Project.

Recommendation:

Review and approve construction plans for the Navajo Road and Powhatan Road Traffic Signal Improvements, and direct staff to proceed with advertisement for this project.

8. Review And Approve Construction Specifications For The Rincon Road And Rancherias Road Reconstruction Project, And Authorize Staff To Proceed With Advertisement For This Project.

Recommendation

Review and approve specifications for the Rincon Road and Rancherias Road Reconstruction Project and direct staff to proceed with advertisement for this project.

9. Release of Securities for Parcel Map 16601

Recommendation:

Find that the construction of various improvements required for Parcel Map 16601 are complete, and approve the 50% reduction of the performance securities.

10. **Treasurer's Report – Month of October 2007**
Recommendation:
Receive and file.
11. **Treasurer's Report – Month of November 2007**
Recommendation:
Receive and file.
12. **Acceptance of Work, Notice of Completion and Release of Retention for Civic Center Park Landscape and Irrigation, Project Number 2007-02**
Recommendation:
 1. Accept the work for the construction of the Civic Center Park Landscape and Irrigation Project No 2007-02 for a total cost of \$816,382.80.
 2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.
 3. Direct the Finance Director to release retained funds 30 days after the filing of the Notice of Completion, provided no claims are filed against the contractor.
13. **Approve Disposal of Inoperable Office and Computer Equipment**
Recommendation:
Approve disposal of inoperable office and computer equipment.
14. **Authorize The Execution Of The Software Agreement For The Purchase, Installation, Data Conversion And Training Between Tyler Technologies And The Town Of Apple Valley.**
Recommendation:
Approve the software agreement for the purchase, installation, data conversion and training, between Tyler Technologies and the Town of Apple Valley in the amount of \$307,639. The software agreement is subject to approval as to form by the Town Attorney and approval as to content by the Town Manager.
15. **Award Contract for the Dakota Road and Altadena Street Improvement Project 2008-01.**
Recommendation:
Reject all Bids
16. **Adopt Ordinance No 373 - A Request To Terminate Development Agreement (DA) No. 2004-001 Between The Town Of Apple Valley And New Century/Summers, LLC, Establishing The Standards, Criteria And Time Frame For Development Of The Project Area Located On The Southwest Corner Of Jess Ranch Parkway And Bear Valley Road Within The Jess Ranch Planned Unit Development (PUD) And The Town Of Apple Valley.**
Recommendation:
Adopt Ordinance No. 373.
17. **Re-Entry Facility for North Apple Valley**
Recommendation:
That the Town Council ratify the attached letter.
18. **Formal Amendment to the Adopted Budget**
Recommendation:
Approve Budget Amendment Request and formally amend the FY 07-08 adopted budget.

19. Award Bid for Combination Sewer Cleaning Truck

Recommendation:

Award the low bid as indicated above to Municipal Maintenance Equipment and authorize the purchase of the Combination Sewer Cleaning Truck for an amount not to exceed \$234,356.25.

20. Dog Licensing – Amnesty Month

Recommendation:

1. Authorize an amnesty period for the month of March as described in the staff report.
2. Direct staff to increase enforcement of unlicensed dogs beginning April 1, 2008.

21. Spay Day 2008

Recommendation:

1. Authorize a free microchip with every cat adoption from February 13, 2008 through February 29, 2008.
2. Authorize a \$35 spay/neuter vouchers along with a microchip.
3. Authorize a reduced fee microchip of \$15 for all animals provided the owner brings in proof of a spay/neuter to the shelter from February 13, 2008 through February 29, 2008.

5. Adopt Ordinance No. 374 an Ordinance of The Town Council of The Town Of Apple Valley, California, Amending Chapter 12.36 of The Town of Apple Valley Municipal Code Relating to Truck Routes

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to adopt Ordinance No. 374.

Vote: Motion carried 4-0-1-0.

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Jasper. Abstain: Mayor Pro Tem Sagona.

PUBLIC HEARINGS

22. Resolution 2008-06, To Record Delinquent Utility Fees and Costs and Code Enforcement Fees against Real Property Located In the Town Of Apple Valley and Directing That Said Assessments Constitute a Lien Upon Said Properties

Mayor Jasper opened the public hearing at 8:06 a.m.

Bill Pattison, Finance Director, presented the staff report as filed with the Town Clerk.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 8:07 p.m.

MOTION

Motion by Councilman Nassif, seconded by Councilman Allan, to adopt Resolution No. 2008-06, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 5-0-0-0.

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

BUSINESS OF THE COUNCIL

BUSINESS OF THE COUNCIL

24. Request to Discuss AB 923-Motor Vehicle Registration Surcharge

Mayor Pro Tem Sagona presented the staff report as filed with the Town Clerk. He suggested that a ballot measure be placed on the ballot to allow citizens to vote on this issue; however, he stated that if the Council directs him to take this item back to the board he will do so.

Wilson So, Board of Trustees, Apple Valley School District, stated that the proposed increase is \$2.00 per vehicle. He commented on the cost to purchase new buses which are needed since the current inventory is over 20 years old. He stated that for safety reasons and the environment, the district needs new buses.

Richard Sauers, Board of Trustees, Apple Valley School District, echoed the statements made by Board Member So. He believed that this joint venture would be environmentally sound and would provide for student safety. He respectfully asked Mayor Pro Tem Sagona to re-agendize this item for discussion at the next Mojave Desert Air Quality Management District Meeting.

Mayor Pro Tem Sagona noted that the Town would like to work with the School District however possible, but he reminded them that this would be a tax.

Councilman Nassif spoke of taking a leadership role on this issue. He believed we should explore this item further due to the benefits it would provide.

Mayor Pro Tem Sagona stated that he would look at the feasibility of putting this on a ballot measure. He stated that he would also place it on the MDAQMD board agenda for further discussion.

Councilman Roelle stated that he would agree to the \$2.00 fee. He recommended that Councilman Nassif and Mayor Pro Tem Sagona meet with Supervisor Mitzelfelt on this issue.

Mayor Jasper recommended that the item be re-agendized for discussion at MDAQMD and that they seek the support of other Council's on this issue.

It was the consensus of the Town Council to select Mayor Pro Tem Sagona and Councilman Nassif to meet with Supervisor Mitzelfelt on this issue.

PUBLIC HEARINGS

23. Appeal No. 2007-003, An Appeal Of The Planning Commission's Denial Of Tentative Tract Map No. 18186, Which Is A Request To Subdivide Approximately Fourteen (14) Acres Into Thirteen (13) Lots, And One (1) Retention Basin, For Future Single-Family Residential Development Within The Estate Residential (R-E) Zoning District.

Mayor Jasper opened the public hearing at 8:31 p.m.

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Carl Coleman, representative of the applicant, distributed maps to the Town Council for a project that he has previously submitted. He spoke on the history of this project. He reviewed the maps with the Town Council and stated that he has prepared another map for review by the Planning Commission.

There being no requests to speak, Mayor Jasper closed the public hearing at 8:50 p.m.

Ms. Lamson stated that staff has not reviewed the last map prepared by Mr. Coleman.

Mr. Coleman agreed that this item should be forwarded back to the Planning Commission for review.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to forward this item back to the Planning Commission for further review.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

25. Presentation Regarding the Proposed Town Hall Expansion (Development Services Building).

Kenneth J. Henderson, Director of Economic and Community Development, presented the staff report as filed with the Town Clerk.

Betsy Daugherty, Daugherty & Daugherty, presented a PowerPoint presentation of the proposed Development Services Building. She reviewed their goals and showed renderings of the proposed project.

Mr. Henderson stated that the proposed building will house Economic and Community Development and Public Services. He also noted that the proposed square footage of the building is 25,804.

Paul Hood, Apple Valley, recommended using solar panels on the roof.

Ms. Daugherty explained that solar panels cannot be used on a tile roof.

This was a receive and file item only. There was no action taken on this item.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Jim Cox, Town Manager, commented on statements made by the public regarding business attraction. He explained that staff has been diligently working on business attraction and that contacts are confidential and cannot be discussed at public meetings. He also explained that staff cannot tell people what to build. He stated that citizens believe that we can tell what businesses can be built; however, that would be discrimination.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, to adjourn to Closed Session at 9:23 p.m., to discuss the following:

- A. Negotiations with Real Property Negotiator – Parcel Number: 3087-391-04 located at 13450 Nomwaket Road, Apple Valley; Negotiating Parties: Borges, Edward G and Jean C.; Town Negotiator(s)--Town Manager or Finance Director or Designee. Negotiations involve both price and terms.

Upon returning from Closed Session at 9:51 p.m., Mayor Jasper announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Mayor Pro Tem Jasper made a motion, seconded by Councilman Allan, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:52 p.m.

Town Clerk

Mayor