

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – July 22, 2008**

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

CLOSED SESSION

Mayor Jasper with the consensus of the Town Council recommended that Closed Session be discussed at the end of the meeting.

INVOCATION: The invocation was led by Dr. Eldoris Bonner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Sagona.

PRESENTATIONS:

Brad Miller, Town Engineer, briefed the Council and the public regarding the roadway improvements at Dale Evans and Bass Hill Road. He apologized for any inconvenience to the public.

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, asked that the Mayor reconsider his request not to have individuals clap during the Council Meetings.

John Hill, Apple Valley, stated that he would like to have a preserve for Joshua Trees.

William Furmage, Apple Valley, recommended a larger skatepark be built in Apple Valley that would allow accommodate both bicycles and skaters.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Mayor Pro Tem Sagona welcomed the new Town Manager to the first regular Town Council meeting.

Councilman Nassif also welcomed the new Town Manager and new Town Attorney to the meeting. He commented on his attendance at the Joint Powers Insurance Agency (JPIA) board meeting. He stated that claims are down within the JPIA.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Sagona reminded the Council that the Victor Valley Wastewater Reclamation Authority will be giving a presentation to the Town Council at the next regularly scheduled meeting on August 12, 2008.

**Time, Date & Place for Next Town Council Regular or Special Meeting:
B. Regular Meeting – Tuesday, August 12, 2008, 6:30 p.m. – Council Chambers**

CONSENT AGENDA

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 10, and 11, and that item 9 be pulled for discussion.

Vote: Motion carried 3-0-0-2

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

2. [Approval of Minutes of the Town Council](#)

A. [Regular Meeting – July 8, 2008](#)

B. [Special Meeting – July 14, 2008](#)

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. [Commercial Warrants Schedule](#)

Recommendation:

That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.

4. [Payroll Warrants Schedule](#)

Recommendation:

That the Town Council of the Town of Apple Valley receive, ratify, and file the payroll warrant schedule as presented.

5. [Resolution Approving the Levy and Collection of Assessments for Fiscal Year 2008-09 within the Apple Valley Village Property and Business Improvement District](#)

Recommendation

Adopt Resolution No. 2008-44, ordering the levy and collection of assessments within the Apple Valley Village Property and Business Improvement District for Fiscal Year (FY) 2008-09.

6. [Accept the Final Map for Tract Map No. 17278](#)
Recommendation:
1. Adopt Resolution No. 2008-41 (A Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1, L-26)
 2. Receive and approve the Engineer's Report as filed or as amended (Note: The Engineer's report has all ready been filed and is made a part of this agenda item for the Council's review and approval)
 3. Receive and approve the Landowner's consent
 4. Adopt Resolution No. 2008-47 (A Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-26 ordering improvements, and declaring the right to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).
 5. Move to approve the final map for Tract Map No. 17278.
7. [Release of Securities for Parcel Map No. 17684](#)
Recommendation:
Find that the construction of various improvements required for Parcel Map 17684 is complete, and approve the 50% reduction of the performance securities.
8. [Release of Securities for Parcel Map No. 17193](#)
Recommendation:
Find that the construction of various street improvements required for Parcel Map No. 17193 is complete, and approve the 50% reduction of the performance securities.
10. [Homeless Pet Month](#)
Recommendation:
1. Direct staff to lower cat adoptions from \$35.00 to \$20.00 for the August 8th & 29th events.
 2. Direct staff to lower dog adoptions from \$75.00 to \$60.00 for the August 8th & 29th events.
 3. Direct staff to lower pet micro-chipping from \$20.00 to \$15.00 for the August 8th & 29th events.
 4. Direct staff to extend Shelter hours by staying open until 9pm for the August 8th & 29th events.
11. [A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures of the Town of Apple Valley](#)
Recommendation:
Adopt Resolution No. 2008-38, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual.

PULLED FOR DISCUSSION

9. [Release of Securities for the Construction of Town Center Drive](#)

Robert Martinez, Apple Valley, stated that he met with several of the property owners who would like to have the contract rescinded. He stated that under the original contract, they are unable to pay the workers for the jobs that have been completed.

Gino Bastian, Architect, thought that the funds needed to be in escrow until the work is completed. He stated that the improvements are now complete and staff should pay the contractor.

Sue Thomas, American Security Bank, stated that they are ready to proceed but need the funds released.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. He explained how and why the agreement was crafted and the difficulty in paying the contractor based on the current agreement.

Discussion ensued regarding ways the agreement could be modified in order to be able to release the funds.

John Brown, Town Attorney, provided a solution to the concerns expressed by the property owners regarding the lack of funds available to pay the construction workers. He recommended that the Town Council take action to release up to 100% of the funding with a bond sufficient to guarantee the remaining work.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to authorize an amount not to exceed 100% conditioned upon the staff and the property owners arriving upon an acceptable amount for the bond in an amount sufficient to guarantee the remaining work.

Vote: Motion carried 3-0-0-2

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

PUBLIC HEARINGS

12. [A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Sewer Fees and Establishing an Operative date Therefor](#)

Bill Pattison, Town Attorney, presented the staff report as filed with the Town Clerk. He stated that the protest forms had been counted and that there was not a majority in opposition of this increase.

Mayor Jasper opened the public hearing at 7:12 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:15 p.m.

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, to:
Adopt Resolution 2008-42, revising the sewer user fees for the use of Town sewers.

Vote: Motion carried 3-0-0-2

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

13. [Resolution 2008-43, 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](#)

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

Mayor Jasper opened the public hearing at 7:18 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:19 p.m.

Gina Schwin-Whiteside, Director of Municipal Services, explained for the benefit of the Council and the public the code liens that were scheduled to be recorded. She explained how the properties are fined and the abatement process.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to adopt Resolution No. 2008-43, 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 3-0-0-2

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

14. [Lighting and Landscape Assessment District #1 - Engineer's Annual Report and Levy of Assessment For FY 2008-2009](#)

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

Mayor Jasper opened the public hearing at 7:25 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:26 p.m.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to adopt Resolution No. 2008-45, "A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2008-2009".

Vote: Motion carried 3-0-0-2

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

15. Lighting and Landscape Assessment District #1- L-9 Engineer's Annual Report and Levy of Assessment for FY 2008-2009

Mayor Jasper opened the public hearing at 7:28 p.m.

Due to a potential conflict of interest, Mayor Jasper recommended, with the consensus of the Town Council, that this item be continued to the meeting of August 12, 2008, when a full Council would be present to discuss this item.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, thanked the Town Council for the warm welcome. He stated that at the next Town Council meeting, he would make a presentation on his first 120 days.

Mr. Robinson thanked the Town Engineer and the Director of Economic and Community Development for their excellent work and quick response in resolving the issues with the road improvements on Highway 18 and Bass Hill Road. He also thanked Captain Bart Belknap and the Apple Valley Police Department for their hard work on the recent robbery incident that occurred in Apple Valley. He applauded the department for their dedication in bringing this issue to a quick closure. He commented on his 120 day plan.

Gina Schwin-Whiteside announced to the Town Council that the Town has received a Waste Management Grant

Mr. Robinson recognized Mr. Jim Cox for his work as Interim Town Manager for the Town of Apple Valley. He commented on the numerous projects that Mr. Cox has begun at the Town and stated that he has retained Mr. Jim Cox to remain on board to complete these projects. He thanked him for his willingness to continue serving the Town of Apple Valley.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session (Addendum Agenda)

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 7:40 p.m. to discuss the following:

- A. Conference with Legal Counsel - Anticipated Litigation. Based on existing facts and circumstances, the Town Council is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c) (two potential cases).

Upon returning from Closed Session at 8:30 p.m., Mayor Jasper announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:31 p.m.

Town Clerk

Mayor