

**TOWN OF APPLE VALLEY
TOWN COUNCIL –REGULAR MEETING
MINUTES – January 27, 2009**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Roelle 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; Councilwoman Coleman; Councilman Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, and unanimously carried, to discuss Closed Session at the end of the meeting.

OPENING CEREMONIES

- PRESENTATIONS:**
1. Military Banner Presentation – Kathie Martin, Public Information Officer
 2. Employee of the Quarter – Julie Gilmer, Event Coordinator
 3. Certificate of Appointment – Richard Rorex
 4. High Desert Report – Mr. Joseph Brady
 5. FY 07-08 Annual Audit Reports- Bill Pattison
 6. Marketing Plan of Golf Course
 7. Results of Citizen Survey – Kathie Martin, Public Information Officer

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Pat Orr, President, Apple Valley Chamber of Commerce, provided an update to the Town Council on the Business retention efforts of the Chamber.

PUBLIC COMMENTS

William Furmage, Apple Valley, questioned the status of the Bicycle Park. He believed the Town Council should build a bigger park for bicycle use.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman spoke of her attendance at various events and at the new Council Members Conference in Sacramento. She stated that the event was well attended and very informative. She also commented on discussions that took place at the Victor Valley Transit Authority meeting.

Councilman Sagona stated that the Victor Valley Waste Water Reclamation Authority (VWRA) is still working on possible bonding for needed improvements. He also noted that there were five new members added to the Mojave Water Air Quality Management District: San Bernardino County, Needles, Yucca Valley, Colton and Barstow.

Mayor Pro Tem Nassif thanked all those who gave presentations tonight at the Council Meeting. He believed that receiving this information was very informative for both the public and the Town Council. He also stated that he too attended the Mayor and Council Conference in Sacramento and also a Policy Committee.

Mayor Roelle stated that he met with the Mayors of Hesperia, Victorville and Adelanto regarding the Yucca Loma Bridge. He stated that a joint meeting would be held in the future to discuss this issue. He also commented on the possibility of the stimulus funds being given to San Bernardino Associated Governments (SANBAG). He also announced that he has been asked by Supervisor Brad Mitzelfelt to sit on the High Desert Corridor Committee.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Sagona requested a future item be placed on a Council agenda regarding the current fiscal situation of the Town of Apple Valley. He also recommended that discussion be held regarding the mission and goals of the Economic Development and Housing Department.

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

A. Regular Meeting – Tuesday, February 10, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Pat Hanson, Apple Valley, expressed concern regarding a lack of a bid process for Agenda Item 9, regarding the Professional Services Contract for Assistance in the Development of the Town of Apple Valley Sewer System Management Plan (SSMP).

Frank Robinson, Town Manager, explained the process for awarding service contracts per California Law.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 17.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent:

None.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – January 13, 2009**
Recommendation:
Approve the subject minutes as part of the consent agenda.

3. **Adopt Ordinance No. 393 - An Amendment To Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code, By Amending Various Sections Of Chapter 9.77 As They Relate To The Regulations For Wireless Telecommunication Tower And Antennas**
Recommendation:
Adopt Ordinance No. 393

4. **Treasurer's Report - Month of October 2008**
Recommendation:
Receive and File

5. **Ratify the Local Appointment List (Maddy Act) for the Town of Apple Valley Regular and Ongoing Boards, Commissions and Committees**
Recommendation:
That the Town Council Approve the Local Appointment List (Maddy Act) as Presented.

6. **Accept the Final Map for Parcel Map No. 18360**
Recommendation:
Move to accept the Final Map for Parcel Map No. 18360.

7. **Release of Securities for Tract Map No. 17093-1**
Recommendation:
Find that the construction of various improvements required for Tract 17093-1 is complete, and approve the 50% reduction of the performance securities.

8. **Award Contract for the Construction of the Apple Valley Municipal Services Animal Shelter**
Recommendation:
 1. Reject all bids for Bid Package 22. Overhead Coiling Doors and Bid Package 32 Kennels and Animal Shelters
 2. Award/Reject the bid(s) as indicated on attachments for each bidding category and authorize staff to contract with the contracting firms subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

9. **Award Professional Services Contract for Assistance in the Development of the Town of Apple Valley Sewer System Management Plan (SSMP)**
Recommendation:
Authorize award of a professional services contract to Charles Abbott Associates, Inc. (CAA), in an amount not to exceed \$80,500, for assistance in the development of the Town of Apple Valley Sewer System Management Plan, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

10. **Acceptance of Work, Notice of Completion and Release of Retention for Traffic Signal at Navajo Road and Powhatan Road, Project 2008-02**
Recommendation:
 1. Accept the work for the intersection improvements on Navajo Road at Powhatan Road for a total cost of \$163,622.75

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.
11. **Accept the Final Map for Parcel Map No. 18893**
Recommendation:
Move to accept the Final Map for Parcel Map No. 18893.
12. **Resolution 2009-03, A Resolution of the Town Council of the Town of Apple Valley ratifying the Policy for Selection of a Council Member to Serve as Mayor and Mayor Pro-Tempore**
Recommendation:
Adopt Resolution No. 2009-03, A Resolution of the Town Council of the Town of Apple Valley, Establishing a Policy for Selection of Mayor and Mayor Pro-Tempore

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

13. **Vacancy on the Parks and Recreation Commission**

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, and unanimously carried, to appoint Michael Hinkle to the Town of Apple Valley Parks and Recreation Commission.

14. **Selection of At-Large Member on the Historical Advisory Committee**

MOTION

Motion by Mayor Roelle, seconded by Councilman Allan, and unanimously carried, to accept the nomination of Fran Elgin as the At-Large Member to the Town of Apple Valley Historical Advisory Committee.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

15. **Discussion of Multi-Use Lifeline Trails in Industrial and Commercial Areas**

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

It was the consensus of the Town Council to direct the Equestrian Advisory Committee to review the proposed modifications to Figure C-6 with the direction to remove the Lifeline trails from the industrial areas of Town. Also, direct staff to include the EAC recommended Lifeline trail system as part of the General Plan Update.

TOWN MANAGER'S REPORT AND LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the proposed Economic Stimulus Bill. He stated that currently, it does not appear that individual cities will be funded. He informed the Council that the Town had requested approximately \$91.5 million in funding for projects including the Yucca Loma Bridge and various water projects including a subregional treatment facility.

Mr. Robinson also confirmed that the Town Council Visioning Workshop would be held on Thursday, February 26 from 2:00 p.m. to 8:00 p.m. and Friday, February 27 from 9:00 p.m. to 3:00 p.m. He also thanked Kathie Martin for her hard work on the citizen survey. He believed this information would be very useful in the visioning process.

La Vonda M-Pearson, Town Clerk, updated the Town Council on the upcoming elections for the Southern California Associated Governments (SCAG) Delegate seat.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn to Closed Session at 8:29 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Parcel Number: 441-33-01 located at the northwest corner of Dale Evans Parkway and Thunderbird, Apple Valley; Negotiating Parties: Quan and Pellissier; Town Negotiator(s)--Town Manager and Assistant Town Managers/Economic and Community Development/Municipal Operations and Contract Services or Designee. Negotiations involve both price and terms.
- B. Conference with Legal Counsel – Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley vs. High Desert Community Foundation Inc., San Bernardino Superior Court Case No. CIVSS 806940.
- C. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).

Upon returning from Closed Session at 9:36 p.m., Mayor Roelle announced the following:

Discussion was held regarding agenda item 1B regarding the water well on the golf course. He called for a motion, based on the discussion.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman to authorize staff to make emergency repairs of the water well on the golf course in an amount not-to-exceed \$70,000. Staff is authorized to solicit informal bids and make a selection based on the lowest responsible bid.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

ADJOURNMENT

Motion by Mayor Pro Tem Nassif seconded by Councilman Allan, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:38 p.m.

Town Clerk

Mayor