

**TOWN OF APPLE VALLEY
TOWN COUNCIL –REGULAR MEETING
MINUTES – February 24, 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

Mayor Roelle announced that staff is recommending that an additional closed session be added to our agenda because we need to give direction tonight on a matter of pending negotiations which arose subsequent to the posting of the agenda. That matter is as follows:

- D. 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.

MOTION:

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, that the need to give direction on a matter arose subsequent to the posting of the agenda. Move to add item 1D 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.

Vote: Motion carried 5-0-0-0

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

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

- INVOCATION:** The invocation was given by Dr. Eldoris Bonner, Faith Ministries
- PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilman Sagona
- PRESENTATIONS:** None.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Pat Orr, President, Apple Valley Chamber of Commerce, provided an update to the Town Council on Chamber activities and Plans for the community. He stated that Friday, March 6, 2009 they will host the Government Relations Committee Meeting, March 19, 2009 will be a joint Chamber Mixer at the Spring Valley Lake Country Club and March 26, 2009 will be the Annual Chamber Awards Dinner. He stated that all other events would be held at the Apple Valley Golf Course.

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, commented on an article he distributed which encourages bicycle riding within the community. He also commented on a program in the City of Hesperia which offers bicycles to be used by its employees.

Kate Manning, Apple Valley, thanked the Town Council for taking action on items listed within the agenda. She requested an update from the Town Council on the HOME funds.

Scott Mazzula, Desert Solar, commented on the amount of solar work that they have conducted in the high desert. He stated that AB 811 grants financing to homeowners for solar use.

Jeremy Monter, Desert Solar, also commented on AB 811 and the need to assist homeowners to qualify for financing for solar energy. The Council recommended that he meet with the Town Manager to discuss this issue.

William Furmage, Apple Valley, commented on the proposed bicycle park.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan believed that it would be beneficial for the Town and its residents to offer solar energy to the community.

Councilman Sagona commented on his attendance at the Victor Valley Waste Water Reclamation Authority and the discussions that have been held regarding the future rate increase.

Councilman Sagona recommended that the Town Council agendaize at a future meeting the use of solar energy in the community.

Councilman Sagona also commented on his participation with the school board. He stated that he would like to agendaize resurrecting the Apple Valley Collaboration Group which included the Fire District, School Board and the Town Council.

Councilwoman Coleman commented on her attendance at the Statewide Education Address and the discussions that were held regarding the schools in San Bernardino County and its budget.

She also commented on her attendance at the Victor Valley Transit Authority (VVTA) and the discussions held regarding the mid-year budget review.

Mayor Pro Tem Nassif commented on the state budget. His also commented on his attendance at the Solid Waste Management Meeting and discussions on the feasibility and costs analysis study.

Mayor Pro Tem Nassif also commented on the proposed bike park and that there would be a presentation made by Town Staff in the near future.

Mayor Roelle commented on upcoming meetings of the Town Council. He also discussed the bonding of Measure I funding.

Mayor Roelle thanked Mayor Pro Tem Nassif on his hard work with the League of California Cities.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Sagona, with the consensus of the Town Council, requested an item be agendized for future discussion on solar energy.

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

- A. Special Meeting – Wednesday, February 25, 2009, 6:30 p.m. – Joint Town Council/Planning Workshop**
- B. Town Council Workshop – Thursday, February 26, 2:00 p.m. – Apple Valley Country Club**
- C. Town Council Workshop – Friday, February 27, 9:00 a.m. – Apple Valley Country Club**
- D. Regular Meeting – March 10, 2009, 6:30 p.m. – Council Chambers**

CONSENT AGENDA

Mayor Roelle announced that Mayor Pro Tem Nassif has disqualified himself from voting on item number 7, regarding the commercial warrants and has asked that the Town Clerk read his letter into the minutes regarding this action.

La Vonda M-Pearson, Town Clerk, read a letter from Mayor Pro Tem Nassif regarding his abstention from voting on this item. She stated that the minutes would reflect that Mayor Pro Tem Nassif did not cast a vote on Item Number 7.

Councilman Sagona recommended, with the consensus of the Town Council, that an official clerical cross reference be made to the Ordinances listed under Agenda Item Number 3, that would include the official court documents regarding the Ruling on Deep Creek/Mansion CEQA suit.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 14, respectfully.

Vote: Motion carried 5-0-0-0

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

Mayor Pro Tem Nassif did not cast a vote on Item Number 7. Item 7 carried 4-0-0-1.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – February 10, 2009**
Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Ordinances to set Aside and Repeal Approvals Related to the Mansion Project and the Associated Mitigated Negative Declaration**
Recommendation:
Adopt Ordinance Nos. 394 and 395.
4. **Award Contract For The Traffic Signal Modification At Apple Valley Road And Pimlico Road, Project Number 2009-01**
Recommendation:
Award a contract to High Light Electric for the Traffic Signal Modification at Apple Valley Road and Pimlico Road Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
5. **Review and Approve Construction Specifications for the Slurry Seal 2009 Project, and Authorize Staff to Proceed with Advertisement for this Project.**
Recommendation:
Review and approve specifications for the Slurry Seal 2009 Project and direct staff to proceed with the project.
6. **Treasurer's Report – Month of January 2009**
Recommendation:
Receive and file.
7. **Commercial Warrant Schedule**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.
8. **Payroll Warrants Schedule**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.
9. **Award Contract for the Construction of the Apple Valley Town Hall Annex and Civic Center**
Recommendation:
Award the bid(s) as indicated on attachments for each bidding category except bid packages #26, #28, #33 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.
10. **A Resolution of the Town Council of the Town of Apple Valley, San Bernardino County, California, Supporting Local Real Estate Services for the Victor Valley**

Recommendation:

Adopt Resolution Number 2009-06, a Resolution of the Town Council of the Town of Apple Valley, San Bernardino County, California, Supporting Local Real Estate Services for the Victor Valley.

11. **A Resolution of the Town Council of the Town of Apple Valley, California regarding the Receipt and Distribution Policy of Tickets and/or Passes in the Furtherance of the Town's Reasonably Defined Public Purposes**

Recommendation:

Adopt Resolution No. 2009-07, Regarding the Receipt and Distribution Policy of Tickets and/or Passes in the Furtherance of the Town's Reasonably Defined Public Purposes.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

12. **Council Member Representation of Alternate on the San Bernardino Associated Governments (SANBAG) Board**

Councilman Sagona presented the staff report as filed with the Town Clerk. He recommended that Councilwoman Coleman be nominated as the alternate member of SANBAG for approximately two months.

MOTION

Motion by Councilman Sagona, seconded by Councilman Allan to nominate Councilwoman Coleman as the alternate to SANBAG for approximately two months until April 24, 2009. after which time the position would revert back to Councilman Sagona.

Vote: Motion carried 5-0-0-0

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

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. **Request to Name a Ball Field at the James Woody Park**

Councilman Sagona presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Sagona, seconded by Mayor Pro Tem Nassif, and unanimously carried, to approve the recommendation of the Park and Recreation Commission to name Field 1 at James Woody Park "Don Ferrarese Field" and authorize staff to place appropriate signage as needed.

14. Foreclosed Property Update

Gina Schwin-Whiteside, Director of Municipal Services, presented the staff report as filed with the Town Clerk. She presented a power point presentation to the Town Council on this issue.

Councilman Sagona questioned whether or not staff believed the Town would be successful in working with the banks of this issue.

Ms. Schwin-Whiteside noted that some of the banks are willing to work with the Town on this issue.

MOTION

Motion by Mayor Roelle, seconded by Councilman Allan, and unanimously carried, to:

1. Direct staff to continue using existing codes to pursue property maintenance issues town-wide.
2. Direct staff to continue using the Administrative Citations process on Foreclosed bank-owned properties when available.
3. Direct staff to continue monitoring statewide legislation regarding foreclosed properties.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, invited the Town Council to participate in the League of California Cities Leadership Institute.

Mr. Robinson commented on the Equestrian Committee and their proposal for modifications to the life line trails. He commented that it is the consensus of the Advisory Committee to realign or relocate these trails. He also commented that this has been presented to the Planning Commission for further review.

Mr. Robinson complimented Linda Mayfield for her work on the Advisory Committee.

Brad Miller, Town Engineer, commented on concerns expressed by the public regarding a delay in signal changing at intersections. He stated that staff is working with Caltrans to relocate detectors in the roadway which will eliminate the delay in signal changing.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, updated the Town Council on the repair of the water well at the Apple Valley Country Club.

Mr. Robinson thanked Mr. Miller on his excellent presentation at the Apple Valley Chamber of Commerce presenting the Yucca Loma Bridge. He also commented on the need to resurrect the networking meetings of the City and Town Managers of the Desert Mountain Division.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

MOTION:

Motion by Councilman Allan, seconded by Councilman Sagona, and unanimously carried, to adjourn to Closed Session at 7:55 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Parcel Numbers: 0434-051-66 and 0434-051-67 located on the west side of Kiowa Road, and south of Bear Valley Road, on Sequoia Street in Apple Valley; Negotiating Parties: Housing Partners I, Incorporated; Town Negotiator (s)—Town Manager and Assistant Town Manager—Economic and Community Development, or Designee. Negotiations involve both price and terms.
- B. Negotiations with Real Property Negotiator – Parcel Nos. 14105, 14111, 14119, 14127, 14132, 14133, 14141, 14149, 14155, 14163, 14171, 14177, 14185, 14193, 14199 Jicarilla Road and 14100, 14104, 14108, 14112, 14116, 14120, 14124, 14138, 14144, 14146, 14150, 14158, 14162, 14164, 14170, 14176, 14182, 14186, 14190, 14194 Kiowa Road; Negotiating Parties: Housing Partners I, Incorporated; Federal Deposit Insurance Corporation (FDIC); Town Negotiator (s)—Town Manager and Assistant Town Manager—Economic and Community Development. Negotiations involve both price and terms.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- D. 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.

Upon returning from Closed Session, Mayor Roelle announced that there was reportable action on Item D. He stated that a motion was made by Councilman Allan, seconded by Mayor Pro Tem Nassif, to authorize the Town to accept the counter offer in the amount of \$570,000 and that the Town would pay all closing costs. He noted that the motion was approved on a 4-1 vote, with Councilman Sagona voting no.

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 8:53 p.m.

Town Clerk

Mayor