

**TOWN OF APPLE VALLEY
TOWN COUNCIL/REDEVELOPMENT AGENCY**

**REGULAR MEETING
MINUTES – May 12, 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:

Mayor Roelle announced that it has come to the attention of the Town that there is a need to take action on an item that arose after the posting of the agenda. Based on this information we need to add an Item Number 11 to the agenda, "Discussion and/or authorize repair of air conditioning unit for the Apple Valley Country Club".

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Sagona, that based on the need to take immediate action on an item that arose after the posting of the agenda, add Item Number 11 to the agenda, "Discussion and/or authorize repair of air conditioning unit for the Apple Valley Country Club.

Vote: Motion carried 5-0-0-0

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

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

INVOCATION: Chris Gillespie, Apple Valley Baptist Church

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman Sagona

PRESENTATIONS:

Jo Ana Tan – 2009 Millennium Scholar Recipient (Not present)
Jonathan Trejo – 2009 Millennium Scholar Recipient

SPECIAL ANNOUNCEMENTS: None

PUBLIC COMMENTS

Karen Hansford and Joel Renteria, students from Victor Valley College, informed the Council that as part of their class assignment, they would be observing the Town Council meeting. The students presented each Council member with a small gift of appreciation.

Pat Hanson, Apple Valley, respectfully requested the Town Council add the words "In God We Trust".

Chuck Hanson, Apple Valley, thanked those that attended the Annual Bike Ride in Apple Valley. He also asked the Town Council to consider placing "In God we Trust" in the Town Council Chambers.

Richard Simpson, Apple Valley, commented on the need to place restroom facilities in the parks. He also commented on various items on the agenda.

Larry Cusack, Apple Valley, thanked the Town Council and the community for their support during his bereavement after the passing of his wife.

Christina Estella, Apple Valley, expressed concern regarding her son's bike being impounded for riding in the park. She recommended that a place be built for bicyclist.

Paul Hood, Apple Valley, stated that at the last meeting he expressed concern regarding a road that he has since found out is not a Town dedicated road. He recommended that something be done to correct this problem.

Barbara Fortin, Apple Valley, commented on the swimming programs offered by the high schools in Apple Valley. She spoke of the awards won by the various schools and the need for the schools to continue using the Civic Center Pool for swim programs. She expressed concern regarding the school budget and the possibility of the swim programs moving to Victorville. She believed the pool in Victorville is not a sanctioned pool and therefore competitions cannot be held. She respectfully requested that the aquatics program remain in Apple Valley.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan stated that he presented a Proclamation at the National Day of Prayer event. He also stated that he and Mayor Pro Tem Nassif started the Relay for Life Walk and he commented on the amount of funding raised for the event. He stated that he attended the VVEDA Meeting and approved the Transfer of Treasure Function to the Town of Apple Valley.

Councilwoman Coleman stated that she attended the opening of the Cinemark Movie Theaters and spoke of the event. She also attended the SCAG meeting and stated that the board adopted the strategic plan. She stated that the process was similar to the Town's Vision program. She also commented on additional SCAG meetings she attended. She announced that she will be attending a VVEDA meeting and has invited Councilman Sagona to attend. Councilwoman Coleman also announced the Bike Park Committee will be meeting at James Woody Park on Wednesday.

Councilman Sagona stated that the MDAQMD Board made a trip to each of the licensees of those in the high desert. He stated that Mr. Logan Olds, VVWRA would be attending a meeting in the near future to update the Town Council on VVWRA. Councilman Sagona also announced the award received for Fiscal Management for the VVWRA and the significance of the award.

Mayor Pro Tem Nassif stated that he attended the bicycle ride and he also announced the bike park meeting tomorrow at the James Woody Center. He spoke of the successful Relay for Life event that was held at Civic Center Park. He also commented on the state of the State's Budget and the Special

Election that would be held on Tuesday, May 19, 2009. He stated that if the state takes 8% of the Town's property tax fund, it would equate to approximately \$822,000.

Mayor Roelle stated that he was disappointed that the School District chose to move to another location although the Town was willing to support the School District financially. He also stated he hopes that they will be able to return to use the Town pool in the future.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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

A. Special Meeting – Thursday, May 21, 2009, 4:00 p.m. – Council Chambers

B. Regular Meeting – Tuesday, May 26, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Mayor Roelle stated that on Item Number 4 regarding the Award Bid for the Civic Center Park Amphitheater Electrical Improvements, staff has provided an amended motion which reads as follows:

Award a contract to Performance Electric for the Civic Center Park Amphitheater Electrical Phase 1 Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

Councilman Sagona recommended that Agenda Item Number 6 be removed from the Consent Calendar for discussion.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, to approve and adopt consent calendar items numbered 2, 3, 4, 5 and 7, as amended, and that agenda item number 6 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

1. Approval of Minutes of the Town Council

A. Regular Meeting – April 28, 2009

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Martin Anthony Avila

Recommendation:

Reject the claim of Martin Anthony Avila

4. Award Bid for the Civic Center Park Amphitheater Electrical Improvements

Recommendation:

Award a contract to Performance Electric for the Civic Center Park Amphitheater Electrical Phase 1 Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

5. 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.

7. Dissolution of County Service Area Seventeen (CSA#17) and Assumption of Street Light Maintenance Responsibilities by the Town of Apple Valley

Recommendation:

That the Mayor and Town Council continue this item to the May 26, 2009 regular Town Council meeting.

PULLED FROM CONSENT CALENDAR

6. Authorize Purchase of Sewer Video Inspection Truck

Dennis Cron, Assistant Town Manager, Municipal Operation, presented the staff report as filed with the Town Clerk.

Mr. Cron stated that the approximate lifespan of this equipment is seven years.

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman to authorize the purchase of a Cues CCTV Sewer Inspection Truck from Plumber's Depot in the amount of \$139,231.54.

Vote: Motion carried 5-0-0-0

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

PUBLIC HEARINGS

8. Final Public Hearing – Consolidated Plan Third-Year Action Plan for the Community Development Block Grant (CDBG), the Home Investment Partnerships (HOME) Programs and the American Dream Down Payment Initiative (ADDI) Program FY 2009-2010

Councilman Allan stated that he had a potential conflict of interest on this item. He announced that he sat on the board of one of the proposed recipients of funding and therefore excused himself from discussion of this item.

COUNCILMAN ALLAN WAS EXCUSED FROM THE DAIS AT 7:25 P.M.

Mayor Roelle opened the public hearing at 7:26 p.m.

Emily Wong, Assistant Director of Economic and Community Development, presented the staff report as filed with the Town Clerk.

Larry Cusack, Chairman, CDBG Committee introduced the members of the CDBG Committee that were present. Mr. Cusack read a letter into the record from Committee Member Paul

Mammano which addressed the concerns expressed by the Committee regarding the inability to fund every organization who submitted a request.

Mr. Cusack commented on the funds that were available for distribution to the various organizations and thanked the Committee for their hard work.

Cassandra Black, Sexual Assault Services, provided an update to the Town Council on the services it provides to the high desert. She thanked the Town Council for their support.

April Stith, High Desert Homeless Services, thanked the Town Council for their support. She stated that their funding was reduced compared to prior years and respectfully requested additional funding be allocated to their organization.

Claire Burrus, Better Way Domestic Violence, commented on the reduction of funding that their organization currently receives due to cuts in federal funding She thanked the Town Council for their support.

There being no additional requests to speak, Mayor Roelle closed the public hearing at 7:39 p.m.

Ms. Wong informed the Town Council that an additional item would be brought back to the Town Council at the next meeting to reprogram funding for the 2008/09 program year. She explained that the funding could only be reprogrammed to projects that would provide a stimulus impact on the economy.

Mayor Roelle thanked the service agencies and the CDBG Committee for their work on this program.

MOTION

Mayor Pro Tem Nassif made a motion, seconded by Councilwoman Coleman, to approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2009/2010 CDBG and HOME programs as part of the Town's Third-Year Action Plan, which is an integral component of the Consolidated Plan, approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town for submission to HUD.

Vote: Motion carried 4-0-0-1

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

COUNCILMAN ALLAN RETURNED TO THE DAIS AT 7:42 P.M.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Apple Valley Housing Programs

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk. In addition to the staff report, Mr. Henderson provided a powerpoint presentation regarding the Housing Element.

Emily Wong, Assistant Director, Economic and Community Development, provided input to the Town Council on the other housing programs that provide funding for the community.

Dino Defazio, Apple Valley, expressed concern regarding the need for a home to be purchased at 15% below the appraised value in order to qualify for the Mortgage Assistance Program funding. He also commented on the housing element and the need to meet with state representatives to discuss rewriting the laws pertaining to the purchase of foreclosures.

Mr. Henderson explained the comments made by Mr. Defazio. He stated that he is in support of Mr. Defazio regarding the need to have discussions with state and federal representatives on this issue. He also stated the Town needs the support of legislation for the Town to receive credit on regional housing needs. Mr. Henderson further explained the housing element review and approval process.

Councilman Allan requested that this issue be agendized for a VVEDA TAC meeting. Mayor Pro Tem Nassif also suggested that it could be placed on a Mountain Desert Division Meeting.

Councilman Sagona recommended that this item be agendized for discussion on the procedures that we have for housing purchases to include the real estate industry. He recommended that the discussions include the restrictions and guidelines imposed upon the Town on how we acquire property per the Brown Act.

Discussion ensued regarding the need to agendize this item for a future meeting.

It was the consensus of the Town Council to agendize this item for a future meeting and to receive and file the attached report.

10. SB 295 (Dutton) – California Global Warming Solutions Act of 2006

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Nassif commented on the discussions that have taken place on this senate bill. He believes our community should take a stand and support this bill.

It was the consensus of the Town Council to draft a letter of support for SB295.

ADDED ITEM

11. Discuss and/or Authorize the Repair of the Air Conditioning Unit at the Apple Valley Country Club

Dennis Cron, Assistant Town Manager, Municipal Operations, presented the staff report as filed with the Town Clerk.

Mr. Cron said that he received an estimate of approximately \$70,000 to repair the cooling system. He recommended that the Town Council grant the Town Manager the authority to approve an amount not-to-exceed \$125,000 to repair the AC Unit.

John Brown, Town Attorney, stated that the building is still privately owned and therefore the bid process should be handled by the management company.

Frank Robinson, Town Manager, spoke on the need to correct this problem as soon as possible.

Mr. Cron stated that bids will be received for this project.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman to approve an amount not-to-exceed \$125,000 to repair the AC Unit at the Apple Valley Country Club.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that last week the Town of Apple Valley hosted the Desert Mountain Annual Meeting at the Apple Valley Country Club. He commented on the discussions held regarding the status of the state's economy and the impact of future water supplies on Economic Development. He also commented on the presentation made regarding how today's economy is affecting Cities and Towns with respect to their compensation packages. Mr. Robinson stated that the meeting was successful and thanked the Town staff for their help.

Dennis Cron, Assistant Town Manager, explained that the administrative law judge had determined that Golden State Water had not requested written testimony from the intervener. Mr. Cron stated additional information will be available at a later date. Mr. Cron also updated the Council on the new well at the Country Club.

Kathie Martin, Public Information Officer, commented on the success of the Thursday night Concert Series that are held in the Courtyard.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council 8:55 p.m.

Town Clerk

Mayor