

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

**REGULAR MEETING
MINUTES – February 9, 2010**

CLOSED SESSION

1. Closed Session

None

OPENING CEREMONIES

CALL TO ORDER:

Mayor Allan called to order the meeting of the Apple Valley Town Council at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Councilwoman Coleman; Boardmember/Councilman Nassif;
Boardmember/Councilman Roelle, Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent:
None.

INVOCATION: The invocation was led by Pastor Foy, United in Christ Baptist Church

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilman Nassif

PRESENTATIONS:

**Recognition Award - Deputy Cahow, Apple Valley Police Activities League
Employee of the Quarter – Jonathan Wood, Code Enforcement Officer
Village Merchants Property Business Improvement District Update – Chairman Larry Cusack**

SPECIAL ANNOUNCEMENTS:

Mayor Allan 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 item Number 17, Suspension of Golf Fees for School Programs, to the agenda.

MOTION

Motion by Mayor Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, that the need to take action on an item arose after the posting of the agenda. Move to add Item Number 17, Suspension of Golf Fees for School Programs.

PUBLIC COMMENTS

Pat Hanson, Apple Valley, spoke in support of placing the words, "In God we Trust", in the Council Chambers.

Chuck Hanson, Apple Valley, also spoke in support of placing the words, "In God we Trust", in the Council Chambers.

Linda Gibson, Apple Valley, expressed concern regarding the flooding that occurred in her home after the rain storm. She stated that her home has been destroyed and respectfully requested assistance from the Town Council.

Eugene Buchanan, Apple Valley, commented on various topics including the use of the golf course by high school students and the Mojave Preservation Act. He also commented on the efforts by the PBID members to remove the existing PBID Board Members.

Milton Holland, Apple Valley, expressed concern regarding the existing PBID Board Members. He commented on the arrest of he and his wife that took place and spoke of the allegations that were made.

Lester Milroy, Apple Valley, commented on National Tartent Day and provided a brief history of Scotland's Declaration of Independent. He announced he will be working with Kathie Martin on preparing a National Tartent Day celebration in the High Desert and respectfully requested the support of the Town Council.

Dan Lynch, Apple Valley, expressed concern regarding flooding in his home from the recent rains. He asked the Town Council for their assistance.

Dinah Shumway, Apple Valley, expressed concern regarding the Council's decision to reconsider the California Desert item. She commented on AB32 and recommended that the Council send a letter to the Governor of California refusing to implement AB32.

Christina Estella, Apple Valley, expressed concern regarding the need for the Town Council to move forward with a BMX Park for the youth.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Nassif asked for an update on the FEMA process.

Division Chief Art Bishop responded stating that a Local Disaster was declared on January 21, 2010. He commented on the recovery for reimbursement following a disaster and announced that a meeting is scheduled with FEMA to discuss the residential issues.

Division Chief Art Bishop briefly explained the process following a Presidential declaration of disaster.

Councilman Nassif also stated that there was a bike park sub-committee meeting held yesterday to discuss the design process and alternative funding sources. He stated that the Desert Mountain Division met last Friday and he spoke of the discussions that were held at the meeting.

Councilman Nassif commented on his attendance at the Desert Mountain Division League of Cities meeting where they authorized that a letter be sent to the California League asking to reorganize the Community Services Policy Committee to include tourism and recreational issues. Councilman Nassif recommended that a future item be placed on the Agenda for the Town Council to take a position on AB32.

Mayor Pro Tem Sagona provided the Council with a proposed resolution to postpone AB32 along with a letter from the Board of AQMD to the Governor of California and is requesting that an item be placed on a future Agenda for discussion on AB32.

Mayor Pro Tem Sagona commented on his attendance at the VVWRA Meeting and the discussions held regarding the JPA Amendment.

Councilwoman Coleman stated that she attended a SCAG Meeting. She commented on discussions that took place regarding alternative fuel.

Councilman Roelle commented on a conference call that he participated in regarding the Yucca Loma Bridge. He stated that the Town now has enough funding for its portion of the Yucca Loma Bridge.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Sagona requested an item be added to a future Agenda regarding AB32.

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

A. Regular Meeting – Tuesday, February 23, 2010, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Lester Milroy, Apple Valley, thanked the Town Council for moving forward with the wind turbine project.

Mayor Allan announced that due to a potential Conflict of Interest, Councilman Nassif would be abstaining from voting on Item Number 5.

MOTION:

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 and 11, respectfully.

Vote: Motion carried 5-0-0-0

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

Councilman Nassif abstained from voting on Item Number 5.

- 2. Approval of Minutes of the Town Council**
 - A. Regular Meeting – January 26, 2010**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. **Claimant – Alicia Godoy**
Recommendation:
Reject the claim of Alicia Godoy
4. **Treasurer’s Report – December**
Recommendation:
Receive and file.
5. **Commercial Warrants Schedule - December**
Recommendation:
Receive, ratify, and file the commercial schedule as presented.
6. **Payroll/Benefit Warrants Schedule - December**
Recommendation:
Receive, ratify, and file the payroll warrant schedule as presented.
7. **Adopt Ordinance No. 403, An Amendment To Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Section 9.78 “Wind Turbines” Of The Code As It Relates To Site Development Standards For All Wind Energy Conversion Systems Located Within The Town Of Apple Valley.**
Recommendation:
Adopt Ordinance No. 403.
8. **Authorize Execution of License for Use of Walmart Bus Stop**
Recommendation:
Authorize Mayor to execute the attached Transit Station License Agreement with Walmart for the bus stop and shelter located on its property at 20251 Highway 18, Apple Valley, California.
9. **Initiation of Development Code Amendment to Establish Storm Water Runoff Guidelines for new Development**
Recommendation:
Move to receive and file the report and to initiate the proposed Development Code Amendment.
10. **Change Order for Audio Visual Security Data and Phone Lines**
Recommendation:
Approve Change Order to RDM Electrical Contractors in an amount not to exceed \$141,368.09.
11. **A Professional Services Contract for the Preparation of the Park and Recreation Master Plan Update**
Recommendation:
 1. Award the professional services contract in the not to exceed amount of \$145,802.00 to MIG, Inc., for professional services for the preparation and development of the Parks and Recreation Master Plan Update subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
 2. These expenditures are currently unbudgeted and staff requests an additional appropriation be made to Account Code 2510-6820-8940.0000 with a transfer coming from the Quimby Fund. It should be noted that the Quimby Fund currently has only \$110,136 available. The balance of \$35,666 will come from future Quimby Fees.

PUBLIC HEARINGS

12. Adopt Resolution No. 2010-09 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

Kaye Reynolds, Finance Manager, presented the staff report as filed with the Town Clerk.

Mayor Allan opened the public hearing at 7:34 p.m.

There being no requests to speak, Mayor Allan closed the public hearing at 7:35 p.m.

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to adopt Resolution No. 2010-09, 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: Councilmember's Coleman; Nassif; Roelle; Mayor Pro Tem Sagona; Mayor Allan. Absent: None.

LEGISLATIVE MATTERS

13. Mayor Allan to Fill Unscheduled Vacancy on the Town of Apple Valley Parks and Recreation Commission

MOTION

Motion by Mayor Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to nominate Mr. Donald Tatera to the Town of Apple Valley Parks and Recreation Commission.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Reconsideration of the California Desert Protection Act of 2010

Councilman Sagona stated that after much thought, he would like the Town Council to reconsider its motion that was made at the last meeting opposing support of this project. He stated that if the motion to reconsider is successful, he asked that both an opponent and a proponent of this project be present to speak to this issue.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, to reconsider the prior motion relating to a letter of Support in Concept of the California Desert Protection Act of 2010.

Vote: Motion carried 4-1-0-0

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

15. Performance Update on Apple Valley Country Club

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

Councilman Roelle asked a series of questions regarding the current deficit at the Country Club and the reserve general fund.

Dave Mueller, Apple Valley, said the water is worth \$3.7 million.

Kevin Smith, Interim Finance Director, commented on the current revenues at the Country Club. He also commented on the budget process and the next fiscal year 2010/2011 budget. Mr. Smith answered questions from the Council regarding the ABC Enterprise funds.

Discussion ensued.

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

16. Apple Valley Golf Course Well

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

Councilman Roelle asked questions regarding the cost to use the water needed to water the Club.

Mayor Pro Tem Sagona asked questions regarding the Town's ability to incept the use of the water rights prior to taking ownership of the Club.

Mr. Cron provided additional history on the need for a well at the golf course.

Councilman Nassif had questions regarding an existing deed of trust for the land that serves as security against the well.

Jason Barker, AVCC Task Force President, stated that the Committee's goal is to present the Council with a plan to get the club running within a short period. He explained the benefits of sinking the well and felt it would help to avoid additional expenses.

Dave Mueller, Apple Valley, had questions regarding the water rights.

Larry Cusack, Apple Valley, recommended that the Town Council move forward with the bid process while additional information on this project is obtained.

Mr. Cron stated that it will be approximately 30 days to complete the bidding process.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Nassif, to confirm the recommendation of the AVCCAC, direct staff to prepare a bid package, advertise the work and receive bids for the construction of a new irrigation well for the Apple Valley Country Club Golf Course and return a contract for Town Council approval at a future Council meeting.

Vote: Motion carried 5-0-0-0

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

ADDED ITEM

17. Suspension of Golf Fees for School Programs

To approve the information sent to the Town Council for student play.

David Tolsma, Apple Valley, spoke in support of making the golf course available for school play.

Jennifer Samples, Apple Valley Golf Coach, responded to questions by the Council regarding the maximum number of golfers on each team.

Patrick Schlosser, Principal, Apple Valley High School, spoke in support of allowing the youth to use the Apple Valley Golf Course for practice play.

Barry Cherney, Apple Valley, respectfully asked the Town Council to continue allowing the youth to utilize the Apple Valley Gold Course.

Discussion ensued.

MOTION

Motion by Councilman Roelle, seconded by Councilman Nassif, to waive green fees for student practice and direct staff to provide golf management and student coaches with the appropriate rules in regards to play time and supervision.

Vote: Motion carried 5-0-0-0

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that the mid-year budget review will be held Tuesday, March 9, 2010 at 4:00 p.m.

Ralph Wright, Parks and Recreation Manager, commented on upcoming events that will be held. He also commented on community meetings that are being held to obtain the public's input regarding future park needs.

Mr. Wright also stated that the ad hoc committee is in the process of preparing a RFP for the BMX park for the next agenda.

Diana McKeen, Environmental and Regulatory Compliance Officer, updated the Town Council on current events taking place.

Frank Robinson, Town Manager, announced that a Joint Meeting with the City of Victorville will be held on March 1, 2010 at the Mojave Desert Air Quality Management District Building.

Mr. Robinson announced that at the request of the Council, future Agenda items will include the Hispanic Chamber, Apple Valley Ranchos Study, and a Resolution to delay AB32. He respectfully requested that the Council allow the Task Force to handle the urgent repairs to the Country Club.

Mr. Robinson noted that Target will fund the Sunset Concert Series in the amount of \$20,000.00.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:32 p.m.

Town Clerk

Mayor