

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

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

CLOSED SESSION

1. Closed Session

Mayor Allan announced that Closed Session would be held at the end of the meeting.

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 Roelle, Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent: Boardmember/Councilman Nassif.

INVOCATION: The invocation was led by Pastor Doris Eddy, Valley Christian Fellowship.

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

PRESENTATIONS:

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Lester Milroy, Apple Valley, commented on National Tartan Day. He commented on the meaning of this day and recommended that the Town Council support this event attended by the Inland Empire Scottish Association.

Art Bishop, Mojave Water Agency, distributed to the Council a news article by the Department of Water Resources Magazine regarding the accomplishments by the Mojave Water Agency which is celebrating their 50th Anniversary. He commented on the bids received for the two well projects and noted that they came in at 34% under bid, offering a savings of over \$400,000.00.

Milt Holland, Apple Valley, read an order from the court regarding a lawsuit that was filed against him.

Don Duffy, Apple Valley, thanked the Council for their service. He commented on the Desert Protection Act item and stated he is against it. He also thanked the Apple Valley Sheriff's Department for their service.

William Furmage, Apple Valley, apologized to the Town Council for interrupting them at the last Town Council Meeting. He stated that he misunderstood the issue. He thanked the Council and Park and Recreation Staff for their support of the project. He asked that they move forward with the bicycle park.

Maurice Richmond, Spring Valley Lake, asked that we explore all opportunities of the Yucca Loma Bridge project. He believes that once the bridge project starts, additional problems may occur for the residents in Spring Valley Lake.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman stated that she attended the Special Districts and Governance meeting this past week. She commented on the discussions that were held.

Councilman Roelle stated that the funding for Yucca Loma Bridge was approved at the last SANBAG Meeting.

Mayor Pro Tem Sagona announced the upcoming meetings for Victor Valley Waste Water Reclamation Authority and the Mojave Water Air Quality District.

Mayor Allan stated that he attended a meeting at SANBAG for the LAFCO elections. He stated that he attended the opening of the Little League Baseball Season at James Woody Park and the Hispanic Chamber Meeting this morning.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Roelle requested a future item be agendized after the report from the Golf Course Task Force to discuss whether or not the Town should continue with its purchase of the Apple Valley Golf Course or turn it over to the Board of Directors.

Councilman Roelle also requested that a classification study be completed by an outside Consultant to review our benefits, salaries and qualifications to see if we are in line with other cities. He would also like to have reviewed at that time, the need for the Finance Director to be classified as an Assistant Town Manager.

Mayor Allan would like to agendize an item on the next agenda to add a water surcharge to current golf fees to help pay for water usage on the course.

Mayor Pro Tem Sagona stated that staff is currently working on the possibility of approaching the Public Utilities Commission to discount the rate.

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

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

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

MOTION:

Motion by Mayor Pro Tem Sagona, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 through 9, respectfully

Vote: Motion carried 4-0-0-1

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

**2. Approval of Minutes of the Town Council
A. Regular Meeting – February 23, 2010**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Sharon Gilbert

Recommendation:

Reject the claim of Sharon Gilbert

4. Claimant – Alessandro Burger

Recommendation:

Reject the claim of Alessandro Burger

5. Treasurer's Report – January

Recommendation:

Receive and file.

6. Commercial Warrants Schedule - January

Recommendation:

Receive, ratify, and file the commercial schedule as presented.

7. Payroll/Benefit Warrants Schedule - January

Recommendation:

Receive, ratify, and file the payroll warrant schedule as presented.

8. Acceptance of Work, Notice of Completion and Release of Retention for the Town of Apple Valley Civic Center Park Electrical and Lighting Phase II

Recommendation:

1. Accept the work for the electrical upgrade at the Civic Center Park for a total cost of \$277,592.66.
2. Direct the Town Clerk to file a Notice of Completion for the contract work, notify surety and to exonerate 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.

9. Adopt Ordinance No. 404 – An Ordinance of the Town Council of the Town of Apple Valley Amending Chapter 1.01.200 Violations and Chapter 1.08.050 Citations In Lieu of Immediate Arraignment of the Apple Valley Municipal Code

Recommendation:

Adopt Ordinance No. 404.

PUBLIC HEARINGS

10. A Resolution of the Town Council of the Town of Apple Valley, California, Establishing and Modifying Specified Program Fees for Certain Park and Recreation Services for 2010-2011 Fiscal Year

Kelly Lindberg, Recreation Leader, presented the staff report as filed with the Town Clerk.

Mayor Allan opened the public hearing at 6:57 p.m.

There being no requests to speak, Mayor Allan closed the public hearing at 6:58

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to adopt Resolution No. 2010-13, a Resolution of the Town of Apple Valley, California, Establishing and Modifying Specified Park and Recreation Program Fees for certain Park and Recreation Services for 2010-2011 Fiscal Year.

Vote: Motion carried 4-0-0-1

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

11. Public Hearing Regarding the Draft Environmental Document for the Proposed Yucca Loma Bridge/ Yates Road/ Green Tree Boulevard Project

Mayor Allan opened the public hearing at 7:00 p.m.

Paul Berger, Spring Valley Lake, thanked staff for their excellent work with this project and presenting it to the residents at Spring Valley Lake. He expressed concern regarding various issues including the intersection on Ridgecrest and Bear Valley Rd, the traffic on Parkway and the sound wall.

There being no additional requests to speak, Mayor Allan closed the public hearing at 7:03 p.m.

There is no action required on this item.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

12. Drainage Issues Through-out the Town of Apple Valley

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

Division Chief Bishop presented a PowerPoint presentation that showed pictures of the recent flooding that occurred within the Town of Apple Valley. He also stated that a FEMA Declaration

was made that included San Bernardino County. He explained that this action would allow reimbursement of expenses to approximately 88%. He stated that he did not believe that there would be funding from the last declaration for home owners due to the low number of homeowners that sustained flooding.

Mr. Miller presented a PowerPoint presentation that showed pictures of the flooding that occurred in the Vineyards Tract.

Marie Horvath, Apple Valley, expressed concern regarding the flooding that occurred on Tamiani and Champagne. She stated that there were no road closures when she drove her van into the high waters. She did not believe that this was appropriate flood planning and felt it is unacceptable.

Dan Lynch, Apple Valley, stated that he was not made aware that his home that he recently purchased was located in a flood zone. He thanked the Apple Valley Fire Protection District and Division Chief Art Bishop for their assistance. He recommended that the water be redirected to the Mojave River.

Constance Koch, Apple Valley, showed pictures of the flooding that occurred on near her home and expressed concern regarding the current flood plan. She also expressed concern regarding the inability of emergency service vehicles to reach the residents in this area should flooding of this magnitude reoccur.

Robert Wyant, Apple Valley, expressed concern regarding the flooding that his home sustained in the Desert Knolls area. He is recommending that a study be done to re-route the water underground from Tao and Siskiyou to a storm drain west of Malahat. He questioned if stimulus funds have been requested from Sacramento for flooding assistance.

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

13. A Resolution Requesting Consideration of Suspension of Implementation or Revision of the California Global Warming Solutions Act (AB 32) of 2006

Linda Mayfield, Manager of Legislative Affairs and Grants, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Sagona stated that at the last meeting of the Mojave Desert Air Quality Management District, the proposed letter and resolution was submitted.

MOTION

Motion by Councilman Roelle, seconded by Councilman Sagona, to adopt Resolution No. 2010-12, requesting consideration of suspension of implementation or revision of the California Global Warming Solutions Act (AB 32 of 2006).

Vote: Motion carried 4-0-0-1

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that due to the declaration by the President of the United States for disaster areas including San Bernardino County, tax payers will be allowed to receive tax credits along with expedited refunds through the State to help assist the homeowners that sustained flooding.

Mr. Robinson spoke of the various awards won by the Town of Apple Valley based on the Best of the Desert poll published by the Daily Press.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn to Closed Session at 7:53 p.m., to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one potential case).

Upon returning from Closed Session at 8:20 p.m. Mayor Allan announced that there is no reportable action.

ADJOURNMENT

Motion by Councilwoman Coleman, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:21 p.m., in memory of Mr. Benjamin Westlund, son of Apple Valley Pioneer Bud Westlund.

Town Clerk

Mayor