

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

**REGULAR MEETING
MINUTES – May 25, 2010**

CLOSED SESSION

Mayor Allan announced that it was brought 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 additional Closed Session item under anticipated litigation – Item Number 1A – Anticipated Litigation, one or more cases. High Desert Community Foundation vs. Town of Apple Valley

MOTION:

Motion by Mayor Pro Tem Sagona, seconded by Councilwoman Coleman, and unanimously carried, that based on the need to take immediate action on an item that rose after the posting of the agenda, move to add an additional Closed Session item – Item Number 1A – Anticipated Litigation, one or more cases.

Mayor Allan recommended, with the consensus of the Town Council, that Closed Session be moved to the end of the meeting.

OPENING CEREMONIES

CALL TO ORDER:

Mayor Allan called to order the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

PLEDGE OF ALLEGIANCE: Color Guard Presentation by Town of Apple Valley Boy Scout Troop

PRESENTATIONS:

Military Banner Presentation – Mr. Jarrod Clark

Healthy Cities Sponsorship – Presentation of check by Ms. Evelyn Trevino, San Bernardino County Department of Public Health

State of the Utility - Southern California Edison Presentation – Mrs. Nancy Jackson

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Eugene Buchanon, Apple Valley, expressed concern regarding the Village Merchants not receiving copies of the PBID Audit.

Max Call, Apple Valley, stated that he is a Boy Scout from Troop 656. He stated that he is working on a flyer that he designed for homeowners with pools regarding pool safety. He distributed copies for the Council and the public.

Brett Raab, Apple Valley, commented on the status of the Apple Valley Fire Protection District and public safety. He believes that the Council must weigh in all options for the benefit of its citizens. He did not agree with statements being made that the County could not provide fire safety services at a lesser cost..

Brett Richling, Apple Valley, expressed concern regarding his questions not being answered at the Town Council meetings. He requested to know what will be done this summer about allowing our students to ride their bikes in the park.

Richard Greene, Apple Valley, read in the paper that the Town is pushing small businesses for earthquake awareness. He commented on a new device that will hold a door open during an earthquake to allow an escape. He is requesting to have someone contact him regarding his invention.

Doug Qualls, Apple Valley Fire Protection District, clarified comments made in the Daily Press regarding the deficit of the Apple Valley Fire Protection District. He also stated that the Fire District would be able to close its budget deficit this fiscal year and avoid layoffs.

William Furmage, Apple Valley, commented on a book that he rented from the library regarding BMX Cycling.

Chuck Hanson, Apple Valley, distributed an article regarding cycling in New York.

Evelyn Cuprill, Apple Valley, distributed a letter to the Council addressing her concerns regarding the frequent accidents that occur on her street.

APPLE VALLEY CHAMBER OF COMMERCE UPDATE

Jason Barker, Apple Valley presented an update to the Town Council regarding recent and upcoming Chamber events in the Town of Apple Valley. Mr. Barker also commented on the letters that were written by the Chamber of Commerce that were distributed to the Town Council. He stated that those letters should have never have been distributed. He said that he wanted to work with the Town on their public records request process.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Nassif commented on an upcoming Traffic Committee meeting where Ms. Cuprill could express her concerns. He also commented on his attendance at the Mojave Desert Mountain Integrated Waste Management Meeting where a presentation was made on Anarobek digestion. He also expressed concern regarding statements that were made in the paper by his colleague and he said that he did not believe that the Apple Valley Town Council should be used as a pawn. He said that the Council would not address the issue with the Fire District unless the Board of Directors brought something forth recommending that the Town Council discuss the issue. He does not support looking into the Fire District.

Mayor Pro Tem Sagona commented on various meetings he attended. He stated that there was a 2% budget increase by the Mojave Desert Air Quality Management District.

Councilwoman Coleman stated that she attended the Victor Valley Transit Authority (VVTA) Meeting regarding authorizing SANBAG to conduct a study. She recommended that the item be placed on our next agenda. She also commented on her attendance at ICSC. She stated that the attendance was down compared to last year but the conference went very well.

Mayor Pro Tem Sagona asked questions regarding VVTA and its finances.

Mayor Allan stated that he has been questioned about putting a four way stop on Ottawa and Rincon. He stated that currently it is a two way stop on Ottawa. He stated that he also attended an award presentation to the 1000 homeowner in Jess Ranch. He also announced that an Elm Tree was planted today in Civic Center Park.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Nassif would like an item for a future meeting regarding the Municipal Code and interaction between the Council and staff. He also wants an item on how we place items on the agenda.

Councilwoman Coleman would like an item added to the next agenda regarding a VVTA study to bring staffing in-house.

Mayor Allan would like to add an item under Closed Session to the next agenda for conference with legal Counsel regarding a contract we have with a local agency.

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

A. Regular Meeting – Tuesday, June 8, 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 Consent Calendar Items numbered, 2 – 13, respectfully.

Vote: Motion carried 4-0-0-1

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

2. Approval of Minutes of the Town Council

A. Regular Meeting – May 11, 2010

B. Adjourned Regular Meeting – May 19, 2010

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – June & Elise Jaramillo

Recommendation:

Reject the claim of June & Elise Jaramillo

4. Award Contract for the Maintenance of Landscaping at Various Locations

Recommendation:

Accept the bid submitted by Artistic Maintenance, Inc. for the Town's Landscape Maintenance Services Contract, FY 2010-2011, and award a contract for the project to Artistic Maintenance, Inc. subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

5. Award Contract for Street Maintenance Services at Various Locations

Recommendation:

Accept the bid submitted by Cooley Construction for the Town's Street Maintenance Services Contract, FY 2010-2011, and award a contract for the project to Cooley Construction subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

6. Award Contract for Street Striping Services at Various Locations

Recommendation:

Accept the bid submitted by JP Striping for the Town's Street Striping Services Contract, FY 2010-2011, and award a contract for the project to JP Striping subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

7. Award Contract for the Maintenance of Traffic Signals at Various Locations

Recommendation:

Approve the contract with Republic ITS for the Traffic Signal Maintenance FY 2010-2011 project subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

8. Review and Approve Construction Plans for the Traffic Signal at Bear Valley Road and Deep Creek Road, and Authorize Staff to Proceed with Advertisement for this Project.

Recommendation:

Review and approve construction plans for the Bear Valley Road and Deep Creek Road Traffic Signal Improvements, and direct staff to proceed with the project.

9. Review and Approve Construction Specifications for the Dale Evans Parkway Improvement Project and Authorize Staff to Proceed with Advertisement for this Project

Recommendation:

Review and approve specifications for the Dale Evans Parkway Improvement Project and direct staff to proceed with the project.

10. **Approve and Authorize an Agreement with San Bernardino County Department of Public Works for development of a new Master Plan of Drainage, (Watershed Management Plan), for the Apple Valley Area.**

Recommendation:

That the Town Council approve the Master Plan of Drainage Agreement with San Bernardino County, subject to approval as to form by the Town Attorney and as to content by the Town Manager, and authorize the Mayor to execute said Agreement.

11. **Acceptance of Work, Notice of Completion, and Partial Release of Retention for the Town of Apple Valley Municipal Animal Shelter Project**

Recommendation:

1. Accept the work of the attached 15 prime contractors for work performed at the Municipal Animal Shelter and release a total combined retention in the amount of \$309,506.79. (Town is holding funds in the amount of \$245,611.27 and there are additional escrow held funds in the amount of \$63,895.52).
2. Direct the Town Clerk to file a Notice of Completion for said contract work, notify surety, exonerate bonds, and notify the appropriate escrow account holders to release withheld retention funds, (providing that no claims are filed against the contractor or Town prior to Council action).
3. Direct the Finance Director to release retained funds 30 days after the filing of the Notice of Completion, and/or notify prime contractors escrow account holders to release withheld retention funds, (providing no claims are filed against the contractor or Town prior to Council action).

12. **Application to San Bernardino Associated Governments for Local Transportation Funds – Article 8 – Other Purpose Claim**

Recommendation:

Authorize the Finance Manager to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$966,108.

13. **A Resolution of the Town Council of the Town of Apple Valley Updating a Salary Range for a Position in the Town of Apple Valley**

Recommendation:

Adopt Resolution No. 2010-21, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Proposed Cost for the Retrofit Program for Town Hall and Police Department Buildings

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

Mayor Allan asked a series of questions regarding the project including costs.

Mayor Pro Tem Sagona commented on discussions that he held with Supervisor Mitzelfelt regarding the Town of Apple Valley records and the ability to digitalize the records.

John Brown, Town Attorney, commented on the process to digitalize records based on his experience with other cities. He provided an estimated timeframe to put together a proposal for the Council to review. He noted that in some cases it's required that a true and accurate copy of an original be kept.

He also commented on the various methods permitted by the Government Code to store records including off-site.

MOTION

Motion by Councilmember Coleman, seconded by Councilmember Nassif, to approve the proposed projects, add the associated costs to the 2010-2011 budget and authorize staff to proceed at the earliest opportunity.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Coleman; Nassif; Mayor Pro Tem Sagona; Mayor Allan. Absent: Councilman Roelle. Mayor Pro Tem Sagona noted for the record that he only supports the portion of the motion that funds the expansion of the police.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilmember Nassif, and unanimously carried, to adjourn to closed session at 8:15 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 or more potential case).

Upon returning from Closed Session at 8:39 p.m., Mayor Allan announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Mayor Allan, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:40 p.m.

Town Clerk

Mayor