

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

**REGULAR MEETING
MINUTES – July 13, 2010**

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;
Boardmember/Councilman Roelle; Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent:
None.

CLOSED SESSION

1. Closed Session

None.

INVOCATION : None.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Sagona.

PRESENTATIONS: Mojave Water Agency 50th Anniversary presented to Art Bishop

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Milton Holland, Apple Valley, expressed concern regarding negative comments made against him by members of the Town Council.

Sharon Holland, Apple Valley, commented on a Proposed PBID Budget Summary that was distributed to the Town Council. She expressed concern regarding line items listed under the projected five year program costs.

Jennifer Cisneros, Apple Valley, expressed concern regarding her son's bike being confiscated at the Skate Park and the way she was treated.

William Furmage, Apple Valley, expressed concern regarding the time that it has taken the Town Council to move forward with building a bicycle park for the youth in Apple Valley. He also recommended a sign be placed in the park regarding a \$500.00 fine.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Nassif commented on the upcoming League of California Cities Conference in September 2010 that will be held in San Diego.

Mayor Pro Tem Sagona commended Kathie Martin, Marketing and Public Affairs Officer, on the State of the Town Address.

Councilwoman Coleman commented on her attendance at the SCAG Meeting where discussions were held on the High Speed Rail System as well as Assembly Bill 32 where the Air Resources Board released their draft targets for 2020-2035.

Councilman Roelle commented on his attendance at the Mountain Desert Measure I Meeting. He also commented on Supervisor Mitzelfelt's funding strategies. He requested Brad Miller, Town Engineer; provide an update to the Town Council on the timeline of the Yucca Loma Bridge project.

Brad Miller, Town Engineer, presented the Town Council with the timeline for the Yucca Loma Bridge, including all phases of the project. The first phase will be to clear the brush that is in the path of the future bridge.

Councilman Nassif also commented on the Fireworks Show and the great turnout. He complemented staff on their hard work.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Roelle requested an update on the Skate Park/Bicycle Park be brought back to the Town Council at a future meeting.

Councilman Nassif commented on the status of this issue as discussed by the Ad Hoc Committee. He also commented on bringing an item regarding legislation of dangerous sports.

Mayor Pro Tem Sagona requested that a presentation be given regarding Happy Trails Villas.

Discussion ensued regarding whether or not there was a need to readdress this item. It was the consensus of the Town Council to wait until September to address the issues surrounding the Happy Trails Villas.

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

A. Special Meeting – Tuesday, July 27, 2010, 4:00 p.m. – Council Chambers

B. Regular Meeting – Tuesday, July 27, 2010, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to approve and adopt Consent Calendar Items numbered, 2 through 10, respectfully.

Mayor Allan noted that Councilman Nassif had a remote interest in certain warrants on tonight's commercial warrants for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore he would be abstaining from voting on Agenda Item Number 4.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's/Board members Coleman; Massif; Roselle; Vice-Chairman/Mayor Pro Tem Sagona; Chairman/Mayor Allan. Absent: None.

Councilman Nassif abstained from voting on Item Number 4

2. Approval of Minutes of the Town Council

A. Regular Meeting – June 22, 2010

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Treasurer's Report – Month of May 2010

Recommendation:

Receive and file.

4. Commercial Warrant Schedule – May 2010

Recommendation:

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

5. Payroll/Benefits Warrants Schedule– May 2010

Recommendation:

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

6. Award Contracts for the Construction of the New Public Works Facility

Recommendation:

Award construction bid(s) as highlighted on the attached bid summary for those trades indicated and authorize staff to contract with the those firms subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

7. Town of Apple Valley Affirmative Fair Housing Marketing Plan and Procedures Guide

Recommendation:

That the Town Council approves and adopts its Affirmative Marketing Plan

8. Resolution of the Town Council of the Town of Apple Valley Amending the Classification Plan of the Town of Apple Valley

Recommendation:

Adopt Resolution No. 2010-33, a Resolution of the Town Council of the Town of Apple Valley Amending the Employee Classification Plan of the Town of Apple Valley

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

Recommendation:

1. Accept the work of Holtz Construction Bid Package #4 Site Concrete for the work performed at the Municipal Animal Shelter and release the total retention in the amount of \$31,202.40
2. Direct the Town Clerk to file a Notice of Completion for their contract work, notify surety, exonerate bonds and notify prime contractors escrow account holders to release with held retention funds provide no claims are filed against the contractor or Town
3. Direct the Finance Director to release retained funds 30 days after the filing of the Notice of Completion, or notify prime contractors escrow account holders to release the withheld retention funds provided no claims are filed against the contractor or Town.

10. Opposition Letter to Oppose SB 974 – Enterprise Zone Tax Credits Bill

Recommendation:

That the Town Council send a Letter to Assemblyman V. Manuel Perez in opposition to SB 974; and authorize the Mayor to sign the letter on behalf of the Town Council.

PUBLIC HEARINGS

CONTINUED FROM JUNE 22, 2010

11. Town of Apple Valley Climate Action Plan: A Request to Adopt the Town's Climate Action Plan.

Lori Lamson, Assistant Director of Community Development, stated that this item is continued from the last meeting due to minor changes that needed to be made at the request of the Town Attorney.

Mayor Allan opened the public hearing at 7:11 p.m.

Nicole Christi, Terra Nova, presented the staff report as filed with the Town Clerk.

Questions were asked of Ms. Christi regarding certain aspects of the Climate Action Plan. Ms. Christi answered the questions and also noted that the Climate Action Plan was available to the public for review.

There being no requests to speak, Mayor Allan closed the public hearing at 7:16 p.m.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to adopt Town Council Resolution No. 2010-30, approving the Town of Apple Valley Climate Action Plan.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's/Board members Coleman; Massif; Roselle; Vice-Chairman/Mayor Pro Tem Sagona; Chairman/Mayor Allan. Absent: None.

Kenneth J. Henderson, Assistant Town Manager, Economic Community Development, announced that the Town of Apple Valley is the only public entity in San Bernardino County that has an approved Climate Action Plan, General Plan and Housing Element. He thanked the Planning Commission and the Town Council for their hard work and support.

LEGISLATIVE MATTERS

12. Selection of Town Council Voting Delegate and Voting Alternate to League of California Cities' 2010 Annual Conference

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, and unanimously carried, to appoint Councilman Nassif as the voting delegate and Councilwoman Coleman as the voting alternate representing the Town of Apple Valley to the League of California Cities' 2010 Annual Conference.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. Review and Consider Renewal of the Agreement for Business Retention Services With the Apple Valley Chamber of Commerce

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Sagona recommended a provision be included in the agreement that would allow a mutually adjustable budget amount as well as a provision where either party can request to terminate the agreement over a reasonable period of time.

John Brown, Town Attorney, commented on Section 7 which addresses the issues brought forth by Mayor Pro Tem Sagona.

Mayor Pro Tem Sagona requested that Mr. Ken Henderson respond to the comments made.

Mr. Henderson recommended that staff come back to the Council with a specific presentation regarding the Chamber Agreement during the annual budget review. He commented on the importance for the Town to have an effective relationship with the Chamber as part of the business attraction efforts. He respectfully requested that the Council accept staff's recommendation to approve and adopt the attached agreement.

John Brown, Town Attorney, commented on Section 7 and noted that the agreement does not provide an alternative method for termination.

Discussion ensued regarding Section 5 of the agreement as it relates to the Council budgeting funds.

MOTION

Motion by Councilman Nassif, seconded by Mayor Allan, to approve the renewal of the business retention professional services agreement between the Town and the Apple Valley Chamber of Commerce for the period July 1, 2010 through June 30, 2011, and authorize the Town Manager to execute the agreement on behalf of the Town; and that the agreement be reviewed in the future.

Vote: Motion carried 4-1-0-0

Yes: Councilmember's/Board members Coleman; Nassif; Vice-Chairman/Mayor Pro Tem Sagona; Chairman/Mayor Allan. Noes: Councilman Roelle. Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on Special Projects assigned to Mr. Henderson. He also commented on the Resolution for Property Tax Transfer and stated that staff will come back to the Council with a presentation on July 27, 2010.

Kathie Martin, Marketing and Public Affairs Officer, commented on the success of the Freedom Festival and showed a brief Power Point presentation that highlighted the day's events.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, provided an update to the Town Council regarding the status of the FEMA Reimbursements.

Mr. Cron also updated the Council on the status of the water break and the repair that will take place this Thursday on Rincon and Yucca Loma Rd.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

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 7:45 p.m

Town Clerk

Mayor