

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

**REGULAR MEETING
MINUTES – July 27, 2010**

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.

CLOSED SESSION

1. Closed Session

None.

INVOCATION : The invocation was led by Jim Anderson, Code Enforcement Manager.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chief Art Bishop

PRESENTATIONS:

1. Military Banner Presentation – Andrew Kluey Serviceman returning home.
2. Employee of the Quarter – Sue Nethers, Office Assistant
3. Burrtec Presentation of Check for Reporting of Illegal Dumping – Jeff Keele, Recipient

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, expressed concern regarding the Apple Valley Golf Course. He would like to see tax money handled properly.

Pat Hanson, Apple Valley, expressed concern regarding the debt the Town would incur from purchasing the Country Club. She felt there is a need for recreational facilities that all residents of Apple Valley can enjoy.

David Mueller, Apple Valley, commented on his public records requests regarding the Happy Trails Villas. He stated that he would like to personally review the escrow instructions for the Happy Trails Villas. He also commented on contributions made to past campaigns.

Sharon Holland, Apple Valley, expressed concern regarding the PBID tax assessments. She commented on the map for the PBID Village area.

Milt Holland, Apple Valley, expressed concern regarding the Property Business Improvement District.

Robert Wilson, Apple Valley, expressed concern regarding his trash bill. He respectfully requested assistance from the Council.

Allen Devan, Apple Valley, expressed concern regarding the trash service for his property. He requested a copy of the authorization to provide trash service for his property. He also requested copies of the salaries of Town staff.

William Furnage, Apple Valley, expressed concern regarding the treatment by the Police at the skate park. He read several statements from the public addressing concerns they had regarding the treatment by the Police.

Joshua Richling, Apple Valley, stated that he has not received a response from the Council regarding the bike park. He commented on a piece of property that is available to use as a bike park. He provided the Council with insurance quotes for their consideration.

Paula Richling, Apple Valley, declined to speak.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Nassif responded to questions regarding past contributions to his campaign. Mr. Nassif announced that an item is scheduled for August 10, 2010 to discuss a solution for the bike park.

Councilman Nassif commented on various meetings he attended including California Joint Powers Association (CJPIA) where they discussed various claims and the Desert Mountain Division meeting where a new President was elected. He also commented on his attendance at the retirement party for the Fire District personnel. Mr. Nassif complimented staff on their hard work on the State of the Town Address.

Mayor Pro Tem Sagona responded to questions regarding his earnings. He commented on his attendance at the Victor Valley Waste Water Reclamation Authority meeting where new board members were elected. He also commented on the new fee schedule.

Councilwoman Coleman responded to questions regarding her earnings as a Councilmember and Board member. She commented on various meetings she attended including the Air Resources Board and Property Business Improvement District meeting.

Councilwoman Coleman also announced that an item regarding the BMX bike park is scheduled for discussion at the meeting of August 10, 2010. Councilwoman Coleman also commented on her attendance at the Mojave Water Agency's 50th Anniversary celebration.

Councilman Roelle responded to questions regarding his salary for his position on the Council and SANBAG.

Mayor Allan responded to questions regarding his salary for his position on the Council. He also commented on the VVEDA item on tonight's Agenda.

TOWN COUNCIL ANNOUNCEMENTS

Mayor Allan has announced that he will not be available at the next scheduled meeting.

Mayor Pro Tem Sagona would like an item to be added to the agenda of September 7, 2010, to discuss the naming of the Town Hall Annex building.

Mayor Pro Tem Sagona is requesting that staff come back to the Council with a presentation regarding the Owner Participation Agreement for the Happy Trails Villas. He would like for the Council to be provided with a complete copy of the escrow instructions as part of the staff report for the Happy Trails Villas.

Suggested items for next agenda:

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

A. Regular Meeting – Tuesday, August 10, 2010, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Allan announced that due to potential Conflicts of Interest, Councilman Nassif would be abstaining from voting on Item Number 9 and Councilman Roelle would be abstaining from voting on Item Number 7.

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

Vote: Motion carried 5-0-0-0

Yes: Councilmember Coleman; Mayor Pro Tem Sagona; Mayor Allan. Absent: None. Abstain:

Councilman Nassif abstained from voting on Item #9 and Councilman Roelle abstained from voting on Item #7.

2. Approval of Minutes of the Town Council

A. Special Meeting – July 13, 2010

B. Regular Meeting – July 13, 2010

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Adopt Resolution No. 2010-34, Approving A Deferment By The City Of Adelanto Of Prior Contribution Amounts Otherwise Due And Payable To The Victor Valley Economic Development Authority.

Recommendation:

That the Town Council adopt Resolution No. 2010-34, approving a deferment by the City of Adelanto of prior contribution amounts otherwise due and payable to the Victor Valley Economic Authority.

4. Claimant – Jesus Meza

Recommendation:

Reject the claim of Jesus Meza.

5. Letter In Opposition To Potential Legislation That Would Undermine Local Tot (Transient Occupation Tax) Collection

Recommendation:

Authorize the Mayor to sign a letter of Opposition to Potential Legislation that would undermine Local TOT collection.

6. Letter of Agreement Authorizing the Opening of Escrow for the Sale of The Towerco Cell Site CA0045, Corwin Park

Recommendation:

Authorize the Town Manager to sign the Letter of Agreement authorizing the opening of Escrow for the Sale of the Cellular Site at Corwin Park and further authorize the Mayor to sign final Escrow sale documents when complete.

7. 2010-11 Contract Amendment with the San Bernardino County Sheriff

Recommendation:

Authorize the Town Manager to sign the 2010-11 Contract Amendment between the San Bernardino County Sheriff and the Town of Apple Valley for a total amount of \$9,815,650.

8. Award the Contract for the Dale Evans Reconstruction Project 2010-03: Otoe Road to Waalew Road

Recommendation:

Award a contract to Cooley Construction Inc., for the Dale Evans Reconstruction Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager; and Direct the Finance Division to amend the adopted budget as follows:

Increase A/C #4410-5210-9340-0000	\$ 58,459
Decrease A/C #4410-5210-9590-0000	\$(58,459)

9. Resolution No. 2010-35, Approving the Levy and Collection of Assessments for Fiscal Year 2010-11 within the Apple Valley Village Property and Business Improvement District

Recommendation:

That the Town Council adopt Resolution No. 2010-35, approving the levy and collection of assessments for FY2010-11 within the Apple Valley Village Property and Business Improvement District.

*Sharon Hollad, Apple Valley, commented on the letter she distributed to the Council in response to the issues surrounding Highway 18. She requested that the Council postpone further discussion regarding expenditures of funds until the decision has come back from the public integrity unit on the issues of Highway 18.

10. Approve the Preparation and Release of a Request for Proposal for Consultation and/or Counseling Services for the Staff of the Town of Apple Valley

Recommendation:

That the Town Council direct the Town Attorney to prepare and issue a Request for Proposal relating to counseling services for the staff of the Town of Apple Valley.

PUBLIC HEARINGS

11. Adopt Resolution No. 2010-37, To Record Delinquent Animal Control Fees, 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 presented the report as filed with the Town Clerk's office.

Mayor Allan opened Public Hearing at 7:30 p.m.

Peter Laaninen, Apple Valley, commented on the letter he received from the Town of Apple Valley regarding a lien against his property.

Mayor Allan requested to know who is responsible for past liens.

Allen Devan, Apple Valley, asked questions regarding the trash service for his property.

Kaye Reynolds, Finance Manager, explained how the trash service is billed to the residents of Apple Valley.

Mr. Devan requested to see a copy of the section of the State Law that addresses the requirements for trash service.

Abdol Ali Sharghi, Apple Valley, expressed concern regarding the billing he receives for the trash service at his property.

Mayor Allan recommended he meet with Staff regarding his concerns.

There being no requests to speak, Mayor Allan closed the public hearing at 7: 50 p.m.

MOTION

Motion by Councilman Roelle, seconded by Councilman Nassif, to adopt Resolution No. 2010-37, confirming delinquent animal control fees, utility fees and costs and code enforcement fees 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/Board members Coleman; Nassif; Roelle; Vice-Chairman/Mayor Pro Tem Sagona; Chairman/Mayor Allan. Absent: None.

12. A Request To Consider An Amendment To Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Section 9.74.060 "Exempt Signs" By Establishing Regulations Related To Temporary Portable Signs.

Carol Miller, Planning, presented the staff report as filed with the Town Clerk's Office.

Mayor Allan opened the public hearing at 7:51p.m.

There being no requests to speak, Mayor Allan closed the public hearing at 7:56 p.m.

MOTION

Motion by Councilman Nassif, seconded by Councilwoman Coleman, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.

Yvonne Rivera, Deputy Town Clerk, read the title to Ordinance 411.

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, and unanimously carried, to:

4. **Move** to waive the reading of Ordinance No. 411 in its entirety and read by title only.
5. **Introduce** Ordinance No. 411, amending Section 9.74.060 "Exempt Signs" by establishing regulations related to temporary portable signs.

Vote: Motion carried 5-0-0-0

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

13. Lighting and Landscape Assessment District #1 – Engineer's Annual Report and Levy of Assessment for Fiscal Year 2010-11.

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

Mayor Allan opened the public hearing at 7:57 p.m.

There being no requests to speak, Mayor Allan closed the public hearing at 7:57 p.m.

MOTION

Motion by Councilman Mayor Pro Tem Sagona, seconded by Councilman Nassif, to Adopt Resolution No. 2010-36, A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2010-2011 .

Vote: Motion carried 5-0-0-0

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

LEGISLATIVE MATTERS

None

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Equine Extravaganza Name Change and Budget Allocation Request

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Sagona, that the Town Council approve an allocation of \$1000 from the Town Council Special Projects funds to assist the Equestrian Advisory Committee in changing the name of the annual equine event.

Vote: Motion carried 5-0-0-0

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

15. Activity Report for James Woody Park Enforcement

Jim Anderson, Code Enforcement Manager, presented the staff report as filed with the Town Clerk's office.

Mayor Allan asked questions regarding how often the park is patrolled by Code Enforcement Officers.

Mr. Anderson responded by stating that the park is patrolled two to three times per week.

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

16. A Resolution Of The Town Of Apple Valley, California, Determining The Amount Of Property Tax Revenues To Be Exchanged Between And Among County Service Area No. 17. And The Town Of Apple Valley, Resulting From The Jurisdictional Change Described In LAFCo No. 33156

Ken Henderson, Assistant Town Manager/Director Economic Development, presented the staff report as filed with the Town Clerk's Office.

There being no requests to speak, Mayor Allan called for a vote.

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, that the Mayor and Town Council approve and adopt Resolution No. 2010-38 providing for the transfer of property tax revenues from the County of San Bernardino to the Town of Apple Valley relating to the dissolution of County Service Area No. 17.

Vote: Motion carried 5-0-0-0

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

17. Golf Course Operating Report Update

COUNCILWOMAN COLEMAN RECUSED HERSELF FROM VOTING ON ITEM 17 AND ITEM 18 AT 8:04 P.M.

Kevin Smith, Interim Finance Director, provided the staff report as filed with the Town Clerk's Office.

Mayor Allan asked questions regarding the budgeted revenues for the pool.

Mayor Pro Tem Sagona asked a series of questions regarding the well.

Councilman Roelle requested to know the total cost that is being subsidized from general reserves.

Councilman Nassif requested to know if the recommendations by the task force are being implemented.

David Mueller, Apple Valley, asked a series of questions regarding the water charges and the cost to upgrade the Country Club facility. He also questioned Mr. Nassif's family trust on the Club property.

Kevin Smith, Interim Finance Director, clarified, for the benefit of the Council, that the Town does not pay the Mojave Water District for water charges.

Councilman Nassif responded to questions by Mr. Mueller regarding his family trust on the Club property.

18. Update On Implementation Of Apple Valley Country Club Advisory Committee Recommendation To Solicit RFQ's For Golf Course Management

Dennis Cron, Assistant Town Manager/Director Municipal Services, presented the staff report as filed with the Town Clerk's Office.

*Mayor Allan noted that the City of Hesperia is responsible for managing their golf course. He requested that staff come back to the Council with a presentation on how it is done.

Mayor Allan asked a series of questions regarding the costs associated with the Apple Valley Country Club.

Kevin Smith, Interim Finance Director, provided the Council with a cost break-down associated to the Club.

Discussion ensued regarding the cost to operate the Club.

Frank Robinson, Town Manager, recommended that a Special Meeting be held on August 9, 2010, to discuss the possibility of terminating the Professional Services Contract with Landmark.

CONCILWOMAN COLEMAN RETURNED TO THE DIAS AT 8:42 P.M.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, provided the Council with an update on various grant opportunities including the Transportation Investment Generating Economic Recover (TIGER) Grant, the Walmart Foundation Grant and the California Obesity Prevention Program. He also commented on the road widening projects for FY 2010. Mr. Robinson thanked staff for their hard work.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:48 p.m

Town Clerk

Mayor