

**TOWN OF APPLE VALLEY
TOWN COUNCIL AGENCY**

**SPECIAL MEETING
MINUTES – November 30, 2010**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Allan called to order the meetings of the Apple Valley Town Council at 4:00 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Allan. Absent: Councilwoman Coleman.

PUBLIC COMMENTS

None.

BUSINESS OF THE COUNCIL

1. Allocation of Previously Approved Settlement Payment for Golf Course Water Rights and Reversionary Rights

Councilwoman Coleman announced that due to a potential conflict of interest she would recuse herself from participating on this item.

COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 4:04 P.M.

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk. He stated that there is approximately \$9 million available in the wastewater fund.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, stated that the revenue stream for the wastewater fund is from fees for sewer service, tiff fees and also some restricted fund carryovers from assessment districts that were set aside for maintenance and repair replacement. He noted that the water rights would not be used to fund the subregional plant.

Piero Dallarda, Town Attorney, explained possible uses of the water rights.

Discussion ensued regarding the timeline for building a new subregional plant.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to approve staff recommendation to allocate the previously approved settlement payment of \$750,000 for acquisition of water and reversionary rights to the Wastewater Fund, and instruct the Finance Department to forward payment to the High Desert Community Foundation.

Vote: Motion carried 4-0-0-1

Yes: Councilmember Roelle; Nassif; Mayor Pro Tem Sagona; Mayor Allan. Abstain: None.

Absent: Councilwoman Coleman

COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 4:12 P.M.

2. Reject Bids For Grid-Tied Solar Photovoltaic Power System And Shade Structure, And Appropriate Funding For Project Related Design Expenditures To Date.

Diana McKeen, Environmental and Regulatory Compliance Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding this project and whether or not the Town should seek new bids.

Frank Robinson, Town Manager, recommended the Town Council approve the motion as listed and direct staff to bring this item back to the Town Council at a future meeting to include a new bid package and possibly taking an alternative approach.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilwoman Coleman, to:

1. Reject all bids; and
2. Appropriate \$45,000, 33% (\$15,000) each from Waste Management fund, Wastewater fund, and Facility Maintenance fund to pay costs incurred to date in obtaining construction plans and documents.

Vote: Motion carried 5-0-0-0

Yes: Councilmember Coleman; Roelle; Nassif; Mayor Pro Tem Sagona; Mayor Allan. Abstain:

None. Absent: None.

CLOSED SESSION

3. CLOSED SESSION

MOTION

Councilwoman Coleman announced that due to a potential conflict of interest she would not be participating in Closed Session. She was therefore excused from the meeting at 4:30 p.m.

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn to Closed Session at 4:30 p.m. to discuss the following:

- A. Conference with Legal Counsel – Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley vs. High Desert Community Foundation Inc., San Bernardino Superior Court Case No. CIVSS 806940.

Upon returning from Closed Session at 4:48 p.m., Mayor Allan announced that there was no reportable action taken.

Frank Robinson, Town Manager, updated the Town Council on the water break that occurred over the holidays at the Development Services Building and the clean-up efforts that have taken place. He noted that the architects are working with Town staff on this issue.

ADJOURNMENT

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle and unanimously carried, to adjourn the Special meeting at 4:56 p.m.

Town Clerk

Mayor