

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

**REGULAR MEETING  
MINUTES – March 8, 2011**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Nassif called to order the meeting of the Apple Valley Town Council at 6:33 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Council Member Coleman; Boardmember/Council Member Emick; Board Member/Council Member Roelle; Vice Chair/Mayor Pro Tem Stanton; Chair/Mayor Nassif. Absent: None.

**OPENING CEREMONIES**

**INVOCATION:** The invocation was led by Dr. Eldoris Bonner, Faith Ministries

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council Member Emick.

**SPECIAL ANNOUNCEMENTS:** None.

**CLOSED SESSION**

With the consensus of the Town Council, Mayor Nassif announced that Closed Session would be moved to the end of the meeting.

**PRESENTATIONS**

None.

**PUBLIC COMMENTS**

Lawrence McCarthy, Apple Valley, expressed concern regarding the Wal-Mart Initiative Petition that was circulated throughout the Town of Apple Valley.

Milt Holland, Apple Valley, commented on being a previous Board Member with the Apple Valley Property Business Improvement District and what he believed to be improprieties with the board and its members.

Reggie Lamson, Apple Valley Ranchos Water Company, updated the Town Council on the repairs to the water line breakage that occurred in the Town of Apple Valley.

Susan Templeton, Apple Valley, expressed concern regarding water charges that she is being required to pay on her billing statement.

Bob Sagona, Apple Valley, commented on the withdrawal of Wal-Mart's application to the Town for a Supercenter. He proposed that representatives from both sides of the Wal-Mart issue be allowed to make presentation to the Town Council at the next meeting.

Ted Cooper, Apple Valley, spoke on behalf of the homeless gentleman who passed away in the desert. He recommended that a homeless shelter be made available to citizens in the Town of Apple Valley.

Tim Wimberly, Apple Valley, commented on various issues that he has witnessed within the Town of Apple Valley since the last Town Council meeting.

Mike Harridle, Apple Valley, expressed concern regarding the homeless count in the Victor Valley. He believed that there were approximately 1400 homeless individuals in the area and recommended that the Town work toward obtaining a shelter.

Mayor Nassif also expressed concern regarding the issue with homelessness in the Victor Valley. He stated that he would personally speak with representatives from the County of San Bernardino on this issue.

David Mueller, Apple Valley, commented on the special closed session item that will be discussed regarding the water issues and the proposed sale of Ranchos Water. He read portions of the judgment for the benefit of the public.

Charlie Harper, Apple Valley, expressed concern regarding the proposed increase in water rates.

#### **COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Coleman commented on her attendance at the Regional Needs Housing Assessment meeting. She stated that SCAG held its election of officers at its last meeting and adopted its budget. She also announced that without opposition, she was elected to another term on the SCAG Board.

Council Member Roelle informed the public that the Wal-Mart item would be discussed at the next Town Council meeting and that the public would receive answers to its questions at that time. He also asked the Town Attorney if a status report regarding the PBID could be given to the Town Council in the near future.

Council Member Emick commented on his attendance at the Victor Valley College Foundation Dinner and the little league grand opening with over 800 kids.

Mayor Pro Tem Stanton commented on her attendance at the Salvation Army Service Dinner, and also recognized the newest Eagle Scout, Mr. Aaron Rowbotham. She also invited everyone to the Furball Event that will be held this Friday at 6:00 p.m. She also commented on her attendance at the Victor Valley Transit Authority, and the Mojave Desert Air Quality Management District. She announced that applications are being accepted for individuals interested in being a member of the Grand Jury and the deadline to submit an application is March 18.

Mayor Pro Tem Stanton also commented on the survey that will be conducted in the Town of Apple Valley. She recommended questions be asked during the phone survey regarding the Golf Course, the number of golfers in the community and questions regarding the purchase of Rancho Water.

Mayor Nassif commented on his attendance at the opening ceremonies for little league. He also commented on receiving a letter of support from the County of San Bernardino regarding the Town's Multi-Species Habitat Conservation Plan.

### TOWN COUNCIL ANNOUNCEMENTS

#### **Suggested items for next agenda:**

Councilman Emick requested an item regarding homelessness in the Town of Apple Valley. Mayor Nassif recommended that an item be brought back on this issue possibly the second meeting in April and that he and Councilman Emick work on this issue including determining whether or not agencies were dropping the homeless off in different parts of the county.

Mayor Pro Tem Stanton recommended a report be brought back regarding group homes in the community, how many do we have, license requirement, state requirement and crime statistics around these areas. She also recommended preparing a proclamation for Denim Day for victims of sexual assault and a discussion regarding clearly reviewing council trips, costs and the possibility of separating the council's budget to individual Council Members.

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

**A. Regular Meeting – Tuesday, March 22, 2011, 6:30 p.m. – Council Chambers**

### TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Nassif 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 the Council will need to add an additional Item Number 14a – Request for Alternative Water Rate Filing at Apple Valley Country Club.

Dennis Cron, Assistant Town Manager, Municipal Services/Contract Operations, briefed the Town Council on the need to take action on this item.

Mayor Pro Tem Stanton expressed concern regarding the late notice in receiving this item. She stated that the late notice does not allow Council or the public an opportunity to fully review and understand this report.

John Brown, Town Attorney requested Mr. Cron clarify various issues dealing with the alternative water rates.

#### **MOTION**

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, that there is a need to take action on an item that arose after the posting of the agenda and to add this item

to the agenda as item Number 14a – Request for Alternative Water Rate Filing at Apple Valley Country Club. The need is based on the fact that there is an emergency need to discuss this matter due to the impending warm weather.

Council Member Coleman announced that she had a potential conflict of interest with this item and due to the need to fully discuss this item, she excused herself from the dais.

**COUNCIL MEMBER COLEMAN WAS EXCUSED FROM THE DAIS AT 7:43 P.M.**

Council Member Roelle made comments regarding the need to determine the least expensive manner to water the golf course. He also requested an item be brought back at a later date to further discuss the watering of the course.

Discussion ensued regarding water rates imposed by Ranchos Water and the total cost to water the course.

David Mueller, Apple Valley, commented on whether or not it would be cheaper for the Town to pump from its own well and what the actual costs of the water would be.

Bob Sagona, Apple Valley, recommended the Town Council move forward with this item.

David Christman, Apple Valley, commented on the cost of water in the Town of Apple Valley and the need to pursue purchasing the water company.

Bernadette McNulty, Apple Valley, expressed concern regarding the cost of water.

Sandy Strukman, Apple Valley, commented on the expense of electronic wells when conducting your own drilling.

Tim W, Apple Valley, recommended contacting a criminologist to assist with this project.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Stanton, to authorize the Town Manager to execute the agreement with Apple Valley Ranchos Water Company to enter into a tariff deviation agreement for the Apple Valley Golf Course.

Vote: Motion carried 4-0-0-1

Yes: Councilmembers Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Abstain: None.

Absent: Council Member Coleman.

**COUNCIL MEMBER COLEMAN RETURNED TO THE DAIS AT 8:09 P.M.**

Mayor Nassif announced that on Item Number 4, SANBAG is recommending adoption of Resolution 2011-10, "a Resolution of the Town Council of the Town of Apple Valley adopting the San Bernardino County Non-Motorized Transportation Plan for the Town of Apple Valley."

## **CONSENT CALENDAR**

William Furmage, Apple Valley, commented on the need for additional bike lanes in Apple Valley.

Chuck Hanson, Apple Valley, spoke in support of bike paths in Apple Valley; however he expressed concern regarding the danger of riding on Bear Valley Road.

Mayor Nassif announced that he 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 will be abstaining from voting on agenda Item Number 6.

Mayor Nassif announced that due to the number of cards requested to speak on Agenda Item Number 5, the item would be pulled from the Consent Calendar.

## **MOTION**

Motion by Council Member Roelle, seconded by Council Member Coleman, and unanimously carried, to approve and adopt the Consent Calendar item numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14, as amended and that Agenda Item Number 5 be pulled for discussion.

Brad Miller, Town Engineer, answered questions of Mayor Pro Tem Stanton on Agenda Item Numbers 8 and 11 regarding the drywells and the amendments to the Yucca Loma Bridge project.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Abstain: None. Absent: None.

**Mayor Nassif abstained from voting on Agenda Item Number 6.**

**2. Approval of Minutes of the Town Council  
A. Regular Meeting – February 22, 2011**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 418, An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Chapter 11.68 Use Of Park And Recreation Facilities Of The Apple Valley Municipal Code.**

**Recommendation:**

Adopt Ordinance No. 418.

**4. Adopt a Resolution of the Town Council of the Town of Apple Valley, California, Authorizing Submittal of an Application for Grant Funds from the State Bicycle Transportation Fund for Phase 1 of the Bear Valley Road Bikeway Project.**

**Recommendation:**

1. That the Town Council Adopt Resolution No. 2011-08.

2. Adopt finding of a Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301c, Class 1 for the installation of a Class 1 Bike Path within the existing Right-of-Way along Bear Valley Road from Apple Valley Road to Fish Hatchery Road excluding the section of the Mojave River Bridge.

**6. Commercial Warrants Schedule – Month of January 2011**

**Recommendation:**

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

**7. Payroll/Benefit Warrants Schedule – Month of January 2011**

**Recommendation:**

Receive, ratify, and file the payroll/benefits warrants as presented.

**8. Award of Contract for the 2010-2011 Drywell Project**

**Recommendation:**

1. That the Town Council amend the current fiscal year's budget for this project, raising the budget from \$400,000 to \$489,369.
2. Award a contract for \$489,369 (\$444,881 + \$44,881, 10% contingency) to Pyramid Building and Engineering Inc., subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**9. Award Contract for the Micro Surface 2011 Project, Project Number 2011-11**

**Recommendation:**

Award a contract for \$990,000 to American Asphalt South for the Micro Surface Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**10. Cancel Contract Between the Town of Apple Valley and Cooley Construction and Authorize Staff to Re-Advertise the Traffic Signal at Intersection of Bear Valley Road and Deep Creek Road Project**

**Recommendation:**

Cancel Contract between the Town of Apple Valley and Cooley Construction and authorize staff to re-advertise the Traffic Signal at Intersection of Bear Valley Road and Deep Creek Road Project.

**11. Yucca Loma Bridge Contract Amendment to Expand Final Design Services and Construction Support**

**Recommendation:**

Approve the Yucca Loma Bridge Project Contract Amendment # 4, with Dokken Engineering, the design contractor, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager. (The amendment requests Construction Support Services for the Yucca Loma Bridge Corridor Project in an amount not to exceed \$97,815.00.)

**12. Declare Surplus and Authorize Disposal of Unnecessary Items at Apple Valley Country Club**

**Recommendation:**

1. Accept inventory list of expired and unnecessary items and declare it to be surplus.
2. Authorize the Town Manager to dispose of said items with the goal to make these items available to any local non-profit assistance program with appropriate insurance coverage as approved by the Town's Risk Manager.

**13. Release of Securities for Parcel Map No. 17496**

**Recommendation:**

Find that the construction of various improvements required for Parcel Map 17496 is complete, and approve the 50% reduction of the performance securities.

14. **A Resolution of the Town Council of the Town of Apple Valley Approving the Submittal of the Town of Apple Valley 2010 General Plan Annual Report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.**

**Recommendation:**

Adopt Resolution No. 2011-09, a Resolution of the Town Council of the Town of Apple Valley Approving the submittal of the Town of Apple Valley 2010 General Plan Annual Report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

**PULLED FROM CONSENT**

5. **Treasurer's Report – Month of January 2011 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk.

David Mueller, highdesertpolitics.org, commented on the profit and loss statements for the golf course and the cost to pay for the golf course.

Lawrence McCarthy, Apple Valley, expressed concern regarding the increasing cost to operate the golf course and also the dues that have not been paid by the board members.

Council Member Coleman recommended a column be added to the Profit and Loss report that would include the budgeted amount.

This was a receive and file item only. No action taken.

**PUBLIC HEARINGS**

None.

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

15. **Mayor and Town Council to Consider Citizen Appointments to Blue Ribbon Water Commission**

John Brown, Town Attorney, presented the staff report as filed with the Town Clerk. He announced that the administrative law judge is considering holding a PUC Hearing here in the

Town of Apple Valley. He believed the Town would benefit from having a citizens committee to assist in reviewing the analysis regarding this issue.

Mayor Nassif recommended two appointees from each member and approximately five members at large.

It was the consensus of the Town Council that Town Council members nominate two members for the Blue Ribbon Commission at the meeting of March 22, 2011 and the five at-large members be nominated at the meeting of April 12, 2011.

**16. Discussion of Agenda Briefing Meetings to be Held Prior to the Regular Town Council Meetings**

Mayor Pro Tem Stanton presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the need to conduct agenda briefings prior to each Town Council meetings and the ability to do so without a violation of the Brown Act.

Frank Robinson, Town Manager, informed the Town Council that staff is always available to answer any and all questions of the Town Council regarding the agenda prior to Council Meetings.

It was the consensus of the Town Council that no action be taken on this item.

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

Frank Robinson, Town Manager, distributed a letter to the Town Council regarding the collective action of a number of cities and its Mayors regarding saving redevelopment agencies. He stated that they have launched a myvotecountsca.org for the public to obtain more information on this issue.

Mr. Robinson also congratulated Council Member Coleman on her new term to the SCAG Board.

Gina Schwin-Whiteside, Animal Services Manager, commented on the Fur Ball event scheduled for Friday, March 11, from 6:00 p.m. to 11:00 p.m. She spoke of the items that will be raffled during the auction.

Mr. Robinson announced upcoming agenda reports for future meetings.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**



**CLOSED SESSION**

Council Member Coleman announced that due to a potential conflict of interest, she would not be participating in the Closed Session discussions of this item.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Emick, to adjourn to Closed Session for the Regular Meeting and the Special Meeting at 8:58 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Property located at 15200 Rancherias Road, Apple Valley; Negotiating Parties: David Tolsma, President, Apple Valley Country Club; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms of payment.

Upon returning from Closed Session at 10:50 p.m., Mayor Nassif announced that there was no reportable action taken.

**ADJOURNMENT**

**MOTION**

Motion by Council Member Emick, seconded by Council Member Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:55 p.m.

Town Clerk

Mayor