

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

**REGULAR MEETING
MINUTES – May 24, 2011**

OPENING CEREMONIES

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

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council at 6:36 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilwoman Coleman; Councilman Emick; Councilman Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Absent: None.

INVOCATION: Pastor Bessera, Church for Whosoever

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by MPT Stanton

CLOSED SESSION

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 an additional Closed Session item under potential litigation – Item Number 1B – Conference with Legal Counsel – potential litigation pursuant to subdivision C of Section 54956.9, one or more cases.

MOTION:

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Stanton, 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 1B – Conference with Legal Counsel – potential litigation pursuant to subdivision C of Section 54956.9, one or more cases.

OPENING CEREMONIES

PRESENTATIONS: Citizen Survey Results – Kathie Martin

Timothy McLarney, President, True North Research, presented the Council with a power point presentation of the Citizen's Survey results. Mr. McLarney explained the purpose of the survey. He stated that overall the survey reflects that the residents of Apple Valley are satisfied with the Town's performance.

PUBLIC COMMENTS

Ann McDaniel, Apple Valley, spoke in favor of having a water treatment plant in Apple Valley. She felt that by having a water treatment plant, it would help to reduce water rates by improving water treatment facilities.

Richard Rorex, Apple Valley, also spoke in favor of the water treatment plant project. He stated that he would like to see the project move forward.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Jim Gutierrez, Chairman, Apple Valley Chamber of Commerce, provided an update to the Town Council on upcoming events. He commented on the new text services available to provide updates on events in the Village. He also commented on the luncheon held where motivational speaker, Chuck Douglas, Tom Hawkins Sales Seminar, was a guest speaker. He also stated that there were scholarships offered to the business for their participation. He invited the Council to attend a Piano Recital to be performed by the students of the Lewis Center on Thursday, May 26, 2011. He thanked the San Bernardino County Museum for their donation of the baby piano. In closing, he commented on the Chamber's submittal of its business proposal for 2011-2012.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Emick commented on his attendance at various meetings including PBID and the Apple Valley Chamber. He also commented on his attendance at VVEDA where they are requesting advertising money for the entire Victor Valley as part of their budget. He announced that the item will be presented to the Council at the Budget Workshop. Councilman Emick also commented on his attendance at the League of Cities Legislative Days Gala. He also attended the Pancake Breakfast in support of the Apple Valley Fire Protection District.

Mayor Pro Tem Stanton commented on her attendance at various meetings including Victor Valley Transit Authority and the League of Cities Legislative Days event where both she and Councilman Emick had an opportunity to meet with Assembly Leaders to discuss the issues surrounding the RDA funds. They also had an opportunity to visit the Senator's office where discussions held included Robert's Rule and the Rosenberg's Rule of Orders.

Mayor Pro Tem Stanton commented on her visit to the Desert Valley Senior Center. She also commented on her attendance at the AQMD Meeting where they discussed the Bump Station proposal for the City of Needles. She stated that the proposal would delay trucks and cargos that are in compliance with the Clean Air Act.

Councilman Roelle commented on the tragedy of an eleven-month old child named Bradley who burned to death in a fire. He requested that the Council Meeting be adjourned in his memory.

Councilwoman Coleman commented on her attendance at the International Council of Shopping Centers in Las Vegas, NV where they recognized the importance of downtowns to the economy of cities.

Mayor Nassif commented on his attendance at the ICSC Conference where discussions held included the uptake in retail and job creation and industrial development. He also commented on his attendance at the Mojave Desert Mountain Integrated Waste Committee Meeting where discussions held included

mandatory recycling for commercial. He also commented on his attendance at VVWRA where it was announced that FEMA has agreed to assist financially to replace the pipe in riverbed.

Mayor Nassif commented on his attendance at the Pancake Breakfast and Cruising for Critters. He also commented on his attendance at the League of Cities for Legislative Days where the primary focus was redevelopment and its importance to communities. He also commented on his attendance at the Today's Woman event where they recognized women who do good things for our community.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Stanton requested that an item be prepared for a future agenda to discuss the existing Town of Apple Valley Windmill Ordinance.

Mayor Pro Tem Stanton announced that there will be an item on a future agenda to discuss E-verify for businesses. She also announced that by the next meeting, One Nation Under God will be presented above The Town of Apple Valley in the Council Chambers.

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

A. Regular Meeting – Tuesday, June 14, 2011, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Dave Mueller, Hi Desert Politics.org, commented on Agenda Item 7. He questioned the need for a traffic signal at the proposed location. He also expressed concern regarding the traffic analysis that was conducted by the Town.

Mayor Pro Tem Stanton requested that items numbered 4 and 7 be pulled for discussion.

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2, 3, 5, 6, 8 and 9 as submitted, and that Item Numbers 4 and 7 be pulled for discussion.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Absent: None.

2. Approval of Minutes of the Town Council

A. Regular Meeting – May 10, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Danny Ray Baxendale

Recommendation:

Reject the claim of Danny Ray Baxendale

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

Recommendation:

Authorize the Finance Director to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$435,557.

6. Acceptance of Work, Notice of Completion & Release of Retention for Yucca Loma Bridge Clearing & Tree Removal Activities, Project 2011-01.

Recommendation:

1. Accept the work for the clearing and tree removal project for a total cost of \$108,500.00.
2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.
3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.

8. A Resolution Of The Town Council Of The Town Of Apple Valley In Support Of The Transfer Of Ontario International Airport (ONT) To Local Control

Recommendation:

That the Town Council adopt Resolution No. 2011-17, A Resolution of the Town Council of the Town of Apple Valley in Support of the Transfer of Ontario International Airport (ONT) to Local Control.

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 the Golden State Flooring the prime contractor for work performed at the Municipal Animal Shelter and release the total retention in the amount of \$27,413.80.
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.

PULLED FOR DISCUSSION:

4. Sewer Lift Station Upgrades

Mayor Pro Tem Stanton asked a series of questions regarding the location of the Lift Station as well as the lack of funding for the project.

Lance Miller, Public Works Manager, stated that the Lift Station is located at Riverside Drive and Shoshone Road. He explained the reasons for the lack of funding for the project. He noted that if Council rejects the project, the \$73,000.00 remaining from the 2011 budget can be used to purchase the pump at this time then budget at a later year for the finish application to install it.

Mr. Miller explained, for the benefit of the Council, the operation of a Sewer Lift Station.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick, and unanimously carried to award contract for \$135,900 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, approve and accept the plans and specifications, approve and authorize a budget amendment appropriating an additional \$67,000.00 from the unallocated wastewater fund balance and approve a budget amendment.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Absent: None.

7. Award Contract for the Traffic Signal at Bear Valley Road and Deep Creek Road, Project Number 2010-02

Brad Miller, Town Engineer, explained for the benefit of the Council, the reason for the need of a traffic signal at the proposed intersection. He stated that the project is being funded by approximately 50% of Prop 1B Grants.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Roelle, and unanimously carried to award a contract to Competitive Edge Electric, Inc. in the amount of \$163,000.00 for the Traffic Signal at Bear Valley Road and Deep Creek Road Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Absent: None.

PUBLIC HEARINGS

10. Appeal (No. 2011-003) Of The Planning Commission's Denial Of Conditional Use Permit No. 2010-02, A Request To Construct And Operate A Subregional Wastewater Reclamation Facility Adjacent To The Existing Otoe Road Sewer Lift Station. The Wastewater Reclamation Plant Will Have An Initial Treatment Capacity Of 1.0 Million Gallons Per Day (MGD) Average Flow And A Phased Build Out Treatment Capacity Of 4.0 MGD.

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

Councilwoman Coleman questioned whether or not the six engineering conditions that were requested to be waived in the original staff report still apply.

Ms. Lamson responded that they would still apply as well as other administration issues including concurring with the EIR.

Logan Olds, General Manager, Victor Valley Wastewater Reclamation Authority (VWVRA), commented on the documentation originally prepared by VWVRA in 1990. He stated that sub-regional facilities are an important component to the quality of life. He was pleased to announce that Title 16 funding in the amount of \$2 million in grant money was allocated by the Bureau of Reclamation for this project.

Tom Dodson, Environmental Consultant for VWVRA, addressed the concerns surrounding noise, odors and visual settings of the facility. He explained the operation of the odor system including how the solids will be collected. He stated that there would not be any odors detected within 500 feet. He commented on the noise level would be contained at 50 decibels or less.

Discussion ensued regarding noise levels and the over-all operation of the odor system including the separation of solids.

Mr. Olds answered questions by the Council regarding the Environmental Impact Report. He stated that there will be additional environmental reviews in the future as the plant expands in the future.

Jim Hextrum, Project Manager, commented on the service of providing a new water supply. He also commented on the use of an advance system to provide safe quality water to the Town, placing the equipment in a sound enclosure such as a basement, which would minimize the noise levels to 78 decibels, as well as having the facility blend in with the community.

Mayor Nassif questioned if there was a way to mitigate odors. He also questioned if the facility could be modified to the current pump station.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, answered questions by the Town Council regarding the proposed project including the location of the ponds.

Mr. Hextrum answered questions by the Council regarding minimizing the odors that come out of the facility.

Ryan Orr, Public Information Officer, VWVRA, commented on the campaign to provide outreach to the public which included door to door outreach as well as personal invitations to an open house to answer questions.

Discussion ensued regarding the outreach efforts of the proposed project to the residents.

Lori Lamson, Assistant Director of Community Development, answered questions by the Council regarding the original setback proposed by the Planning Commission as well as the issues surrounding the location of the project.

Dennis Cron commented on the selection of the location for the proposed project. He stated that the focus studies by VWVRA address all the issues surrounding the project and that VWVRA understood the standards required by the Town of Apple Valley.

Mayor Pro Tem Stanton asked a series of questions regarding the ponds that will hold unusable water.

Mr. Cron responded stating that the ponds would hold up to one million gallons of water per day.

Mr. Olds stated that the proposed locations of the ponds would be approximately two miles from the Airport.

Mayor Pro Tem Stanton asked a series of questions regarding horseshoe pits in the park.

Ralph Wright, Park and Recreation Manager, stated that the Park and Recreation Committee has discussed the need for horseshoe pits as part of the Master Plan. He stated there are major maintenance issues surrounding the pits. He stated that at this time, there is not a need to bring all the pits back unless the Council directs otherwise.

Mayor Nassif opened the public hearing at 7:53 P.M.

Brett Jerganson, Apple Valley, expressed concern regarding the distance of his home to the location of the project being 300'. He also expressed concern regarding the height of the structure. He felt that the proposed project would cause the value of his property to drop.

Councilman Roelle requested to know if Mr. Jerganson knew at the time he purchased his home, that it was located across the street from a lift station.

Mr. Jerganson responded that he was not informed of that. He stated that he thought it was a maintenance building. He also commented on the odors that come from the building. He stated that the first time he was made aware of the project was upon receiving a copy of the flyers that were being circulated.

George Mable, Apple Valley, spoke against the proposed project. He expressed concern regarding the odor and noise that will come from the facility. He also expressed concern regarding the public breathing in sewer particles including children. He felt that the renditions were deceiving.

Lawrence McCarthy, Apple Valley, spoke against the proposed facility. He also expressed concern regarding the issues surrounding odors and noise from the facility. He also questioned why the decibels levels were not mentioned until now. He commented on the maximum decibels allowed per the Town's Development Code.

Sierra Webb, Apple Valley, spoke in favor of the proposed project. She explained the benefits of using reclaimed water. She felt that reclaimed water can build business and can be a selling point for future growth for the North Apple Valley Specific Plan. She also felt the proposed project is in an ideal location.

David Mueller, High Dessert Politics.org, spoke in favor of reclaimed water; however, he questioned the location of the proposed project. He also commented on the concerns expressed by Commissioner Tinsley regarding the location of the ponds. He also commented on the flow of the sewage going towards the Mojave River and felt that the ponds will attract birds. He suggested other locations for the proposed project.

Joseph Brady, Apple Valley, spoke in favor of the project. He commended Kathie Martin and her staff for a job well done on the survey. He also thanked VVWRA for a job well done. He recommended that the Council consider moving forward with the project.

Art Bishop, AVFPD, spoke in favor of water conservation. He commented on the outreach efforts by VVWRA and felt their presentations were very professional and sincere. He stated

that Mojave Water Agency is in support of the proposed project. He also stated that the Mojave Water Agency has committed \$5 million to Title 16 federal funds for this project.

There being no additional requests to speak, Mayor Nassif closed the Public Hearing at 7:59 p.m.

Mayor Pro Tem Stanton asked a series of questions regarding specialized rescue equipment available for enclosed areas such as the one for the proposed facility.

Art Bishop, AVFPD, responded that Apple Valley Fire Protective District and VVWRA through a consulting firm have come to conditions to provide specialized equipment for rescues in that building.

Mayor Nassif asked questions regarding the cost factor should the Council direct staff to move forward with the project.

Discussion ensued regarding the ponds including location selection, technical studies and ongoing environmental reviews of the ponds.

Councilwoman Coleman stated she felt confident about the proposed project; however, she does not feel that relocating the facility is an option.

Councilman Roelle stated that although he felt it is inappropriate to have the facility close to homes, he supports the project and believed that VVWRA has invested many years into the project. He also felt it would be beneficial to the Town to water the parks without the use of drinking water.

Councilman Emick also spoke in support of the project. He questioned the option of relocating the facility and felt it's important to move forward with the project. He too appreciated the number of hours staff has put into the project.

Mayor Pro Tem Stanton stated that although she understood the importance of using recycled water, she is unable to vote in favor of something that can be moved. She felt that the Council needed to take into consideration the residents that live near the facility and feels it would eventually affect their quality of life. She also expressed concern because the location of the ponds have not been defined.

Mayor Nassif supports moving forward with the project. He commented on the ponds and recommended that in the future staff look into how to mitigate the unused water.

Discussion ensued regarding the decision by the Planning Commission to deny the project.

Lori Lamson, Assistant Director of Community Development, provided the Council with a hand out of the modified fire conditions of approval and explained it would need to be implemented to the project.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick to:

1. Determine that as a responsible party for the Final Environmental Impact Report (EIR) for the Apple Valley Wastewater Reclamation Plant Project as prepared and certified by

VVWRA has considered the EIR and the environmental effects and concurs with the lead agency, that the Final EIR is complete and adequate and full complies with all requirements of CEQA.

Vote: Motion carried 4-1-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Nassif.

Noes: Mayor Pro Tem Stanton

Abstain: None.

Absent: None.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick to:

2. Recognize and concur with the mitigation measures adopted by VVWRA as part of the final EIR, and the Commission finds that these mitigation measures reduce the identified potentially significant impacts to a level of insignificance and to less than significant.

Vote: Motion carried 4-1-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Nassif.

Noes: Mayor Pro Tem Stanton

Abstain: None.

Absent: None.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick to:

3. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings, and approve and adopt Resolution 2011-18.

Vote: Motion carried 4-1-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Nassif.

Noes: Mayor Pro Tem Stanton

Abstain: None.

Absent: None.

Mayor Nassif questioned the need to add to the motion that the odor mitigation measures to include the pump station.

Logan Olds, VVWRA, stated that the Town Council can refer the matter to the VVWRA Board of Directors to investigate that as an option and come back to the Council with a recommended proposal.

John Brown, Town Attorney, recommended that the Council entertain five separate motions and incorporate the revised conditions to number 4.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick to:

4. Approve Conditional Use Permit No. 2011-002 subject to the attached Conditions of Approval, as modified by the memorandum entitled "Fire Protection Requirements" dated May 4, 2011.

Vote: Motion carried 4-1-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Nassif.

Noes: Mayor Pro Tem Stanton

Abstain: None.

Absent: None.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick to:

5. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-1-0-0

Yes: Councilmember's Coleman; Emick; Roelle; Mayor Nassif.

Noes: Mayor Pro Tem Stanton.

Abstain: None

Absent: None.

RECESS MEETING

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 10:30 p.m.

RECONVENED MEETING

Mayor Nassif reconvened the meeting of the Apple Valley Town Council at 10:34 p.m.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

Mayor Nassif, with the consensus of the Town Council, recommended that item number 12 be discussed at this time.

BUSINESS OF THE COUNCIL

12. Selection of a Development Entity for Affordable Senior Rental Housing

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

Mr. Henderson recommended that Related California be selected by the Council and that the Council authorize staff to negotiate a development agreement with Related California and bring back to the Council a develop agreement for your review and consideration.

Mr. Henderson answered questions by the Council regarding the affordable covenant with respect to income levels.

Colleen Edwards, Palm Desert Development Company, provided a power point presentation to the Council regarding their business. She commented on the important points including sustainable buildings, recreational amenities including pools, spas and picnic areas. She stated that the proposed plan includes social services offered to the residents.

Maurice Ramirez, AMCAL, presented a power point presentation to the Town Council regarding their business which is focused on development of affordable housing. He stated that their proposal is for 50 units which includes both single story and single story detached units.

Frank Chang, Project Manager, AMCAL, commented on the proposed site plan and felt two story structures were appropriate. He also commented on the proposed amenities including open spaced areas for spas and rose gardens. He stated that their goal was to achieve an environment for active lifestyles. He stated that the proposed 50 units include one and two bedrooms.

Mr. Ramirez, felt that through the outreach program, AMCAL tailors to all the needs of the residents. He stated that during construction, AMCAL focused on local hiring of consultants which allow AMCAL to learn which local subcontractors they can hire.

Discussion ensued regarding the proposed rent rates for the development.

Stan Smith, Related California, provided the Council with information on their proposal. He stated as part of their proposal, they would hold community meetings to answer questions from the neighbors. He stated the rents for this particular site will be capped at 45%. He also commented on the site amenities available to the residents.

David Mueller, High Desert Politics.org., spoke against the Town's involvement in building affordable housing projects. He expressed concern regarding the new project being proposed while other developments remain incomplete. He also expressed concern regarding the funding proposed for this project.

Joseph Brady, Apple Valley, read into the record an email sent to the Mayor and Council Members in support of AMCAL's proposal for affordable housing. He felt that AMCAL has done a good job in taking into consideration the construction of adjoining properties.

Mayor Nassif questioned the density of the development project.

Mr. Henderson commented on the per unit cost. He explained the evaluation criteria contained in the RFP document. He stated that there is no MSP funding proposed for this project.

Councilwoman Coleman commented on the workshop held in January where discussions held included obligations of State Law and how federal funding is tied into affordable housing. She thanked the three applicants for their presentations; however, after touring the facilities she is in agreement with staff's recommendation.

Councilman Roelle thanked the three applicants for their presentations. He commented on low density. He stated that he is in favor of moving forward with AMCAL.

Councilman Emick also thanked the three applicants. He expressed concern regarding density; however, he felt AMCAL has addressed those concerns. He is in favor of moving forward with AMCAL.

Mayor Pro Tem Stanton thanked each of the applicants for their presentations. She commented on the benefits of redevelopment housing. She stated that she is in favor of low density. She also commented on point structure. She is in favor of moving forward with AMCAL.

Mayor Nassif expressed concern regarding judging the project solely based on density.

Mr. Henderson stated that the Council has already established a policy with respect to the density allowed; therefore, lower density projects will cost more and affect the levels of rents to meet the redevelopment requirements.

MOTION

Motion by Councilman Roelle, seconded by Councilman Emick, and unanimously carried, to authorize and direct staff to enter into negotiations for the development of an affordable senior rental housing project with AMCAL for the purpose of bringing forth a Disposition and Development Agreement (DDA) for review and final approval at the June 28, 2011 Town Council and Redevelopment Agency meeting.

11. Update Of Safety And Security At 3-Diamond Skate Park.

Ralph Wright, Park and Recreation Supervisor, presented the staff report as filed with the Town Clerk.

Mr. Wright answered questions by the Council regarding what happens when items are confiscated, explaining that the items are held for thirty days.

Councilman Roelle recommended closure of the park due to non-compliance.

Councilwoman Coleman agreed with Councilman Roelle to temporarily close the park until the skateboarders and bike riders understand the importance of being in compliance with the rules.

Mayor Pro Tem Stanton commented on the lack of safety gear used at the park. She stated that at this point, the Council is unable to consider Phase II because of the ongoing issues at the park. She agreed with the Council to temporarily close the park.

Councilman Emick requested to know if there is an educational program regarding safety gear requirements.

Mr. Wright responded there is no educational program that currently exist other than the reinforcement by Code Enforcement. He stated the ongoing problems are more of a social issue.

John Brown, Town Attorney, suggested that the Council consider adding a Closed Session to discuss these issues at a future meeting.

William Furmage, Apple Valley, commented on the need to have the park staffed by the Police Activities League (PAL). He reminded the Council that there are also good kids that use the park. He stated he welcomes hearing solutions to the existing issues surrounding safety at the park instead of closing the park.

John Brown, Town Attorney, expressed concern regarding the Town's treasury should we continue to operate the park.

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

13. Yucca Loma Bridge Contract Amendment #5, in the amount of \$256,078.00, for Additional Scope and Extended Serves of the Yucca Loma Bridge Contract Agreement – Final Design and Project Coordination: Yucca Loma Road to Park Road to Expand Final Design Services and Construction Support

Ken Henderson, Assistant Town Manager, Economic and Community Development, explained for the benefit of the Council, that there will possibly be additional change orders as the project moves forward; however, they all meet the Public Resource Code Compliance.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. He explained that the amendment includes the tasks needed to move into the next phase which is the bridge itself.

Councilman Roelle commended Brad Miller and Dokkin Engineering for their hard work on the project.

Mayor Nassif also commended Brad Miller and his staff for their work on the project.

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman, and unanimously carried, to approve the Yucca Loma Bridge Project Contract Amendment # 5 with Dokken Engineering, the design contractor, in the amount of \$256,078.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the 911 outage that was caused by a contractor working underground. He stated that Verizon hopes to have its fiber network available for use by April 2012.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Stanton, and unanimously carried, to adjourn to Closed Session at 11:22 p.m., to discuss the following:

- A. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9) California Public Utilities Commission Case No.(s) A.11-01-001 and A.11-01-019.
- B. Item Number 1B – Conference with Legal Counsel – potential litigation pursuant to subdivision © of section 54956.9, one or more cases.

Upon returning from Closed Session at 11:52 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Mayor Nassif, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 11:53 p.m. in memory of Baby Bradley.

Town Clerk

Mayor