

**TOWN OF APPLE VALLEY  
TOWN COUNCIL – REGULAR MEETING  
MINUTES – September 23, 2008**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Jasper 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: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

**CLOSED SESSION**

It was the consensus of the Town Council to discuss Closed Session at the end of the meeting.

**OPENING CEREMONIES**

**INVOCATION:**

Pastor Doris Eddy, Valley Christian Fellowship

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mayor Tim Jasper.

**PRESENTATIONS:**

Presentation by Dr. Robert Silverman, President, Victor Valley Community College District requesting support for the College Bond

Recognition – St. Mary’s Hospital for their donation by providing free physicals to the youth participating in sports programs.

**SPECIAL ANNOUNCEMENTS:**

None.

**PUBLIC COMMENTS**

Lester Milroy III, Apple Valley, encouraged the Town of Apple Valley to support the college bond. He also requested that the Town Council complete the improvements needed at Civic Center Park. He thanked the Town Council for their support of the Military Banner Program.

William Furmage, Apple Valley, expressed concern regarding the Town’s interest in purchasing the golf course instead of assisting the youth in Apple Valley with a bicycle park.

Larry Kempton, Apple Valley, offered \$100.00 toward the military banner program. He also commented on information that he received regarding political signs on private property and whether or not they could be removed by the property owner.

Lovella Sullivan, Co-Chair, Equine Extravaganza, officially invited the Town Council to the Equine Extravaganza event on Saturday, September 27.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilman Nassif clarified the comments made by Mr. Kempton regarding the political signs.

Councilman Nassif stated that he attended the Police Activities League graduation of approximately 20 students. He spoke of the success of the program.

Councilman Allan stated that he attended the Victor Valley Economic Development Authority meeting. He commented on the income allocations that were made at the meeting.

Mayor Pro Tem Sagona reported on the actions that took place at the last Victor Valley Wastewater Reclamation Authority meeting. He stated that the board took action to direct the City/Town Managers to meet and discuss discharge into the Mojave River. He also thanked Mr. Kempton for his generous donation to the banner program.

Mayor Jasper stated that he attended the Best Buy Grand Opening which is the first electronics store in Apple Valley. He also commented on his attendance at the LAFCO hearing where discussions were held regarding the Town's sphere of influence near the Airport. He announced that the Air Show will also be held this Saturday, September 27. He stated that there would be lots of activities for the residents to attend.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

Mayor Pro Tem Sagona requested an item be placed on a future Community Resource Foundation Board Agenda to discuss possible funding for the Military Banner Program.

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

**A. Regular Meeting – Tuesday, October 14, 2008, 6:30 p.m. – Council Chambers**

**CONSENT AGENDA**

Frank Robinson, Town Manager, stated that staff would like to remove Agenda Item Number 5 from the agenda until further research could be done on this item.

It was the consensus of the Town Council that Agenda Item Number 5 be removed.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to approve the consent calendar items numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, as presented, and that item number 5 be removed.

Vote: Motion carried 5-0-0-0

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

2. **Approval of Minutes of the Town Council**  
**A. Regular Meeting – September 9, 2008**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
3. **Adopt Ordinance No. 387, an Ordinance of the Town of Apple Valley Amending Chapter 2.60 of the Town of Apple Valley Municipal Code and Designating Certain Assistant Town Manager and Department Head Positions to Serve at the Will and Pleasure of the Town Manager**  
**Recommendation:**  
Adopt Ordinance No. 387.
4. **Adoption of Measure I –Capital Improvement Plan**  
**Recommendation:**
  1. Adopt Resolution No. 2008-52, “A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Two-Year Capital Improvement Program”; and
  2. Revise 08/09 adopted budget to reflect Measure I, 2-year plan.
6. **Resolution No. 2008-53, a Resolution of the Town Council of the Town of Apple Valley, California, Approving and Authorizing Revisions to the Town of Apple Valley Emergency Operations Plan Dated October 1, 2008**  
**Recommendation:**  
Move to approve Resolution No. 2008-53, a Resolution of the Town Council of the Town of Apple Valley, California, approving and authorizing revisions to the Town of Apple Valley Emergency Operations Plan dated October 1, 2008.
7. **Claimant – Verizon**  
**Recommendation:**  
Reject the claim of Verizon.
8. **Acceptance of Work, Notice of Completion and Release of Retention for Kiowa Road Improvements, Project 2008-06.**  
**Recommendation:**
  1. Accept the work for the roadway improvements on Kiowa Road, from Yucca Loma Road to Sitting Bull Road, for a total cost of \$667,479.70.
  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.
9. **Acceptance of Work, Notice of Completion and Release of Retention for Rincon Road & Rancherias Road, Project 2008-03.**  
**Recommendation:**
  1. Accept the work for the roadway improvements on Rincon Road and Rancherias Road for a total cost of \$1,096,950.10.
  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.
  
10. **Four-Way Stop at the Intersection of Kiowa Road and Tussing Ranch Road**  
**Recommendation:**  
Adopt Resolution No. 2008-54, a Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Kiowa Road and Tussing Ranch Road as a four-way STOP intersection.
  
11. **Four-Way Stop at the Intersection of Sitting Bull Road and Iroquois Road**  
**Recommendation:**  
Adopt Resolution 2008-55, a Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Sitting Bull Road and Iroquois Road as a four-way STOP intersection.
  
12. **Review and Approve Construction Specifications for the Muni Road Guardrail Project, and Authorize Staff to Proceed with Advertisement for this Project.**  
**Recommendation:**  
Review and approve specifications for the Muni Road Guardrail Project and direct staff to proceed with the project.
  
13. **Release of Securities for Tract Map 17186-1**  
**Recommendation:**  
Find that the construction of various improvements required for Tract 17186-1 is complete, and approve the 50% reduction of the performance securities.
  
14. **Release of Securities for Tract Map No. 17062-2**  
**Recommendation:**  
Find that the construction of various improvements required for Tract 17062-2 is complete, and approve the 50% reduction of the performance securities.
  
15. **Release of Securities for Tract Map No. 17062-1**  
**Recommendation:**  
Find that the construction of various improvements required for Tract 17062-1 is complete, and approve the 50% reduction of the performance securities.
  
16. **Fee Waiver Request for the American Cancer Society Relay for Life on May 1 and 2, 2009.**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$3,651.80 and Special Event Permit fee of \$49 for the American Cancer Society, totaling \$3,700.80. In addition, give staff permission to host Apple Valley Relay for Life meetings 1-2x per month in a conference room that will not impede any Town business.
  
17. **Resolution No. 2008-56 – Supporting Victor Valley Community College District’s Call for a General Obligation Bond Election on November 4, 2008.**  
**Recommendation:**  
Adopt Resolution No. 2008-56 Supporting Victor Valley Community College District’s Call for a General Obligation Bond Election on November 4, 2008.

**PULLED FROM AGENDA**

5. **Approve the Refurbishing of Certain Scrap Computers for Donations to Non-Profit Agencies and/or Institutions Within the Town of Apple Valley.**

**Recommendation:**

Authorize execution of the attached agreement between the Town and Algot Stephenson, allowing refurbishing of computers submitted to HHW for donation to schools and/or other non-profit agencies within the Town of Apple Valley.

**PUBLIC HEARINGS**

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**18. Request to Rename Brewster Park**

Ralph Wright, Community Services Manager, presented the staff report as filed with the Town Clerk.

Christopher Reone, Apple Valley, agreed with the proposed name change. He feels the park has become more of a sports complex and should be treated as such. He recommended designating an area at the complex in memory of Lenny Brewster.

Lester Milroy III, Apple Valley, recommended that the park keep its name honoring Mr. Lenny Brewster.

Richard Rorex, Apple Valley, agreed that the park should remain named after Mr. Brewster.

John Weldy, Apple Valley, commented on his friendship with Lenny Brewster and the amount of land that he donated to the Town of Apple Valley and all the good that he did for the community. He recommended the complex be named the "Lenny Brewster Sports Center".

Larry Kempton, Apple Valley, spoke against this item. He stated that Mr. Brewster gave so much to this community that the park name should remain Brewster Park.

Jack Clarke, Apple Valley, also stated that Lenny Brewster was an asset to the community. He recommended this item be sent back to the Parks and Recreation Commission for further review.

Mayor Jasper stated that he is not in favor of this item. He believes that the history of the Town is important. He agreed that Mr. Brewster's name remain on the park.

Mr. Brown stated that the Town Council could modify this item if they desired.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to rename the park, "Lenny Brewster Sports Center".

Vote: Motion carried 5-0-0-0

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona;  
Mayor Jasper. Absent: None.

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

Kenneth J. Henderson, Director of Economic and Community Development, briefed the Town Council on the economic growth in Apple Valley. He stated that the Town has reached agreements with Office Max and Ross Dress for Less at the Apple Valley Commons Center.

Kathie Martin, Apple Valley, presented an update to the Town Council and the community on the Town of Apple Valley Anniversary Celebration that will be held Saturday, October 25.

Frank Robinson, Town Manager, stated that he attended a meeting in Sacramento to discuss the proposed DMV center. He briefly discussed the proposal that was presented. He also announced that participation in the Town's swim program has increased by approximately 84%.

Mr. Robinson commented on the concern expressed by the Town Council regarding bank foreclosures. He stated that staff is working on recommendations for the Town Council to review.

Bart Belknap, Apple Valley Police Captain, commented on the PAL Teen Center Grand Reopening held at Sunset Hills. He commented on the success of the event that was attended by approximately 120 people. He stated that Supervisor Mitzelfelt was present and presented a check in the amount of \$50,000.

Mr. Robinson explained that at the next meeting, the Town will have a presentation on the agenda regarding the Capital Improvement Projects.

### **DEPARTMENTAL REPORTS AND BUSINESS:**

#### **STAFF REPORTS**

#### **CORRESPONDENCE**

### **CLOSED SESSION**

#### **MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 7:53 p.m. to discuss the following:

#### **1. Closed Session**

- A. Conference with Legal Counsel – Initiation of Litigation pursuant to subdivision (c) of the Government Code Section 54956.9 (one or more potential cases).
- B. Negotiations with Real Property Negotiator – Property located at 15200 Rancherias Road, Apple Valley; Negotiating Parties: Lana Dugan; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.

**ADJOURNMENT**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:04 p.m. in memory of Councilman Allan's aunt, Elizabeth Esme Allan, born September 4, 1915 and died September 20, 2008.

Town Clerk

Mayor