

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

**REGULAR MEETING
MINUTES – June 9, 2009**

OPENING CEREMONIES

CALL TO ORDER:

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

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

Mayor Roelle announced, with the consensus of the Town Council, that Closed Session be moved to the end of the meeting.

INVOCATION: Pastor Doris Eddy, Valley Christian Fellowship

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilwoman Coleman

PRESENTATIONS:

Recognition Award – Mr. Austin Gehkre

Mr. Logan Olds, General Manager, Victor Valley Wastewater Reclamation, commented on the goals of the authority and the need for future adjustments to improve water service.

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Ruth Blinsmon, Granite Hills High School Aquatics Booster Club, commented on the success of high school swimmer Austin Gehrke. She stated that the parents would like to keep the school swim programs in Apple Valley and asked for the Council's assistance in this matter.

William Furmage, Apple Valley, asked for support for the bicycle park.

Heidi Lemmon, Spa Park USA, commented on her attendance at the Town Council meeting four years ago to discuss bicycle parks. She spoke of the growth of the Town and the need to proceed with a bike park for the community.

John Teegarden, Victor Valley Bicycling Club, thanked the Town for the road improvements.

Christina Estela, Apple Valley, spoke in support of a bicycle park. She requested that additional sites and proposals be discussed.

Ed Smith, Apple Valley, spoke in support of the Fire District.

Paul Hood, Apple Valley, expressed concern regarding the need for road repair on Stoddard Wells Road.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at various training sessions including Legislative Days in Sacramento and Southern California Associated Governments (SCAG).

Councilman Allan commented on the PAL golf tournament and the funding that was raised for the activities league. He also commented on his attendance at the meeting with the San Bernardino County Museum and their need for funding.

Mayor Pro Tem Nassif commented on his attendance at the Legislative Action Days in Sacramento and the discussions that were held regarding the state's budget crisis.

Mayor Roelle thanked the public for speaking during public comments. He informed Ms. Blinsmon that the Town is still willing to subsidize a portion of the funding needed for the schools to be able to use the pool as they did last year.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Allan commented on the "Cash for Grass" program offered by the Mojave Water Agency. He recommended a future item be prepared regarding possibly subsidy of the program by the Town for homeowners.

Mayor Pro Tem Nassif requested a future item be prepared regarding the Civic Center facilities that would address the need for new recreational facilities at Civic Center.

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

A. Regular Meeting – Tuesday, June 23, 2009, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Roelle announced that on agenda item number 10 regarding the Contract Award for the Demolition of the Property located at 15431 Broken Bow Road, staff recommends that item number 3 of the motion be amended to award the contract to HFG Pacific Excavation, the lowest responsible bidder in the amount of \$24,000.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve agenda items numbered 2 – 13, as amended.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Coleman; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilman Sagona.

2. Approval of Minutes of the Town Council

A. Special Meeting – May 21, 2009

B. Regular Meeting – May 26, 2009

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. A Resolution Of The Town Council Of The Town Of Apple Valley, California, Amending Resolution 2008-20 Approving A Budget Appropriation And Adopting The Budget, Including The Operating And Capital Improvement Budget For Fiscal Year 2009-10

Recommendation:

Adopt Resolution No. 2009-19, approving a budget appropriation and adopting the budget, including the Operating and Capital Improvement Budget for Fiscal Year 2009-10.

4. Redevelopment Agency Resolution No. 2009-01, Approving A Budget Appropriation And Adopting The Agency Budget For Fiscal Year 2009-10.

Recommendation:

Adopt RDA Resolution No. 2009-01, Approving a Budget Appropriation and Adopting the Agency Budget for Fiscal Year 2009-10.

5. Redevelopment Agency Resolution No. 2009-02, Authorizing The Use Of Low/Moderate Funds For Administrative Costs.

Recommendation:

Adopt RDA Resolution No. 2009-02, determining that the Planning and Administration Expenses budgeted for Fiscal Year 2009-10 in the Housing Funds are necessary for the production, improvement and/or preservation of affordable housing for the Low and Moderate Income Households.

6. Investment Policy

Recommendation:

Adopt Resolution No. 2009-20 establishing the Town of Apple Valley Investment Policy for fiscal year 2009-2010.

7. Resolution Establishing The 2009-10 Fiscal Year Appropriation Limit

Recommendation:

Adopt Resolution 2009-21, Establishing the 2009-10 Fiscal Year Appropriation Limit for the Town of Apple Valley.

8. Release of Securities for Tract Map 14514-1

Recommendation:

Find that the construction of various improvements required for Tract Map 14514-1 are complete, and approve the 50% reduction of the performance securities.

9. Acceptance of Work, Notice of Completion and Release of Retention for the Safe Routes to School Symeron Road Improvements Project 2008-04

Recommendation:

1. Accept the work for the roadway improvements on Symeron Road from Apple Valley Road to Tuscola Road for a total cost of \$574,655.46.

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. Rescind Previous Contract Award For The Demolition Of 15431 Broken Bow Road, Apple Valley And Award A New Contract For The Demolition Of The Property Located At 15431 Broken Bow Road, Apple Valley.**
Recommendation:
1. Rescind the contract previously awarded to
 2. Reject all previous bids
 3. Award bid to HFG Excavation the lowest responsible, responsive bidder, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 11. Award of Contract for Painting to A.J. Fistes for Town Hall Annex**
Recommendation:
1. Reject Saunders & McMillin 's bid protest as without merit,
 2. Waive A.J. Fistes failure to acknowledge the Addenda 2 and 3 as an immaterial and waivable deviation,
 3. Award the contract to the lowest responsive bidder, A.J. Fistes
- 12. Award Contract for Materials Testing to MTGL for Town Hall Annex**
Recommendation:
Award contract to MTGL in the amount not to exceed forty-three thousand sixty dollars (\$43,060.00).
- 13. Application To San Bernardino Associated Governments For Local Transportation Funds – Article 8 – Other Purpose Claim**
Recommendation:
Authorize the Assistant Town Manager of Finance and Administration to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$831,107.

PUBLIC HEARINGS

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Property Acquisition Policies and Procedures

Mayor Roelle announced that Councilman Sagona was unable to be present at tonight's meeting due to a family emergency. He respectfully requested that this item be continued to the next meeting.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, and unanimously carried, to continue this item to the meeting of June 23, 2009.

15. Discussion on Options Related to Future Governance and Operations of the Apple Valley Fire Protection District

Mayor Roelle thanked those present for attending the Town Council Meeting. He explained his reasoning for bringing this item forward for discussion. He stated that he would like to review the staffing and funding levels for the Apple Valley Fire Protection District and determine if there has been an increase in service provided to our residents. He noted that Chairman Piercy acknowledged that he would provide this information to him.

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

The following individuals spoke in support of the Fire District:

Chuck Hanson
Apple Valley

Terry Hunt
Apple Valley

Pat Hanson
Apple Valley

Helen Smith
Apple Valley

James Hull
Apple Valley

Irma Tobey
Apple Valley

Donna Wilson
Apple Valley

Faye Painter
Apple Valley

Pat
Victorville

George Switzer
Apple Valley

Lorretta Walton
Apple Valley

Barbara White
Apple Valley

Mike Haus
Apple Valley

Joel Harrison
Apple Valley

Carol Marx
Sun City

Patrick Pelly
Apple Valley

Robert Nygaard
Apple Valley

Cliff Earp
Apple Valley

Larry Kempton (unable to speak – left card in support of district)
Apple Valley

Mayor Roelle again stated his request for information on this issue.

Rick Cambridge, Vice-President, asked, and the Town Council concurred, that a formal request for this information be submitted through the Town Manager's Office. He stated that the Board Members would comply with this request once the formal request had been received.

Mayor Pro Tem Nassif stated that the County of San Bernardino does a great job with its fire protection services and that he did not want to take anything away from them. He commented on Measure V and the impact that it may have should the district be dissolved. He expressed his concern regarding the possible need to subsidize the fire district should the Town take over the district and also the impact that it would have on the relationships that have been developed between the district, the schools and other agencies.

Councilwoman Coleman commented on her commitment to the fire district and stated that she did not support dissolving the district.

Councilman Allan agreed with the statements provided by the public.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, that no further action be taken on this issue unless directed to do so by the Apple Valley Fire Protection Board of Directors.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Coleman; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilman Sagona.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on upcoming items for the next agenda.

Lieutenant Keith Gulla provided an update to the Town Council on the SMASH Operation that was held last Friday. He stated that they made a total of 76 arrests. He announced that this program would continue throughout the summer months.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, announced to the Town Council that the Draft Housing Element submitted to the State on behalf of the Town of Apple Valley complies with State Law and has received approval.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, and unanimously carried, to adjourn to Closed Session at 8:17 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one potential case).

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

Upon returning from Closed Session at 8:28 p.m., Mayor Roelle announced that there was no reportable action taken.

ADJOURNMENT

Motion by Councilman Allan, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council 8:29 p.m.

Town Clerk

Mayor