

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

**REGULAR MEETING
MINUTES – October 12, 2010**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Allan called to order the meeting of the Apple Valley Town Council at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Councilwoman Coleman; Boardmember/Councilman Nassif; Boardmember/Councilman Roelle; Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent: None.

CLOSED SESSION

1. Closed Session

Mayor Allan recommended, with the consensus of the Town Council, that Closed Session be discussed at the end of the meeting.

OPENING CEREMONIES

INVOCATION: The invocation was led by Pastor Royce Bessera, Church for Whosoever

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Allan.

PRESENTATIONS:

1. Military Banner Presentation – Shaun Gordon Edwards, U.S. Army – Accepted by his wife, Maria Edwards.
2. Employee of the Quarter – Jabez Vargas, Maintenance Worker II
3. Apple Valley Airport Update – Mike Williams, Director of Airports

SPECIAL ANNOUNCEMENTS: None

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, reminded the Town Council of the upcoming bicycle ride.

Milt Holland, Apple Valley, expressed concern regarding issues that took place at a PBID meeting in which he was accused of sexual harassment.

Dave Mueller, High Desert Politics.org, expressed concern regarding statements in the minutes. He also expressed concern regarding the lack of response he has received from Council regarding questions he has asked about the funding for the Happy Trails Villas project.

William Furmage, Apple Valley, presented copies of newspaper articles regarding bicycle riders focusing on the need for a bicycle BMX park in the Town of Apple Valley.

Paul Hood, Apple Valley, expressed concern regarding the lack of a pool schedule visible to the public.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on various meetings she attended including the American Public Transportation Association Annual Meeting in San Antonio where discussions held included the rail way projects throughout the United States and the SCAG Meeting where topics of discussion included the conditions on different funding sources.

Councilman Nassif asked questions of Councilwoman Coleman regarding CARB discussions at SCAG.

Councilwoman Coleman explained that the SCAG Regional Council gave SCAG staff direction to work with a consultant on the economic targets for their region.

Councilman Nassif commented on the grand opening of a new Delta Dental facility on Sunday, October 10, 2010.

Mayor Allan stated that he attended the International Walk to School Day at the Yucca Loma School for Anti-Obesity Day. He also attended Pastor Bessera's Anniversary Dinner that was well attended. He also commented on the Golf Tournament which resulted in a tie.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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

A. Regular Meeting – Tuesday, October 26, 2010, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 6, respectfully.

Vote: Motion carried 5-0-0-0

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

Abstain: None.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – September 28, 2010**
 - B. **Special Meeting – October 6, 2010**

Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Claimant – Meralie Adams Dodge**

Recommendation:
Reject the claim of Meralie Adams Dodge
4. **Authorization to Dispose of Surplus Equipment – 1997 Chevrolet S-10 Pickup and a 2000 Chevrolet Full Size Utility Bed Pickup**

Recommendation:
Authorize the donation of the surplus 1997 Chevrolet S-10 Pickup to San Bernardino County to be converted to a COP vehicle for the Apple Valley Police Department and a 2000 Chevrolet full size utility pickup to be sold.
5. **Authorize Sewer Lift Station Upgrades**

Recommendation:
Approve and authorize payment in the amount of \$27,000 to So & Associates (Town's contracted professional services wastewater engineer) for costs associated with the design for lift station upgrades. The funds are budgeted in the 2010-2011 wastewater capital improvement budget.
6. **Acceptance of Work, Notice of Completion and Release of Retention for the Town of Apple Valley Development Services Building and Conference Center**

Recommendation:

 1. Accept the work of the two attached prime contractors, Queen City Glass and McKernan Construction, for the work performed at the Development Services Building and Conference Center; and, release the total retention in the amount of \$41,792.00 for Queen City Glass and \$11,170.47 for McKernan Construction.
 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 withheld retention funds provided no claims are filed against the contractor or Town.
 3. Direct the Finance Director to release retained funds 30 days after the acceptance of work and 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.

PUBLIC HEARINGS

7. **Community Development Block Grant (CDBG) and Home Investment Partnerships Program (Home) – Consolidated Plan – Public Hearing No. 1**

Mayor Allan opened the public hearing at 7:16 p.m.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk. Mr. Henderson explained the notification process.

Dave Mueller, High Desert Politics.org, stated that this is the process that should have been taken when discussing the funding for the Happy Trails Villa project. He stated that a public hearing was not conducted.

Mr. Henderson reminded the public that the Happy Trail Villa project was not funded with CDBG Funding.

There being no additional requests to speak, Mayor Allan closed the public hearing at 7:23 p.m.

No action was required on this item.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

Councilwoman Coleman stated that she had a potential conflict of interest on Items 8 and 9 and therefore excused herself from discussion of those items.

COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 7:24 P.M.

8. Apple Valley Country Club Golf Course Task Force Committee Recommendations Status Update

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk. He reviewed the Task Force Committee's recommendations and briefly discussed the status of each.

Councilman Roelle expressed concern regarding Recommendation #14. He questioned why the Town would wait to negotiate until after the closing of escrow.

Frank Robinson, Town Manager, explained the difficulty and legal issues in working with the bank when the Town does not own the property.

Kevin Smith, Interim Finance Director, also stated that Desert Community Bank indicated they would be willing to work with the Town after closing.

Wally Linn, Desert Community Bank, responded to questions by the Council regarding the negotiations of the terms of the loan.

John Brown, Town Attorney, commented on the terms and conditions of the loan with respect to the existing indebtedness. He believed that the Town can enter into three party negotiations that would result in some restructuring concurrently with the close of escrow.

Lawrence McCarthy, Apple Valley, read portions of the Purchase Agreement which outlines the benefits of the equity members since the Town has acquired the course and they are not paying dues.

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

9. Apple Valley Golf Course First Quarter Operating Revenue and Expenses

Kevin Smith, Interim Finance Director, presented the staff report as filed with the Town Clerk. Discussion ensued regarding the number of current equity members and the water expense for the golf course.

Mr. Smith answered questions of the Council regarding the above issues.

David Mueller, High Desert Politics.org, explained that the first quarter listed on the financial spreadsheet was probably taken during a time that there were more rounds of golf played. He commented on the reasons why he believed revenues would decrease.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, explained that there are the same number of members associated with the Golf Course today that there were when the Town negotiated the agreement.

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

COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 7:56 P.M.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Ralph Wright, Parks and Recreation Manager, stated that the RFP for the bicycle park will be submitted and the process should take approximately four (4) weeks. He also commented on the Parks and Recreation Master Plan and the visioning workshop that took place last week where goals and strategies were discussed. He anticipated the plan being submitted to the Town Council in February 2011.

Brad Miller, Town Engineer, commented on the scoping meeting held on September 29, 2010 for the High Desert Corridor project. He stated that approximately 300 – 350 people were in attendance, filling the entire Conference Center. He provided contact information for individuals requesting additional information on this project.

Frank Robinson, Town Manager, stated that the resurfacing project on Dale Evans Parkway, between Otoe Road and Waalew Road, is nearing completion and is right on schedule.

Kevin Smith, Interim Finance Director, provided a hand out to the Council of the state-wide map of projected growth in sales tax which shows Apple Valley as being above the county average. He noted that the projection did not include the new Burlington Coat Factory or Panda Express Restaurant in Apple Valley.

Mayor Allan responded to statements made by Mr. Holland and spoke of the false allegations that were made in the newspaper. He provided his personal website address for individuals who are interested in reading his response to the allegations made about him.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn to Closed Session at 8:08 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Clerk.

Upon returning from Closed Session at Mayor Allan announced that there is no reportable action.

ADJOURNMENT

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:18 p.m.

Town Clerk

Mayor