

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

**REGULAR MEETING
MINUTES – November 9, 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.

OPENING CEREMONIES

INVOCATION:

The invocation was led by Bishop Fields

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Captain Bart Belknap

PRESENTATIONS:

**Report on Victor Valley Museum - Robert McKernan
Recognition of Citizen Mark Yates – Captain Bart Belknap
Recognition of Officers – Captain Bart Belknap**

SPECIAL ANNOUNCEMENTS:

CLOSED SESSION

Mayor Allan 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 we need to add an additional Closed Session, Item Number 1B – Anticipated Litigation, one or more cases.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, that that there is a need to take action on an item that arose after the posting of the agenda. Based on this information we need to add an additional Closed Session, Item Number 1B – Anticipated Litigation, one or more potential cases.

Vote: Motion carried 5-0-0-0

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

1. Closed Session

Councilwoman Coleman announced that due to a potential conflict of interest, she would not be participating in the closed session discussions.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 6:52 p.m. to discuss the following:

- A. Conference with Legal Counsel – Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley vs. High Desert Community Foundation Inc., San Bernardino Superior Court Case No. CIVSS 806940.
- B. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).

COUNCILWOMAN COLEMAN REMAINED AT THE DAIS DURING CLOSED SESSION DISCUSSIONS.

Upon returning from Closed Session at 7:16 p.m. Mayor Allan announced that a presentation would be given by litigation attorney Piero Dallarda, Best, Best & Krieger.

Piero Dallarda, Best, Best & Krieger, presented a powerpoint presentation that outlined the history of the Apple Valley Country Club litigation and settlement.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, asked questions of the Town Council regarding the expenditures for the Golf Course.

Lester Milroy III, Apple Valley, commented on the moving Veterans Memorial Wall that will be in Hesperia. He also encouraged the community to support Veterans Day. Mr. Milroy also commented on the water rights for the Apple Valley Golf Course.

Richard Rorex, Apple Valley, thanked Mayor Peter Allan and Mayor Pro Tem Bob Sagona for their hard work and dedication that they have given the Town of Apple Valley as members of the Town Council.

APPLE VALLEY PROPERTY BUSINESS IMPROVEMENT DISTRICT UPDATE

Larry Cusack, Chairman, Apple Valley Property Business Improvement District, provided an update to the Town Council and the community on activities that have taken place at the PBID. He also commented on upcoming events that will be taking place in the near future.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on attending the school groundbreaking. She also commented on her attendance at the Southern California Associated Governments (SCAG) and the discussions that were held regarding transportation issues.

Councilman Roelle thanked Mayor Pro Tem Sagona and Mayor Allan for their hard work on the Council. He also congratulated Councilman Nassif and Councilman-Elect Emick for their election to the Council and also to Larry Cusack for his re-election to the Apple Valley Fire Protection District Board of Directors.

Councilman Nassif also thanked Mayor Pro Tem Sagona and Mayor Allan for their commitment to Apple Valley and their work on the Council. He too congratulated those that were elected to the Council. He also thanked the High Desert Foundation for working with the Town in reaching a settlement agreement.

Mayor Pro Tem Sagona thanked the community for their support and he commended his colleagues for their work and support on the Council.

Mayor Allan commented on his attendance at an event held for the San Bernardino Sherriff's Command Staff in Glen Helen. He also thanked the Council for their support to him as a member of the Town Council.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Nassif recommended that an item be placed on the Agenda for the first Town Council Meeting in January and have staff provide the Council with an update on the intervention process for Golden State to look at where we are going with water rates in the future.

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

A. Regular Meeting – Tuesday, December 14, 2010, 6:30 p.m. – Council Chambers

An announcement was made that prior to the meeting, a Christmas / Holiday Tea will be held at 5:30 p.m.

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Allan announced that due to a potential conflict of interest, Councilman Nassif will be abstaining on Item Number 6. He has a remote interest in certain warrants on tonight's commercial warrants for the Town of Apple Valley as the owner of Napa Auto Parts.

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 10, respectfully.

Vote: Motion carried 5-0-0-0

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

Councilman Nassif abstained from voting on Item Number 6.

2. Approval of Minutes of the Town Council

A. Regular Meeting – October 26, 2010

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Jacqueline Messinio

Recommendation:

Reject the claim of Jacqueline Messinio

4. Claimant – Raymond J. Gemme

Recommendation:

Reject the claim of Raymond J. Gemme

5. Treasurer’s Report – September 2010

Recommendation:

Receive and file.

6. Commercial Warrants Schedule – September 2010

Recommendation:

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

7. Payroll/Benefits Warrant Schedule – September 2010

Recommendation:

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

8. Revised Community Choice Aggregation Feasibility Study Request

Recommendation:

That the Town Council approve the agreement between the Town of Apple Valley and Dalessi Management Consulting LLC for a Community Choice Aggregation feasibility study within the Town for an amount not to exceed \$20,000, and authorize the Town Manager or his designee to execute the agreement and make any necessary non-substantive changes on behalf of the Town.

9. Award the Bid for the Purchase and Installation of Playground Equipment for Civic Center Park

Recommendation:

Authorize the purchase and installation of new playground equipment in Civic Center Park to Game Time, Inc. C/O Great Western, not to exceed \$235,621.00.

10. Agreement Between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool

Recommendation:

Approve the updated Swimming Pool Use Agreement between the Town and the Apple Valley School District.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

11. Change of Ownership, Development Agreement for North Pointe Specific Plan

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

MOTION

Motion by Councilman Nassif, seconded by Councilwoman Coleman, to approve the ownership transfer from Cambridge Homes, LLC to Apple Valley Partners, LLC.

Vote: Motion carried 5-0-0-0

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

12. Amendment No. 1 to the Happy Trails Villas Owner Participation

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

Discussion ensued regarding the section of the amendment which refers to a silent second which is part of the Town's down payment assistance program.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Nassif, to approve the amendment to the Happy Trails Villas Owner Participation Agreement between the Town of Apple Valley and AVHTV, LP; and authorize the Town Manager to execute the agreement on behalf of the Town and approve any minor non-substantive changes.

Vote: Motion carried 3-2-0-0

Yes: Councilmembers Coleman; Nassif; Mayor Allan. Noes: Councilman Roelle; Mayor Pro Tem Sagona. Absent: None. Abstain: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that the Yucca Loma Bridge project should be presented to the Council at the next regular meeting.

Ralph Wright, Parks and Recreation Manager, regretfully stated that the Town was not selected to be awarded the park grant for Phase II of the James Woody Park Project. He also stated that the Town would have another opportunity to reapply on March 01, 2011.

Mr. Wright announced he would come back to the Council at the meeting of December 14, 2010 with an update regarding Phase I of the BMX Skate Park renovations.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

ADJOURNMENT

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:22 p.m.

Town Clerk

Mayor