

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

**REGULAR MEETING  
MINUTES – March 13, 2012**

**CALL TO ORDER:**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Emick; Council Member Roelle; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: Council Member Nassif.

**OPENING CEREMONIES**

**INVOCATION:** The invocation was led by Mr. Jim Anderson, Code Enforcement Manager

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Kathie Martin, Public Information Officer

**PRESENTATIONS:** None.

**SPECIAL ANNOUNCEMENTS:** None.

**PUBLIC COMMENTS**

Scott McCauley, Apple Valley, stated that he is an employee of the Parks and Recreation Department for the Town of Apple Valley. He believed that the personal service they provide to the Town cannot be done by contracting out Parks services.

Lawrence McCarthy, Apple Valley, made comments regarding the Town's Mid Year Budget Review.

Milt Holland, Apple Valley, commented on a report sent to the Public Integrity Unit for the County of San Bernardino regarding violations with the PBID. He stated that a response has not been received from the unit since it was submitted. He believed the PBID should be dis-established.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Emick commented on committees and events that he attended.

Mayor Pro Tem Coleman commented on committees and events that she attended.

Council Member Roelle commented on committees and events that he attended. He asked the Town Attorney to find out the status of the report that was submitted to the Public Integrity Unit regarding the PBID.

Mayor Stanton commented on committees and events that she attended.

## TOWN COUNCIL ANNOUNCEMENTS

### Suggested items for next agenda:

Councilman Roelle announced there will be an item regarding Park and Recreation on the next agenda.

Mayor Stanton requested that staff come back to the Council with information regarding who the Town contracts with for landscaping maintenance on Apple Valley Road. She also commented on the trees on Apple Valley Road and Bear Valley Road. She requested to know whether or not they fall within the Town's jurisdiction.

Mayor Stanton requested that an item be added to a future agenda regarding the possibility of Animal Control opening on Saturday.

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

#### A. Regular Meeting – Tuesday, March 27, 2012

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

## TOWN COUNCIL CONSENT AGENDA

### MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, and that Item Number 7 be pulled for discussion.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Nassif.

#### 2. Approval of Minutes of the Town Council

##### A. Regular Meeting – February 28, 2012

##### Recommendation:

Approve the subject minutes as part of the consent agenda.

#### 3. January 2012 Commercial Warrants Schedule

##### Recommendation:

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

4. **Payroll/Benefits Warrants Schedule – Month of January 2012**  
**Recommendation:**  
Receive, ratify, and file the payroll/benefits warrants as presented.
5. **Claimant – Joe Velasquez**  
**Recommendation:**  
Reject the claim of Joe Velasquez
6. **Adopt Ordinance No. 433 – An Ordinance of The Town Council of the Town of Apple Valley, California, Determining That Development Code Amendment No. 2011-05 Is Exempt From Further Environmental Review and Amend Title 9 “Development Code” of The Town of Apple Valley Municipal Code, By Amending Section 9.62.070.C.3 As It Relates to Floodplain Management**  
**Recommendation:**  
That the Town Council adopts Ordinance No. 433
8. **A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedure Manual**  
**Recommendation:**  
That the Town Council adopt the attached Resolution No. 2012-10, A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures for The Town of Apple Valley.
9. **A Resolution of the Town Council of the Town of Apple Valley to Re-establish Limited Trustee Authorization for the Town of Apple Valley Deferred Compensation Plan**  
**Recommendation:**  
That the Town Council adopt the attached Resolution No. 2012-09.
10. **Acceptance of Work, Notice of Completion and Release of Retention for the Grid-Tied Solar Photovoltaic Power System, Inverter Building and Parking Lot Shade Structure Project at Town Hall**  
**Recommendation:**  
That the Town Council:
  - A. Approve the deductive change order in the amount of \$18,250.00 and waive liquidated damages.
  - B. Accept the work of SunWize Technologies, Inc. for the Town Hall Photovoltaic System Project; and authorize release of retention in the amount of \$67,342.70.
  - C. Direct the Town Clerk to file a Notice of Completion for the contract and notify surety to exonerate contract bonds.
  - D. Direct the Finance Director to release retained funds 30 days after the filing of the Notice of Completion, and/or notify prime contractors escrow account holders to release the withheld retention funds, provided no claims are filed against the contractor or Town.
11. **Approve and Authorize a Funding Agreement with San Bernardino Associated Governments, (SANBAG), for Construction of the Yucca Loma Bridge over the Mojave River.**  
**Recommendation:**  
That the Town Council approve the Funding Agreement with San Bernardino Associated Governments for Construction of the Yucca Loma Bridge over the Mojave River, subject to approval as to form by the Town Attorney and as to content by the Town Manager.

**12. Acceptance of Work, Notice of Completion and Release of Retention for the Kiowa Road Improvements – Phase 1 Del Oro Road to Bear Valley Road, Town Project 2011-06**

**Recommendation:**

That the Town Council:

1. Accept the work completed as part of the Kiowa Road Improvements – Phase 1 for a total cost of \$571,140.00.
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
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.

**PULLED FOR DISCUSSION**

**7. Initiation of a Development Code Amendment regarding Hot Food Truck Vendors**

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

**MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to initiate a Development Code Amendment and forward this issue to the Planning Commission for a workshop to include the community stakeholders and a recommendation by the Planning Commission that will be returned to the Council for consideration.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Nassif.

**PUBLIC HEARINGS**

None.

**LEGISLATIVE MATTERS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**13. Voluntary Spay/Neuter Program**

Gina Schwin-Whiteside, Animal Services Manager, presented the staff report as filed with the Town Clerk.

Mayor Stanton asked questions regarding the proposed program and the fees associated with microchips.

Beth Russell-Horton, Apple Valley, spoke in support of the voluntary spay and neuter program.

John Brekenridge, Apple Valley, recommended that an educated and budgeted program be established to be included with the spay and neuter program.

Discussion ensued regarding the use of microchips and the effectiveness of the chips when updated as needed.

### **MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried, to direct staff to implement the proposed program as an incentive to encourage voluntary spay/neuter of animals residing within the Town of Apple Valley.

#### **14. Vote For Candidate To Serve On Watermaster Alto Subarea Advisory Committee**

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk.

Carl Coleman, Apple Valley, commented on information that he has received regarding this committee and the nominees. He recommended that votes be cast to someone who is knowledgeable with Apple Valley.

Mayor Pro Tem Coleman requested information be provided to the Town Council regarding this Committee, its members and its purpose.

### **MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, and unanimously carried, to cast all of the Town's votes for Manuel M. Benitez, San Bernardino County Services Areas – 5410.

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

Frank Robinson, Town Manager, commented on the number of emails that have submitted regarding some of the new bills that offer solutions to the issues surrounding redevelopment; however, there has not been an agreement developed as of yet.

Mr. Robinson announced the next meeting of the Economic Development Task Force will be held in Sacramento on March 21<sup>st</sup> where information will be presented to the Legislature to include a solutions package to move forward. He also announced the Oversight Board Meeting will be held on Monday, March 19<sup>th</sup> at 4:00 p.m. in the Council Chambers.

Mayor Stanton announced the next Coffee with the Mayor will be held at One of Life's Perks Coffee Shop. She also commented on the 2<sup>nd</sup> Annual Furball event which will be held on March 30<sup>th</sup> in support of animals.

Mayor Stanton thanked Bart Belknap for his service to the Town of Apple Valley.

**ADJOURNMENT**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 7:44 p.m.

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Mayor

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Town Clerk