

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

**REGULAR MEETING  
MINUTES – April 10, 2012**

**CALL TO ORDER:**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:00 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Emick; Council Member Roelle; Council Member Nassif; Mayor Pro Tem Coleman; Mayor Stanton. Absent: None

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**1. Closed Session**

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 5:02 p.m. to discuss the following:

- A. Conference with Legal Counsel - Existing Litigation (Subdivision (A) Of Section 54956.9) Holtz Construction v. The Town of Apple Valley; Robertson's Ready Mix, Inc. (Case no. CIVVS 1101079).
- B. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Attorney

Upon returning from Closed Session at 6:03 p.m., Mayor Stanton announced that there was no reportable action taken.

**OPENING CEREMONIES**

**INVOCATION:**

The invocation was led by Pastor Royce Beserra, Church for Whosoever

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council Member Emick

**PRESENTATIONS:**

Proclamation - Child Abuse Prevention Month presented to Madeline Rodriguez representing Children's Network

Certification of Appreciation – Lovella Sullivan – Equestrian Advisory Committee

**SPECIAL ANNOUNCEMENTS:** None.

**PUBLIC COMMENTS**

Michael Hughes, Apple Valley, commented on an event that he is proposing for the Town of Apple Valley for the Evel Knievel Rocket Jump.

David Mueller, highdesertpolitics.org, respectfully requested the Town Council provide responses to concerns that he has on items on the agenda.

Bob Sagona, Apple Valley, expressed concern regarding the meeting being held at Town Hall by Assemblyman Tim Donnelly.

Aldo Stokes, Apple Valley, provided additional information regarding the proposed Rocket Jump in the Town of Apple Valley.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

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

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

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

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

Mayor Stanton commented on committees and events that she attended. She stated that she would also like to form a Regional Crime Commission that would allow the Town to address crime in Apple Valley on a case by case basis.

Mayor Stanton announced the next Coffee with the Mayor would be held on April 19<sup>th</sup> at Johnny D's Restaurant.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

Council Member Emick would like to re-agendize the item on the Appeal (No. 2012-01) of the Planning Commission's Denial of General Plan Amendment No. 2010-02 – (Sitting Bull Project) for reconsideration only.

## **MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to re-agendize Appeal (No. 2012-01) of the Planning Commission's Denial of General Plan Amendment No. 2010-02 – (Sitting Bull Project) for reconsideration only.

Vote: Motion carried 3-2-0-0

Yes: Councilmember's Emick; Nassif; Mayor Pro Tem Coleman; Noes: Councilmember Roelle, Mayor Stanton. Absent: None.

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

#### **A. Regular Meeting – Tuesday, April 24, 2012**

**Closed Session at 5:00 p.m.**

**Regular Session at 6:30 p.m.**

## **TOWN COUNCIL CONSENT AGENDA**

David Mueller, highdesertpolitics.org, asked questions regarding Agenda Item Number 5. He stated that he would like to know about the funding allocations listed within the Treasurer's Report. He also expressed concern regarding a record request that he submitted eight days ago.

Marc Puckett, Director of Finance, stated that he has offered and would still like to offer Mr. Mueller the opportunity to meet with him to discuss the funding line items as listed in the Treasurer's Report. He also discussed the records request submitted by Mr. Mueller regarding the funding for the Apple Valley Golf Course.

David Mueller, highdesertpolitics.org, asked questions regarding Agenda Item Number 11. He asked why past employee's salaries were listed on the Recognized Obligation Payment Schedule.

David Mueller, highdesertpolitics.org, asked questions regarding Agenda Item Number 12. He again asked why past employee's salaries were listed on the Recognized Obligation Payment Schedule.

John Brown, Town Attorney, responded to the concerns expressed by Mr. Mueller. He commented on the four levels of review that would follow should the Council adopt the first and second Recognized Obligation Payment Schedule.

Mayor Stanton announced that Council Member Nassif had a remote interest in certain warrants on tonight's Commercial Warrants for the Town of Apple Valley as the owner of NAPA Auto Parts; therefore, he will be abstaining from voting on Agenda Item Number 3.

## **MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Coleman, to approve and adopt the Consent Calendar items numbered 2 – 12, respectfully

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Council Member Nassif abstained from voting on Agenda Item Number 3.**

2. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – March 27, 2012**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
3. **February 2012 Commercial Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.
4. **Payroll/Benefits Warrants Schedule – Month of February 2012**  
**Recommendation:**  
That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.
5. **Treasurer’s Report – Month of February 2012 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**  
**Recommendation:**  
That the Town Council Receive and file the February 2012 Treasurer’s Report.
6. **Four-Way Stop At The Intersection Of Kamana Road And Kasota Road**  
**Recommendation:**  
Adopt Resolution 2012-17, “A Resolution Of The Town Council Of The Town Of Apple Valley Establishing The Intersection Of Kamana Road And Kasota Road As A Four-Way STOP Intersection.”
7. **Four-Way Stop At The Intersection Of Kiowa Road And Ottawa Road**  
**Recommendation:**  
Adopt Resolution 2012-18, “A Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Kiowa Road and Ottawa Road as a four-way STOP intersection.”
8. **Accept the Final Map for Tract Map No. 18235**  
**Recommendation:**
  - A) Adopt Resolution No. 2012-19 (A Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1, L-29)
  - B) Receive and approve the Engineer’s Report as filed or as amended (Note: The Engineer’s report has all ready been filed and is made a part of this agenda item for the Council’s review and approval)
  - C) Receive and approve the Landowner’s consent
  - D) Adopt Resolution No. 2012-20 (A Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-29 ordering improvements, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).
  - E) Move to approve the final map, securities and agreements for Tract Map No. 18235 subject to approval as to form by the Town Attorney and as to content by the Town Manager, accept the “Agreement for Construction of Improvements” and the bonds subject to approval by the Town.

**9. Release Of Securities For Reata Road Storm Drain Improvements – Parcel Map 17193, Home Depot**

**Recommendation:**

That the Town Council:

1. Direct staff to fully release and exonerate the Reata Road Storm Drain
2. Approve a Mutual Waiver and Release Letter Agreement between the Town and Home Depot.

**10. Accept The Final Map For Tract Map No. 18818, Applicant: Pulte Homes**

**Recommendation:**

Move to accept the final map, securities and agreements for Tract Map No. 18818.

**11. Approve Amendment to First Recognized Obligation Payment Schedule (ROPS)**

**Recommendation:**

That the Town Council adopt the attached SA Resolution No. 2012-02 approving an amendment to the first Recognized Obligation Payment Schedule (“ROPS”).

**12. Approve Second Recognized Obligation Payment Schedule (ROPS)**

**Recommendation:**

That the Town Council adopt the attached SA Resolution No. 2012-03 approving the second Recognized Obligation Payment Schedule (“ROPS”).

**PUBLIC HEARINGS**

**13. Introduce Ordinance No. 435 "An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Amending Chapter 12.20., Entitled "Special Speed Limits" Of Title 12 Of The Town Of Apple Valley Municipal Code" (Speed Limit On Jess Ranch Parkway Between Town Center Road And Bear Valley Road; Speed Limit On Del Oro Road Between Apple Valley Road And Deep Creek Road)**

Mayor Stanton opened the public hearing at 8:42 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. Mr. Miller explained the proposed changes to the ordinance.

There being no requests to speak, Mayor Stanton closed the public hearing at 8:45 p.m.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Nassif, and unanimously carried, to waive the reading of Ordinance No. 435 in its entirety and read by title only.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Nassif, to Introduce No. 435 "An Ordinance of the Town Council of the Town of Apple Valley, California, amending Chapter 12.20., entitled "Special speed limits" of Title 12 of the Town of Apple Valley Municipal Code."

Vote: Motion carried 5-0-0-0

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

Absent: None.

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

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

Frank Robinson, Town Manager, announced that two new appointments have been made to the Oversight Board; David Wert and Kevin Mahany. He stated that the next meeting would be held on Monday, April 16 at 4:00 p.m.

Mr. Robinson also commented on various grants that the Town of Apple Valley is seeking. He stated that staff is working on future agenda items including the Happy Trails Villas project and the Local Preference Policy.

Mayor Pro Tem Coleman encouraged the public to go online and vote for the Apple Valley Animal Shelter – ASPCA 100K Challenge.

Mayor Stanton announced the Shake, Rattle and Roll event on Saturday, April 14, 2012.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**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 7:51p.m.

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Mayor

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Town Clerk