

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

**REGULAR MEETING  
MINUTES – April 24, 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 Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: Council Member Roelle.

**CLOSED SESSION**

**1. Closed Session**

None

**OPENING CEREMONIES**

**INVOCATION:**

The invocation was led by Pastor Wayne Boyd, First Assembly of God, Apple Valley, CA

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Council Member Emick

**PRESENTATIONS:**

None

**SPECIAL ANNOUNCEMENTS:**

None

**PUBLIC COMMENTS**

Chuck Hanson, Apple Valley, announced the upcoming bike ride in the Town of Apple Valley. The event will be held on Monday, May 7, 2012.

Norma Almenta, Apple Valley Ranchos Water Company, commented on upcoming events on May 12, 2012.

Charles Collarini, Apple Valley, announced that on May 5, 2012, a presentation would be given by Joe Arpaio from Arizona. He encouraged the public to attend. He also commented on the Sitting Bull Road project meeting.

Josette Meals, Apple Valley, commented on the upcoming food drive in the Town of Apple Valley on May 12, 2012 sponsored by the Apple Valley Post Office. She requested that flyers be allowed within the Town.

Lance Angulo, Apple Valley, thanked the Town Council for considering the Saturday hours for the Animal Shelter.

Lorraine Snyder, High Desert Communities Food Bank, asked that assistance be provided to agencies through the grant programs offered by the Town.

David Mueller, highdesertpolitics.org, commented on the Happy Trail Villas project, and a records request regarding information from Apple Valley Golf Course.

Bob Sagona, Apple Valley, complimented Mayor Stanton on the "Coffee with the Mayor" events. He thanked her for her availability to the community. Mr. Sagona also commented on the reconsideration of the Sitting Bull Project that he believed is scheduled for July. He requested that the meeting be moved up. He also spoke of an upcoming conference that the Council will be attending. He recommended to save funding, that this conference be limited to new members.

Kim Scully, Apple Valley, commented on the Property Business Improvement District in the Town of Apple Valley.

Clint Air, Apple Valley, stated that he is the current Director of Feed My Sheep in Apple Valley. He commented on the amount of food that they provide for the community.

#### **APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Janice Moore, CEO, Apple Valley Chamber of Commerce, commented on the Chamber's latest business opportunities in the Town of Apple Valley. She announced that the Chamber now offers online training. The first class will be on May 23, 2012.

#### **COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

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

Council Member Nassif 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.

## TOWN COUNCIL ANNOUNCEMENTS

### Suggested items for next agenda:

Council Member Emick recommended a future item be discussed regarding reducing the traffic on Sitting Bull Road.

Mayor Stanton recommended a future item be discussed to provide an update on the issues surrounding bath salts, followed by the adoption of an ordinance.

Mayor Stanton also recommended a future item be discussed regarding the Town's current banking practices. She believed that the Town should shop for new rates.

La Vonda M-Pearson, Town Clerk, read the time, date and place for the next Town Council Regular or Special Meeting:

- A. Regular Meeting – Tuesday, May 8, 2012**  
**Closed Session at 5:00 p.m.**  
**Regular Session at 6:30 p.m.**

## TOWN COUNCIL CONSENT AGENDA

Mayor Stanton announced there is a need to take action on two items that arose after the posting of the agenda. Based on this information the following motions were made:

### MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, that there was a need to add an item to the agenda, based on the need to take action arising after the posting of the agenda. Motion to add Item Number 8a to the Consent Calendar - Receipt of JAG grant funds for fiscal year 2012-13 into the public safety grant fund for police activities league related expenditures with a recommendation to approve receipt of JAG grant funding in the amount of \$19,237 and appropriation of the funds to the public safety grant fund to pay expenses.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

### MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, that there was a need to add an item to the agenda, based on the need to take action arising after the posting of the agenda. Motion to add Item Number 11 to Business of the Council - Discussion of Cancellation of Town Council Meeting for the Meeting of May 22, 2012.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

Mayor Pro Tem Coleman announced that due to a potential Conflict of Interest, she would be abstaining from voting on Item Number 3.

Mayor Stanton asked for clarification from Legal Counsel regarding any conflicts that would disqualify a member of the Council from voting on an agenda item.

Piero Dallarda, Deputy Town Attorney, provided clarification to the Council regarding conflicts that would require a member to abstain from voting on an item.

Brad Miller, Town Engineer, responded to questions of the Council regarding Item Number 5 - Adopt 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 And Deep Creek Road). He explained for the benefit of the Town Council how speed limits are determined through radar speed surveys. He also explained what determines a stop sign at an intersection.

Mr. Miller also provided comments on Item Number 6 – BTA Grant Application for Maintenance and Rehabilitation of Existing Class I Bikeways along Yucca Loma Road and Navajo Road. He explained that approval of this item would authorize improvements to the existing Class I bikeways.

Mayor Stanton called for public comments on items on the Consent Calendar.

David Mueller, highdesertpolitics.org, commented on the franchise agreement and the pass through costs listed in the staff report on Item Number 3. He believed that this item authorized a rate increase to the public.

Bob Sagona, Apple Valley, expressed concern regarding a problem with the link to Item Number 3 on the Town’s online agenda. He recommended that the Council cease discussion of this item until the next scheduled meeting.

La Vonda M-Pearson, Town Clerk, explained for the benefit of the Town Council that on the online version of the agenda, Item Number 3 was inadvertently linked to a different report; however, in accordance with the Brown Act, the agenda was posted and distributed and that there was no violation of the Brown Act.

Piero Dallarda, Town Attorney, confirmed that based on the information provided by the Town Clerk, there is no violation of the Brown Act.

It was the consensus of the Town Council that Item Number 3 be pulled for discussion.

### **MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2 – 8A, and that Item Number 3 be pulled for discussion.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

2. **Approval of Minutes of the Town Council**
  - A. **Town Council/Management Retreat – April 6, 2012**
  - B. **Regular Meeting – April 10, 2012**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
4. **Fee Waiver Request For The Church For Whosoever Annual Outreach On May 28, 2012 And September 3, 2012.**

**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$660.10.
  
5. **Adopt 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 And Deep Creek Road)**

**Recommendation:**  
That the Town Council adopt Ordinance No. 435
  
6. **BTA Grant Application for Maintenance and Rehabilitation of Existing Class I Bikeways along Yucca Loma Road and Navajo Road**

**Recommendation:**  
That the Town Council adopt Resolution No. 2012-22 “ A Resolution of the Town Council of the Town of Apple Valley, California, authorizing the submittal of an application for grant funds from the State Bicycle Transportation Account for maintenance and rehabilitation of existing bikeways”.
  
7. **Establishing Date and Time Certain for Public Hearing No. 2 for the Five Year Consolidated Plan (2012-2016) and the Analysis of Impediments to Fair Housing Choice (AI) (2012-2016)**

**Recommendation:**  
That the Town Council establish May 8, 2012 at 6:30 p.m., as the date and time certain for the purpose of conducting the second of two public hearings necessary to develop the Town’s 2012-2016 Five Year Consolidated Plan and the Analysis of Impediments to Fair Housing Choice.
  
8. **Purchase of Storage Area Network Expansion**

**Recommendation:**  
Approve the purchase of the Storage Area Network (SAN) expansion, as budgeted for in the FY 2011-2012 budget.

**ADDED ITEM**

- 8A. **Receipt of Jag Grant Funds for Fiscal Year 2012-13 into the Public Safety Grant Fund for Police Activities League Related Expenditures**

**Recommendation:**  
Approve receipt of JAG Grant funding in the amount of \$19,237 and appropriation of the funds to the Public Safety Grant Fund to pay expenses as listed in the attached memorandum from Captain Lana Tomlin.

**PULLED FROM CONSENT**

**3. Amendment To The Exclusive Franchise Agreement Between The Town Of Apple Valley And Burrtec Waste Industries Inc.**

Mayor Pro Tem Coleman again stated that she had a potential conflict of interest with this item and was excused from the dais.

**MAYOR PRO TEM COLEMAN WAS EXCUSED FROM THE DAIS AT 7:45 P.M.**

Joseph Moon, Special Project Manager, presented the staff report as filed with the Town Clerk. He explained that this amendment does not include a rate increase which can only be done through a rate review process.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, that the Town Council approve the Amendment to the Exclusive Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc., including modifications to address waste hauling and State mandates pertaining to AB 939 and AB 341.

Vote: Motion carried 3-0-1-1

Yes: Councilmember's Emick; Nassif; Mayor Stanton.

Absent: Councilmember Roelle; Mayor Pro Tem Coleman

Marc Puckett, Director of Finance, commented on the issues surrounding the Consumer Price Index (CPI). He also commented on the standardized metropolitan statistical areas used by the U.S. Department of Senses in determining the year to year increases.

**MAYOR PRO TEM COLEMAN RETURNED TO THE DAIS AT 7:54 P.M.**

**PUBLIC HEARINGS**

**9. A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified User and Program Fees for Certain Park and Recreation Services**

Mayor Stanton opened the public hearing at 7:55 p.m.

Ralph Wright, Parks and Recreation Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Coleman noted that the fees for Lifeguard participants were not included on Page 9-8 of Exhibit A.

Mr. Wright apologized for the oversight and stated that the document would be corrected to list the fees.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:58 p.m.

## **MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to adopt Resolution No. 2012-21, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified Park and Recreation User and Program Fees for Certain Park and Recreation Services, as amended.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

## **LEGISLATIVE MATTERS**

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **10. Municipal Shelter – Hours of Operation and Saturday Schedule**

Gina Schwin-Whiteside, Animal Shelter Manager, presented the staff report as filed with the Town Clerk. She reminded the Town Council that a report will be brought back to the Town Council in 90 days with a recommendation. She announced that the first Saturday opening will be May 5, 2012.

Mayor Stanton expressed concern regarding the lack of services provided by the Animal Shelter due to financial constraints. She thanked the department for their hard work.

This was a receive and file item only. There was no action taken.

#### **11. Discussion of Cancellation of Town Council Meeting for the Meeting of May 22, 2012.**

Mayor Stanton commented on the ICSC Trade Show that is scheduled for May 21-23. She believed that the Trade Show is a great opportunity to solicit business for our community.

It was the consensus of the Town Council that the Town Council Meeting scheduled for May 22, 2012, be cancelled.

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

Frank Robinson, Town Manager, announced that Kathie Martin, Marketing and Public Affairs Officer, has completed her Competent Communicator Manual for Toastmasters International.

Mr. Robinson informed the Council of the funding received for the housing assistance program offered by the Town. He also announced the retirement of Mr. William Floyd, Best Best & Krieger.

Mr. Robinson commented on the lawsuit filed by Victor Valley Economic Development Authority (VVEDA). He stated that it's their position that ABX1 26 does not apply to them.

Dennis Cron, Assistant Town Manager, Municipal Operations & Contract Services, commented on

AB 885 approved by the Legislature in September 2000, directing the State Water Board to adopt regulations that would put into action new requirements for septic system replacements. He stated that staff will be bringing a resolution to the next meeting opposing the new rule.

Mayor Stanton expressed concern regarding the late notice in receiving this information. She felt that discussions on this issue should be done in Sacramento with our legislatures.

Discussion ensued regarding the information received on this item and whether or not there was enough information available to present the concerns to Sacramento.

It was the consensus of the Town Council to agendaize this item for a future meeting.

Kathie Martin, Marketing & Public Affairs Officer, announced that Home Depot donated a 25 foot Christmas tree to the Town to plant in our Civic Center Park, replacing the old tree. She stated that the tree will be planted tomorrow morning. She stated that the first concert this Summer will include a tree dedication. She also announced that Concerts in the Courtyard will begin next Thursday.

**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 8:47.m.

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Mayor

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Town Clerk