

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

**REGULAR MEETING
MINUTES – May 8, 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 – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).
- B. Public Employee Discipline/Dismissal/Release
- C. Negotiations with Real Property Negotiator – Property located at APN 3087-382-15, 3087-382-16, 3087-382-17, 3087-382-19, 3087-382-20 and 3087-382-21 pursuant to Government Code Section 54956.8 and 54954.5 (b).

Upon returning from Closed Session at 6:32 p.m., Mayor Stanton announced that there was no reportable action taken. However, she stated that the Town Council will reconvene to Closed Session at the end of this meeting to complete its discussions.

OPENING CEREMONIES

INVOCATION:

The invocation was given by Jim Andersen, Code Enforcement Manager.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Roelle.

PRESENTATIONS:

Employee of the Quarter - Tina Kuhns, Public Services Assistant

Certificate of Appreciation - Mr. William "Bill" Floyd

Military Banner Presentation – James Quigg

SPECIAL ANNOUNCEMENTS:

None

PUBLIC COMMENTS

Chuck and Pat Hanson, Apple Valley, thanked the Town and the Mayor for their help with the Apple Valley Bike Ride.

Scott Weldy, Rancho Water, reminded the Town Council about the Spring Conservation Fair this Saturday, from 9:00 a.m. to 3:00 p.m. at the Mojave Water Agency's parking lot. He spoke of all the various activities that will take place at this event. He also commented on the cash for grass program.

David Mueller, highdesertpolitics.org, asked questions regarding various line items on the Commercial Warrant Schedule. He also asked questions regarding the management for the Golf Course.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Nassif commented on committees and events that he attended. He also commented on derogatory statements made by members of the public at the last meeting that were directed to staff. Although he agreed with freedom of speech, he stated that he did not believe that it was appropriate or ethical for the public to badger staff in this manner. He respectfully requested that the public be respectful of all members and employees.

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.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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

- A. Special Meeting – Wednesday, May 30, 2012 – Council Chambers**
- B. Special Meeting – Thursday, May 31, 2012 – Council Chambers**
- C. Special Meeting – Friday, June 1, 2012 – Council Chambers**
- D. Regular Meeting – Tuesday, June 12, 2012 – Council Chambers**
Closed Session at 5:00 p.m.
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

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.

Mayor Stanton asked for clarification on an item listed on the Commercial Warrants Schedule.

Marc Puckett, Director of Finance, explained the funding for line items listed on the schedule dealing with the Apple Valley Golf Course.

David Mueller, highdesertpolitics.org, asked questions regarding Agenda Item Number 5. He expressed concern regarding the Golf Course funding line items.

Lawrence McCarthy, Apple Valley, made comments regarding Agenda Item Number 7.

Nikki Salas, Director of Human Resources, provided clarification to Mr. McCarthy regarding the pay grades and classifications listed in the staff report. She explained this cost savings measure for the Town of Apple Valley that would allow the Town to retain its current Parks and Recreation staff.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2 – 8, 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 – April 24, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. March 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 March 2012

Recommendation:

That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

5. Treasurer’s Report – Month of March 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 March 2012 Treasurer’s Report.

6. Resolution No. 2012-23 , A Resolution of the Town Council of the Town of Apple Valley, California, Opposing Section 7.8 of the State Water Resources Control Board’s Final Draft Septic Tank Policy

Recommendation:

That the Town Council adopt Resolution No. 2012-23 opposing section 7.8 of the State Water Resources Control Board (SWRCB) Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy), dated March 20, 2012.

7. Resolution of the Town Council of the Town of Apple Valley Amending the Employee Classification Plan

Recommendation:

Approve the Resolution of the Town Council of the Town of Apple Valley amending the Employee Classification Plan.

8. Notice of Completion For Slurry Seal/Microsurface 2010-11 Project

Recommendation:

A. Accept the work for the construction of the Slurry Seal/Microsurface 2010-11 project for the total cost of \$1,100,689.76.

B. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.

C. Direct the Finance Director to release retained funds in the amount of \$109,460 30 days after the filing of Notice of Completion, provided no claims are filed against the contractor.

PUBLIC HEARINGS

9. Final Public Hearing – Draft FY 2012-2016 Consolidated Plan First-Year Action Plan and Analysis of Impediments to Fair Housing Choice

Mayor Stanton opened the public hearing at 7:36 p.m.

Emily Wong, Consultant, presented the staff report as filed with the Town Clerk. She informed the Town Council that Veronica Tam, Consultant would make a report to the Town Council followed by commented from the Chairman of the Community Development Citizen’s Advisory Committee.

Veronica Tam, Consultant, presented a PowerPoint presentation that outlined the process used for preparing the first year action plan.

Darryl Evey, Chairman, Community Development Citizen's Advisory Committee, thanked the Town Council and his appointee, Council Member Roelle, for allowing him to serve on this committee. Mr. Evey introduced the members of the committee for the benefit of the public. He commented on the numerous applications received that far exceeded the funding available for allocation. He commended the committee for their hard work during this process and their dedication as they made difficult decisions when recommending funding.

Al Rice, Apple Valley, commented on the process used for notifying the public of the workshops which assisted the public in preparing the applications.

Jimmy Waldron, High Desert Homeless Services, thanked the Town Council and the committee for their continued support of his organization.

Barbara Payne, Apple Valley Faith Center Food Bank, respectfully requested that their organization be awarded funding for its food bank program.

Linda Triska, Feed My Sheep in the High Desert, thanked the committee for its recommendation to award funding to their organization. She commented on the services they provide to residents in Apple Valley.

Nancy Miller, Church of the Valley Crisis Ministry Food Pantry, stated that their organization has been overwhelmed with individuals in need due to the economy. She respectfully requested funding for their food pantry.

Lorraine Snyder, High Desert Food Bank, commented on the services that they provide to the community.

David Mueller, highdesertpolitics.org, expressed concern regarding the amount of administrative fees charged to administer this program. He also expressed concern regarding various funding recommendations listed in the report.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 8:03 p.m.

Ms. Wong explained how the allocated funds can be expended and the caps associated with the expenditures.

Mayor Stanton asked, and Ms. Wong responded, to a series of questions regarding the drafting, completion and responses obtained when preparing the Draft Consolidation Plan.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, to:

- A. That the Town Council approve the 2012-2016 Draft Consolidated Plan to include the First Year Action Plan containing recommendations for 2012-2013 funding; and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town for submission to HUD.

- B. That the Town Council adopts the 2012-2016 Draft Analysis of Impediments to Fair Housing Choice

Vote: Motion carried 5-0-0-0

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

Absent: None.

LEGISLATIVE MATTERS

10. Vacancy on the Town of Apple Valley Equestrian Committee

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, and unanimously carried to appoint Ray Sims to the Town of Apple Valley Equestrian Committee.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

11. Code Enforcement Memorandum Of Understanding Between The City Of Adelanto, City Of Hesperia, City Of Victorville, County Of San Bernardino, And The Town Of Apple Valley

Jim Andersen, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, that the Town Council approve the Code Enforcement Memorandum of Understanding between the City of Adelanto, City of Hesperia, City of Victorville, County of San Bernardino, and the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

Absent: None.

12. Reconsideration Of Appeal (No. 2012-01) Of The Planning Commission Denial Of General Plan Amendment No. 2010-02, Zone Change No. 2010-02 And Tentative Tract Map No. 18763 For The Proposed Subdivision Of Approximately 135 Acres Into 168 Single-Family Lots And A 10-Acre Park/Retention Basin Located Directly South Side Of Sitting Bull Road East Of Apple Valley Road.

Lawrence McCarthy, Apple Valley, asked a series of questions directed to Council Members regarding their desire to reconsider this item.

Richard Cambridge, Apple Valley, believed that the developer did his due diligence when bringing this item forward. He stated that development had to move forward in order for the Town to progress.

Millie Huntley, Apple Valley, expressed concern regarding the Council's desire to reconsider this item. She did not believe that Council Member Emick was being honest when he made various comments to residents in Skyline Ranch.

Christina Burton, Apple Valley, commented on how the meeting was organized in Skyline Ranch.

Larry Cusack, Apple Valley, commented on the number of projects in Apple Valley that will benefit the community once they are built. He believed that this project would also be a benefit to the community.

Bill McDaniel, Apple Valley, stated that he supported the Sitting Bull Development. He believed the developer has done what is necessary to bring a quality project to the community.

Pat Orr, Apple Valley, encouraged the Town Council to bring this item forward for reconsideration.

Bonnie Rouch, Apple Valley, expressed concern regarding the Council reconsidering this item. She believed that during this recession, there was no need to have additional homes built in the area.

Joel Harrison, Apple Valley, thanked the Town Council for their service to the community. He believed the Town Council should embrace quality development. He believes that this applicant will provide quality growth in the community.

Charles Collarini, Apple Valley, stated that he has lived in the community for over 40 years. He expressed concern regarding a new development being built at this time.

Gayle Flinchum, Apple Valley, believed that due to the economy, this project not be built at this time.

Richard Turnbull, Apple Valley, believed that this project should not be supported at this time.

Bob Tinsley, Apple Valley, thanked Mr. Emick for asking that this item be reconsidered. He believed that this was a quality project.

Bob Sagona, Apple Valley, read a statement into the record regarding the proposed project, the reconsideration and the problems that he believed this project would bring to the community including high traffic.

Dave Mueller, highdesertpolitics.org, expressed concern regarding the proposed project. He believed that approval of this project would set a precedent.

Suzanne Freehling, Apple Valley, expressed concern regarding traffic that will be incurred should this project be approved.

Council Member Emick explained that he still believes this item should be reconsidered. He explained that the reason the item cannot be presented before the Council until July is due to noticing requirements.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to reconsider Appeal (No. 2012-01) Of The Planning Commission Denial Of General Plan Amendment No. 2010-02, Zone Change No. 2010-02 And Tentative Tract Map No. 18763 For The Proposed Subdivision Of Approximately 135 Acres Into 168 Single-Family Lots And A 10-Acre Park/Retention Basin Located Directly South Side Of Sitting Bull Road East Of Apple Valley Road.

Vote: Motion carried 5-0-0-0

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

Noes: Council Member Roelle, Mayor Stanton.

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, informed the Town Council that the bill to eliminate the economic development agency has failed. He commented on the Oversight Board meeting held yesterday where amendments to the ROPS were approved. He announced that at the next regular meeting to be held on June 12, 2012, there will be a report on banking and investment strategies as well as a presentation on Happy Trails Villas.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, to reconvene to Closed Session at 9:05 p.m. to discuss the following:

- A. CONFERENCE with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).
- B. Public Employee Discipline/Dismissal/Release
- C. Negotiations with Real Property Negotiator – Property located at APN 3087-382-15, 3087-382-16, 3087-382-17, 3087-382-19, 3087-382-20 and 3087-382-21 pursuant to Government Code Section 54956.8 and 54954.5 (b).

Due to a potential Conflict of Interest, Mayor Pro Tem Coleman was excused from Closed Session discussions at 9:30 p.m. and was not involved during the discussions of Item 1C under Closed Session.

Upon returning from Closed Session at 9:45 p.m., Mayor Stanton announced that it was the consensus of the Council to agendaize an item on a future agenda to set a broker of record for the sale of Parcel Numbers listed under Item 1C and direct staff to come back to the Council with a recommendation for a broker to list and market those properties.

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 9:50 p.m.

Mayor

Town Clerk