

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

**REGULAR MEETING
MINUTES – June 12, 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 Mayor Stanton, 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. Negotiations with Real Property Negotiator – Property located at APN 3112-101-01 and 3112-111-41 pursuant to Government Code Section 54956.8 and 54954.5 (b).

Mayor Pro Tem Coleman was excused from Closed Session discussions on Item 1B at 5:45 p.m.

Upon returning from Closed Session at 6:32 p.m., Mayor Stanton announced that there was no reportable action taken.

OPENING CEREMONIES

INVOCATION:

The invocation was given by Pastor Wayne Boyd, First Assembly of God

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Roelle.

PRESENTATIONS:

Recognition of the Home Depot/Christmas Tree Donation –Mr. Chad Cox

Rancho Elementary School Presentation to Animal Shelter

Certificate of Appointment – Ray Sims - Equestrian Committee Member

Presentation - Happy Trails Villas - Mr. Joseph Moon, Special Projects Manager

SPECIAL ANNOUNCEMENTS:

None

PUBLIC COMMENTS

Michael Hughes, Apple Valley, commented on a Skylimo Rocket Jump that he will be completing at Horseman's Center. He informed the Town Council and the public about the event which he believed would bring revenue to the Town. He respectfully requested the Town of Apple Valley waive the required fees for this special event.

Carl Williams, Apple Valley, expressed concern regarding an ongoing nuisance in his neighborhood dealing with animals. He requested assistance from the Town Council on this issue.

Lawrence McCarthy, Apple Valley, commented on the need for the speed limits in the Town of Apple Valley to be corrected per the Ordinance adopted by the Town Council.

Al Rice, Apple Valley, commented on the Happy Trails Villas project. He believed that there appeared to be no motivation or experience by the sales staff to sell the units. He spoke of the lack of sales projections for these units.

David Mueller, highdesertpolitics.org, also commented on the lack of movement with the Happy Trails Villas project. He also commented on the proposed AMCAL project and the lack of a Disposition and Development Agreement for the project.

Gloria Lopez, Apple Valley, stated that she resides in the Rimrock area. She stated that there have been approximately sixteen (16) home robberies in this area. She spoke on behalf of the neighbors who are all requesting assistance from the Town on this issue.

Chuck and Pat Hanson, Apple Valley, expressed concern about the proposed modified holiday schedule listed on the agenda for discussion.

Terry Walker, Apple Valley, expressed concern regarding the burglaries in her neighborhood. She stated that her daughter arrived home while a burglary was taking place. She respected assistance with additional patrol in the area.

Gina Holt, Apple Valley, commented on an epidemic of a drug referred to as Spice in Apple Valley. She requested the Town Council look into this matter.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Roelle commented on the concerns expressed by the residents regarding burglaries in the neighborhood. He believed that the Sheriff's Department would address the issue and thanked the residents for coming out to speak. He also thanked the Town Clerk's staff for the plaque they prepared for an event he attended over the weekend, and the Animal Services staff for donating a Golden Retriever to the academy graduation ceremony.

Council Member Roelle acknowledged and thanked his supporters that helped get him get to the runoff for his campaign of 1st District Supervisor.

Council Member Nassif commented on the concerns expressed by the public regarding Spice and Bath Salts.

Captain Tomlin, Apple Valley Police Department, stated that the department is working with the District Attorney's office regarding this issue.

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.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Stanton requested a future item be prepared for the agenda to discuss employee pay outs for sick leave and vacation time. She would also like the report to include any caps that are associated with employee leave.

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

- A. Regular Meeting – Tuesday, June 26, 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 Councilman 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 also announced that staff had requested that Agenda Item Number 11 be pulled from the Consent Calendar for discussion.

Council Member Nassif stated that he also had a potential conflict of interest with Agenda Items numbered 8 and 9 as the owner of property in the Village area; therefore he would also be abstaining from voting on those items.

David Mueller, highdesertpolitics.org, commented on the Treasurer's Report (Agenda Item Number 5). He believed that there was no factual information listed within the report. He commented on various line items within the report that he believed were incorrect.

David Mueller, highdesertpolitics.org, commented on Agenda Item Number 8 regarding the PBID Budget. He questioned the Town administration fees associated with the PBID.

David Mueller, highdesertpolitics.org, commented on Agenda Item Number 9 regarding the renewal and boundary modifications of the PBID. He believed that not all properties were reflected within the report. He commented on what he believed were the results of the PBID investigation. He also commented on what he felt were inconsistencies between Agenda Items Numbered 8 and 9 of the Town agenda.

Orlando Acevedo, Economic Development Manager, stated that the Mojave Water Agency headquarters was being assessed and that the boundary maps were included within the report.

Ed Henning, Consultant, reiterated that the boundary map for the proposed assessment was included within the report. He stated that if an APN Number was accidentally omitted, it would be corrected per the map.

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15, respectfully, and that item number 11 be pulled for discussion.

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 Items Numbered 3, 8 and 9

2. Approval of Minutes of the Town Council

A. Regular Meeting – May 8, 2012

B. Special Meeting – May 30, 2012

C. Special Meeting – May 31, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. April 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 April 2012

Recommendation:

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

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

6. Public Agency Retirement Services Contract

Recommendation:

That the Town Council adopt a resolution authorizing execution of an agreement with the Public Agency Retirement Services (PARS) to provide an Alternate Retirement System (ARS) for employees not eligible for enrollment in the Public Employees Retirement System (PERS).

7. Acceptance of Sewer Lift Station Capacity Analysis Study

Recommendation:

That the Mayor and Town Council receive and file this report, and accept as completed the Sewer Lift Station Capacity Analysis Study.

8. Annual Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association

Recommendation:

That the Town Council approve the FY2012-13 Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association (Association).

9. Renewal and Boundary Modifications of the Apple Valley Village Property and Business Improvement District (PBID)

Recommendation:

That the Town Council adopt a Resolution of Intention to renew and modify the boundaries of the Apple Valley Village Property and Business Improvement District (Village PBID) and to levy and collect assessments therein and to hold a public hearing thereon on August 14, 2012.

10. Undergrounding Utility District No. 4 along Yucca Loma Road between Mohawk Road and Rancherias Road

Recommendation:

1. That the Town Council adopt Resolution No. 2012-26 “A Resolution of the Town Council of the Town of Apple Valley, California, authorizing the initiation of proceedings to establish Undergrounding Utility District No. 4 along Yucca Loma Road, between Mohawk Road and Rancherias Road”.
2. Direct the Town Clerk to give notice, by mail, of the time and place of the hearing to all affected property owners as shown on the last equalized assessment roll or as known to the Town Clerk, at least ten (10) days before the date set for the hearing.

12. Direct and Authorize Staff To Establish A Rotating Victor Valley Based Real Estate Broker To List For Current And Future Real Estate Sales And Purchase Transactions Made On Behalf Of The Town

Recommendation:

That the Town Council direct and authorize Staff to establish a rotating list of local Victor Valley real estate brokers for purchase and/or sale of property on behalf of the Town.

13. Legislation Requiring Local Agencies to Review Its Conflict Of Interest Code To Comply With The Political Reform Act.

Recommendation:

Direct the Town Manager to review its code and submit a notice, by October 1, 2012, to the Town Council that either amendments are required or that no amendments are necessary.

14. Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for FY 2012-2013

Recommendation:

1. Adopt Resolution No. 2012-29, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.
2. Receive and approve the engineer's report as filed, or as amended.
3. Adopt Resolution No.2012-30, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2012-2013.

15. Central Road and Joshua Road Town/County Agreement

Recommendation:

Approve and sign the attached Cooperative Agreement with the County of San Bernardino for the Central Road and Joshua Road Paving Projects.

PULLED FROM CONSENT CALENDAR

11. List For Sale The Town’s Former Animal Shelter, Public Works Facility And Adjacent Vacant Parcels For Sale/Lease/Lease Purchase

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk. He recommended a modification to the motion in an effort to ensure that the motion is in conformance with the Government Code.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Coleman, to authorize and direct staff to negotiate a real estate marketing and sales contract with Lee and Associates to list the Town’s former Public Works, Animal Shelter and adjoining vacant parcels for sale/lease/lease purchase in conformance with the Government Code, with a maximum combined commission of 4% authorized for compensation and, authorize negotiating with the next real estate broker in line, as shown in agenda item #12 should Lee and Associates and the Town fail to reach agreement for said real estate marketing and sales contract, and continuing through the list of real estate brokers until a successful contract is reached.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

16. General Plan Amendment No. 2012-001

Mayor Stanton opened the public hearing at 7:57 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Town Clerk.

Council Member Nassif asked questions regarding the alignment process.

Ms. Cupp explained that the property owners are aware of the proposed roads for the area. She stated that Apple Valley Road would be extended up to the Stoddard Wells exit.

There being no requests to speak, Mayor Stanton closed the public hearing at 8:00 p.m.

MOTION:

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

1. **Determine** that the proposed General Plan Amendment will not have an effect on the environment.
2. **Adopt** the Negative Declaration Finding for GPA 2012-001, finding that on the basis of the whole record before the Town Council, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. **Find** that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. **Approve** the Resolution of the Town Council of the Town of Apple Valley amending Figure II-6 "General Plan Street System" of the General Plan.
5. **Direct** staff to file a Notice of Determination.

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

17. Local Preference Ad Hoc Committee

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Coleman recommended that the Apple Valley Chamber of Commerce be involved in this process.

It was the consensus of the Town Council to appoint Mayor Pro Tem Coleman, Mayor Stanton, two staff members and the Apple Valley Chamber to an Ad Hoc Committee for the purpose of performing a comprehensive review of local preference issues and a corresponding analysis of the Town's current Local Preference program. At its conclusion, the Committee will prepare a report of its findings and recommendations for presentation at a future Town Council meeting.

18. Update On Report Submitted To The District Attorney's Office Regarding The Multiple Allegations Against The Property Business Improvement District (PBID)

John Brown, Town Attorney, presented an oral report regarding the status of the report submitted to the District Attorney's Office regarding the multiple allegations against the Property Business Improvement District.

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

19. Review of the FY2012-13 Statement of Investment Policy

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk. He discussed the comparative shopping that the Town Finance Department conducts to obtain competitive rates.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, to adopt Resolution 2012-31 approving the Statement of Investment Policy for Fiscal Year 2012-2013 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 5-0-0-0

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

Absent: None.

20. Adoption of Fiscal Year 2012-2013 Appropriations Limit

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to adopt Resolution No. 2012-28 of the Town Council of the Town of Apple Valley, California establishing the Fiscal Year 2012-2013 Appropriations Limit for the Town at \$29,861,317 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 5-0-0-0

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

Absent: None.

21. Resolution of the Town Council of the Town Of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for All Funds for Fiscal Year 2012-13

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk.

Al Rice, Apple Valley, commented on his attendance at the budget workshop. He presented the Town Council with four issues that he believes should be reported within the budget including the golf fund, Park and Recreation fund, carryovers and deficits.

Carl Coleman, Apple Valley, commended the Town Council on the work that was done on the Town budget. He expressed concern regarding the lack of acknowledgement within the budget for a Water Ad Hoc Committee and the Watershed Program.

Council Member Nassif commented on the County Watershed Plan. He stated that there is a purpose and reason that the project has been delayed which will be discussed at a future date.

Council Member Roelle commended staff on the detailed budget that was presented to the Town Council for review and approval. He believes it was easy to read and very impressive compared to previous budgets.

Council Member Emick concurred with the statements made by Council Member Roelle and thanked the Finance Director for his work in this process.

Mayor Pro Tem Coleman also thanked staff. She too expressed concern regarding the lack of funding for the Watershed Program listed within the budget.

Mayor Stanton thanked staff for the contributions that they made to contribute to a balanced budget. She stated for the record that she still did not agree with various line items within the budget dealing with the golf course; however she thanked staff for providing the Council with a completed budget document.

Mr. Puckett thanked staff for their hard work and contributions in preparing the budget document. He commented on each department's effort to make the budget document a transparent document for both the Town Council and the public.

Council Member Emick commented on the line item for cell phones. He questioned the need for this line item.

Discussion ensued regarding whether or not cell phones reimbursements were used by members of the Town Council. It was the consensus of the Town Council to keep the line item in the event members of the Council chose to take advantage of the reimbursement allowance.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to adopt Resolution No. 2012-32 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal year 2012-2013.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that the State budget hearings began today with a deadline of Friday. He explained that if it is not adopted, the legislators will not receive compensation. He commented on some of the proposed reductions to the budget that are being discussed in Sacramento.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, reported that during the months of January through May, the Apple Valley Golf Course has seen a reduction in water consumption by 38.5 percent. He stated that the course used approximately 17 million gallons less water this year compared to last year. He discussed the financial savings due to the reduction in water usage.

Lance Miller, Public Works Manager, commented on a grinder that was installed at Lift Station 3A1. He explained the amount of discharge that flows to this lift station and then pumped to additional stations. He explained that prior to the new equipment being installed, staff performed over 372 incidents of manually unplugging the pumps.

Kathie Martin, Marketing and Public Officers, announced the start of the Sunset Concert Series beginning on June 21, 2012. She also commented on the Freedom Festival on July 4, 2012. She thanked the Town Council for approving the July 5 holiday.

Mr. Robinson stated that SANBAG will have its 2nd Annual General Assembly on Thursday, June 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 9:04 p.m.

Mayor

Town Clerk