

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

**REGULAR MEETING
MINUTES – June 26, 2012**

CALL TO ORDER:

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:04 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. Negotiations with Real Property Negotiator – Parcel Numbers: 3087-48-08, 3087-48-09, 3087-48-10, Apple Valley; Negotiating Parties: Bert Trust; Girish A. Patel; Mo Nabi.; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms of payment.

Upon returning from Closed Session at 6:14 p.m., Mayor Stanton announced that there was no reportable action taken.

OPENING CEREMONIES

Mayor Stanton convened the regular session of the Apple Valley Town Council at 6:31 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

INVOCATION:

The Invocation was led by Pastor Carol Vonhelf, Apple Valley Christian Care Center

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Emick.

PRESENTATIONS:

Apple Valley Housing Market – Presentation by Cari Leon, Agio Realty, Mike Arias, Chicago Title

PUBLIC COMMENTS

Frank Kelly, No Drugs America, made a presentation to members of the Apple Valley Town Council regarding their involvement with No Drugs America Day. He presented Council Member Nassif, Council Member Roelle and Mayor Stanton with Certificates of Appreciation.

Lawrence McCarthy, Apple Valley, commented on the speed limit ordinance that was adopted in April. He stated that the change to the speed limits has not been changed within two months.

Mary Hughes, Apple Valley, commented on the proposed fee increase listed on the agenda. She believed that being on a fixed income prohibits her from participating on many of the events. She requested that the fees not be increased.

Bernadette McNulty, Apple Valley, expressed concern regarding the proposed fee increase by Apple Valley Ranchos Water District. She respectfully requested that the Town Council object to the fee hike and ask them to hold the PUC hearings in Apple Valley. She also commented on Ranchos Water building a new facility at this time.

Sharon Holland, Apple Valley, commented on a letter received from Best, Best and Krieger stating that Highway 18 is in the PBID area and therefore the property owner should be assessed.

Clint Air, Apple Valley, stated that he along with others have been cited and harassed by Code Enforcement. He asked that Code Enforcement codes and regulations be re-evaluated.

Sandra McKay, Apple Valley, stated that she operates a Medical Marijuana Clinic in the Town of Apple Valley. She stated that she felt by operating this clinic, she could give back to those that are ill.

Carrie Erskine, Apple Valley, commented on the benefit of Medical Marijuana Clinics and the assistance that they provide to patients in need.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Janice Moore, Apple Valley Chamber of Commerce, provided an update to the Town Council and the public regarding its business retention efforts. She commented on her attendance at the International Council of Shopping Centers Convention where information regarding franchise opportunities was available to the public.

Ms. Moore stated that as a result of the Chamber's partnerships with leading employers in the community, there are many opportunities available to the residents in Apple Valley including the development of new career paths. She also commented on upcoming events provided by the Chamber of Commerce. She noted that they will be promoting the State of the Town event at the Apple Valley Conference Center.

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 announced that Ray Wolff is the new Executive Director for SANBAG. He commented on committees and events that he attended. He also asked Mr. Robinson to look into the speed limit signage as requested during public comments.

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

Mayor Stanton commented on committees and events that she attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Stanton suggested a future item be discussed on a Spay and Neuter program in the Town of Apple Valley.

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

A. Regular Meeting – Tuesday, July 10, 2012

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Roelle, 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.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – June 12, 2012**
 - B. **Special Meeting – June 12, 2012**

Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Adopt Resolution No. 2012-35 Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held On Tuesday, November 6, 2012.**

Recommendation:
Adopt Resolution No. 2012-35 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.
4. **Adopt Resolution No. 2012-36, A Resolution Adopting Regulations For Candidates For Elective Office Pertaining To Candidates Statements For The General Municipal Election, November 6, 2012**

Recommendation:
Adopt Resolution No. 2012-36 adopting regulations for candidates for elective officer pertaining to candidate statements submitted to the voters at an election, November 6, 2012.
5. **Bid Documents For The Central Road Overlay Project 2012-08 – Bear Valley Road To Poppy Road**

Recommendation:

 1. Approve the bid documents for the Central Road Overlay Project 2012-08 – Bear Valley Road to Poppy Road
 2. Authorize staff to solicit bids for construction.
6. **Initiate A General Plan Amendment And Zone Change To Modify The Current Land Use And Zoning Pertaining To The Public Facilities Designation Of Three (3) Sites (Apns 3112-731-21, -22, 3087-351-23, 3087-351-08).**

Recommendation:
Move to initiate a General Plan Amendment and Zone Change and forward this project to the Planning Commission for their recommendation.
7. **Emergency Planning/Services Joint Agreement Between The Town Of Apple Valley, Apple Valley Fire Protection District And The Apple Valley Unified School District**

Recommendation:
That the Town Council ratify the Emergency Planning/Services joint agreement between the Town of Apple Valley, Apple Valley Fire Protection District and the Apple Valley Unified School District.
8. **Household Hazardous Waste Collection Agreement Between The Town Of Apple Valley And The San Bernardino County Fire Protection District.**

Recommendation:
That the Town Council approve the Household Hazardous Waste (HHW) Agreement between the Town of Apple Valley and the San Bernardino County Fire Protection District.

PUBLIC HEARINGS

9. Adoption Of Urgency Ordinance Regarding Reasonable Accommodation In Compliance With Federal And State Fair Housing Laws

Mayor Stanton opened the public hearing at 7:50 p.m.

John Brown, Town Attorney, presented the staff report as filed with the Town Clerk.

David Mueller, highdesertpolitics.org, stated that he objected to the Ordinance based on issues both known and unknown at this time. He questioned why the sudden urgency issue on this matter. He also questioned if the lawsuit filed dealt with the Happy Trails Villas Project.

Council Member Nassif stated that the issue does not deal with Happy Trails Villas.

Mr. Brown concurred with the statements made by Council Member Nassif. He also stated that he believes the Town has been in compliance with State and Federal Law. He also believed that the complaint is a direct result of the fact that there is an ongoing debate in California regarding what is a disability.

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

La Vonda M-Pearson, Town Clerk, read the title to Urgency Ordinance No. 436

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to approve Urgency Ordinance No. 436 adopting the Town's Reasonable Accommodation Policy.

Vote: Motion carried 5-0-0-0

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

Absent: None.

10. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services

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

Mayor Stanton opened the public hearing at 8:10 p.m.

Lawrence McCarthy, Apple Valley, commented on the Building & Safety fees listed in the staff report.

Kari Leon, Agio Real Estate, expressed concern regarding the lack of inventory of housing in the Town of Apple Valley. She believed that the increase in fees would prohibit new housing inventory within the Town.. She recommended this item be continued.

Missy Markanson, Apple Valley, respectfully requested that the Town Council not approve this item.

Jay Lesovsky, Apple Valley, expressed concern regarding the Town of Apple Valley requesting a fee increase at this time. He was also concerned that no alternatives to the fee increases were discussed.

Todd Tatum, Building Industry Association, stated that they send a notification letter to each City/Town when fee increases are being discussed; however, they were not notified of this increase. He respectfully requested on behalf of the BIA, that this item be continued.

David Mueller, highdesertpolitics.org, stated that he did not believe the potential fee increase was discussed during the budget workshop. He questioned why the CPI was being used from other areas instead of San Bernardino County. He also pointed out that since the fees have not been increased, Capital Improvement spending doubled. He asked why there were not potential fee increases for the Apple Valley Golf Course.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 8:25 p.m.

Mayor Pro Tem Coleman stated that Carlos Rodriguez, BIA, also requested that this item be continued. She stated that the opinion of the Town Attorney is that the item on the agenda was from a 2005 resolution which allowed for the automatic increase in fees per the CPI. Based on that resolution, it was his opinion that no additional notification was required. She also explained that she did not believe the residents of the Town should have to subsidize the fees from developers.

Council Member Nassif commented on the fees and stated that the increases were minimal; however he believed that the BIA should have the opportunity to review the proposed fee increases as requested. He commented on the fees changed and the comparisons that were made using other areas within California.

Lori Lamson, Acting Director of Community Development, provided additional clarification regarding the fees proposed for the Planning Department.

Council Member Roelle commented that he did not believe fees should be assessed at this time.

Council Member Emick recommended that this item be tabled to allow additional discussion on this item.

Mayor Stanton stated that she was against raising fees at this time. She too recommended that this item be tabled.

MOTION

Motion by Council Member Roelle, seconded by Mayor Stanton, to deny Resolution Number 2012-37.

Frank Robinson, Town Manager, recommended that the item be continued. He stated that there will be a fiscal impact should this item not be approved.

Mayor Stanton expressed concern regarding the proposed fee increases listed within the report. She believed that some of the fees are excessive.

Council Member Roelle believed that the proposed fee increases should have been discussed during the budget.

Vote: Motion carried 2-3-0-0

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

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to table this item.

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

Joseph Moon, Special Projects Manager, commented on the recycling efforts of businesses within the Town of Apple Valley. He also commented on a new bill (AB341) that becomes effective July 1st where the state will require recycling units for multi-family housing with 5 units or more.

Lieutenant Frank Bell, Apple Valley Police Department, commented on the success of Desert Heat that was held this past weekend. He stated that eleven arrests were made and four search warrants resulting in recovery of over \$30,000 worth of stolen merchandise from one burglary. He stated that additional arrests will be made. Also during the weekend a curfew sweep was conducted resulting in the stoppage of 41 juveniles with 23 held until parents were contacted.

John Brown, Town Attorney, introduced to the Town Council and public, the three law students who are currently working as interns at BB&K during the summer months. He introduced Mr. Benjamin Hampton law student of Pepperdine Law School, Mr. Reed Grantham law student of University of California Irvine, and Mr. Yosef Negose, law student of University of California Berkley. Mr. Brown commended each of them for their accomplishments and thanked the Town Council for allowing them to attend tonight's Town Council meeting.

Frank Robinson, Town Manager, respectfully requested, and the Town Council concurred, direction to draft a letter addressed to the County CAO asking for a comprehensive explanation regarding the CALCAP as it relates to cost recovery in response to comments made during the Town Council meeting regarding the Town budget.

Mr. Robinson also announced that he will be receiving a 25 year service award for his service in government from the International City/County Management Association that will be held on October 7-10, 2012 in Phoenix, Arizona.

The Town Council congratulated him on this achievement.

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 9:03 p.m.

Mayor

Town Clerk