

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

**REGULAR MEETING
MINUTES – October 9, 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 Nassif; Council Member Roelle; Mayor Pro Tem Emick; Mayor Stanton.

Absent: None.

PUBLIC COMMENTS

None.

CLOSED SESSION

1. Closed Session

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, and unanimously carried, to adjourn to Closed Session at 5:04 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 564957/Public Employee Performance Evaluation: Title: Town Clerk

Upon returning from Closed Session at 5:57 p.m., Mayor Stanton announced that there was no reportable action taken.

Mayor Stanton recessed the meeting of the Apple Valley Town Council until 6:30 p.m.

TOWN COUNCIL REGULAR SESSION

Mayor Stanton called to order the regular session of the Apple Valley Town Council at 6:30 p.m.

OPENING CEREMONIES

INVOCATION:

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Roelle.

PRESENTATIONS:

Employee of the Quarter – Mr. Ken Martin, Maintenance Worker II, Facilities Division

ANNOUNCEMENT

Mayor Stanton announced that Agenda Item Number 14 regarding the Municipal Shelter Saturday Opening Update, will be continued to the next regularly scheduled meeting date.

PUBLIC COMMENTS

Kerry Canon, Apple Valley, commented on the benefit of Marijuana Collectives in the State of California. She expressed concern regarding the Town of Apple Valley attempting to close these collectives.

Arianna Albert, Student, Yucca Loma Elementary School, thanked Mayor Stanton for coming to the school and participating in Walk to School Day.

Chuck and Pat Hanson, Apple Valley, commented on the upcoming Tour de Apple Valley. They anticipate approximately 250 – 300 riders.

Tom Piper, Apple Valley, suggested a new Golf Course be built in northern Apple Valley. He also commented on land zone restrictions.

Dan Oksen, Apple Valley, commented on bicycle lanes on Apple Valley Road.

David Phillips, Apple Valley, stated that he was a candidate for the Apple Valley Town Council. He commented on his reasons for running for Town Council. He recommended a forum be established for Town Council Candidates.

Sandra McKay, Apple Valley, commented on the use and advantages of medical marijuana and the constitutional right for an individual to choose their own medical treatment.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

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

Mayor Pro Tem Emick commented on committees and events that he attended.

Mayor Stanton commented on committees and events that she attended. She commented on bus service that could be provided for school students for \$1.00 per ride. She thanked the Victor Valley Transit Authority and the Apple Valley Unified School District for working together on this issue. She also commented on the upcoming Tour de Apple Ride on October 20, 2012.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Mayor Stanton requested that a future item be prepared to discuss the "Shop Local" program for the Town of Apple Valley.

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

A. Regular Meeting – Tuesday, October 23, 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 has 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 Mayor Pro Tem Emick, seconded by Council Member Roelle, to approve and adopt the Consent Calendar items numbered 2 – 11, as recommended.

Vote: Motion carried 4-0-0-0

Yes: Councilmember's Nassif; Roelle; Mayor Pro Tem Emick; 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 – September 25, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. August 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 August 2012

Recommendation:

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

5. Accept the Final Map for Tract Map No. 18841, Applicant: Pulte Homes

Recommendation:

Move to accept the final map Tract Map No. 18841.

6. Accept the Final Map for Tract Map No. 18842, Applicant: Pulte Homes

Recommendation:

Move to accept the final map Tract Map No. 18842.

7. Bid Documents for the Highway 18 Landscaped Median Project (Phase 2)

Recommendation:

1. Approve the bid documents for the Highway 18 Landscaped Median Project Phase 2.
2. Authorize staff to solicit bids for construction.

8. Claimant – Jacqueline Martin

Recommendation:

Reject the Claim of Jacqueline Martin

9. Award Contract for the Construction Management Services for the Combined Yucca Loma Bridge over the Mojave River and Yates Road (Apple Valley Successor Agency)

Recommendation:

Award a contract to Parsons Transportation Group, Inc. for Construction Management Services for the combined Yucca Loma Bridge and Yates Road Projects in an amount not to exceed \$3,900,507.00, subject to "Approval as to Form" by the Town Attorney, and "Approval as to Content" by the Town Manager.

10. Proposal to Continue the Village Enhanced Security Program in the Apple Valley Village Property and Business Improvement District (PBID)

Recommendation:

Approve the San Bernardino County Sheriff's Department's (Sheriff) Proposal to Continue the Village Enhanced Security Program (Program) in the Village Property and Business Improvement District (PBID)

11. Legislation Requiring Local Agencies to Review its Conflict Of Interest Code to Comply with the Political Reform Act.

Recommendation:

This is an informational item only.

PUBLIC HEARINGS

12. Local Preference Ad Hoc Committee Report and Final Recommendations

Mayor Stanton commented on the need to establish a local preference ordinance in the Town of Apple Valley. She commented on the process that took place in an attempt to define local preference in the Town.

Mayor Stanton opened the public hearing at 7:16 p.m.

Marc Puckett, Assistant Town Manager, Finance and Administration, presented the staff report as filed with the Town Clerk. He stated that the local preference information will be included in all bid documents supplied by the Town of Apple Valley. He also commented on the fiscal impact that this policy will have on the Town of Apple Valley.

Dan Oksen, Apple Valley, questioned whether or not the Town of Apple Valley would assist in job hiring as a component of the local preference ordinance.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:23 p.m.

MOTION

Motion by Council Member Roelle, seconded by Council Member Nassif, and unanimously carried, to:

1. **Receive** the Local Preference Ad Hoc Committee report and adopt Final Recommendations.
2. **Determine** that, pursuant to Section 20162 of the State of California Public Contract Code and the Federal Office of Management and Budget Circular A-102, it can be determined that the Municipal Code amendment complies with the legal requirement(s) of the Public Contract Code statute and adheres to the federal grant requirements for state and local governments and nonprofit entities.
3. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Municipal Code and adopt the Findings.
4. **Find** that the proposed Town Council revision to Chapter 3.12 "Purchases" is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan, promotes the local economy of the Town of Apple Valley/Victor Valley region and is necessary in order to update the Town's Purchasing Policy.
5. **Move** to waive the reading of Ordinance 437 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 437.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Emick, to Introduce Ordinance 437, an Ordinance of the Town Council of the Town of Apple Valley, amending Chapter 3.12 "Purchases" of the Town of Apple Valley Municipal Code.

Vote: Motion carried 4-0-0-0

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

Absent: None.

13. Public Hearing #1 – Public Input for 2013-2014 Second Year Action Plan

Mayor Stanton opened the public hearing at 7:24 p.m.

Christopher Moore, Housing Specialist III, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:26 p.m.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Municipal Shelter Saturday Opening Update

It was the consensus of the Town Council that this item be continued to the meeting of October 23, 2012.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Stanton, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 7:00 p.m.

Barb Stanton, Mayor

La Vonda M-Pearson, Town Clerk