

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

**REGULAR MEETING
MINUTES – January 8, 2013**

CALL TO ORDER:

Mayor Emick 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 Cusack; Nassif; Stanton; Mayor Pro Tem Bishop; Mayor Emick. Absent: None.

PUBLIC COMMENTS

None.

CLOSED SESSION

Mayor Emick announced that it has been brought to the attention of the Town Council that there is a need to take action on an item that arose after the posting of the agenda. That item is for a Closed Session discussion - Negotiations with Real Property Negotiator – Parcel Numbers 3112-101-01; 3112-111-41. Negotiating parties: Mr. Raymond Han or designee. Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms of payment.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, and unanimously carried, to add Closed Session item 1C for discussion.

MOTION

Motion by Council Member Stanton, seconded by Council Member Cusack, and unanimously carried, to adjourn to Closed Session at 5:30 p.m. to discuss the following:

1. Closed Session

- A. Negotiations with Real Property Negotiator – Parcel Number(s) 3087-481-05; Negotiating Parties: Mr. Joshua Kaye or Designee. Town Negotiator(s): Town Manager, Finance Director, Community Development Director or Designee. Negotiations involve both price and terms of payment.
- B. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one or more potential cases).

- C. Negotiations with Real Property Negotiator – Parcel Numbers 3112-101-01; 3112-111-41. Negotiating Parties: Mr. Raymond Han or Designee. Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms of payment.

Upon returning from Closed Session at 6:10 p.m., Mayor Emick announced that there was no reportable action taken.

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

TOWN COUNCIL REGULAR SESSION

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

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 Mayor Pro Tem Bishop.

PRESENTATION: Commander Awards – Captain Tomlin, Apple Valley Police Department

PUBLIC COMMENTS

None.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Nassif commented on Committee Meetings that he attended.

Council Member Stanton commented on Committee Meetings that she attended.

Mayor Pro Tem Bishop commented on meetings that he attended.

Mayor Emick commented on meetings that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

- A. Regular Meeting – Tuesday, December 11, 2012 – Council Chambers**
Closed Session at 5:00 p.m.
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Stanton, seconded by Mayor Pro Tem Bishop, to approve the Consent Calendar items numbered 2-12a.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Council Members Cusack and Nassif abstained from voting on Agenda Items Numbered 3 and 4.

2. Approval of Minutes of the Town Council

A. Regular Meeting – December 11, 2012

B. Special Meeting – December 14, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. November 2012 Commercial Warrants Schedule

Recommendation:

That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

4. Payroll/Benefits Warrants for the Month of November 2012

Recommendation:

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

5. Adopt Ordinance No. 444 – An Ordinance of the Town Council of the Town of Apple Valley, Amending Title 5, Chapter 5 “Business Licenses” Regarding Itinerate Vendors of the Municipal Code and Title 9 of the “Development Code” Adding Chapter 9.79 “Mobile Food Facilities (MFFS)”.

Recommendation:

Adopt Ordinance No. 444

6. Adopt Ordinance No. 443 – An Ordinance of the Town Of Apple Valley, Amending the Development Code As It Relates to Trash Enclosure Standards

Recommendation:

Adopt Ordinance No. 443

7. Adopt Resolution No. 2013-01, Accepting Federal Section 6 Grant Funding for Development of the Multi-Species Habitat Conservation Plan

Recommendation:

Adopt Resolution 2013-01, a Resolution of the Town Council of the Town of Apple Valley, California, accepting the Federal Section 6 Grant funding for the Development of the Multi-Species Habitat Conservation Plan.

8. Amendment to Professional Services Agreement for Solution Strategies to Allocate Funds Received By Award of Section Six Grant for the Preparation of the Multi-Species Habitat Conservation Plan

Recommendation:

Approve the attached Budget Amendment Number 13-16 to the Professional Services Agreement which will allocate additional funds in the amount of \$555,000, which has been awarded through the Federal grant through the U.S. Fish and Wildlife Service for the preparation of the Multi-Species Habitat Conservation Plan (MSHCP). The additional amount to the Solution Strategies contract will pay for services rendered by them and the sub-consultants hired by Solution Strategies to complete the plan.

9. A Resolution of the Town Council of the Town Of Apple Valley Amending the Personnel Policies and Procedures Manual

Recommendation:

That the Town Council adopt the attached Resolution No. 2013-02, a Resolution of the Town Council of the Town of Apple Valley amending the sick leave provision of the Personnel Policies and Procedures for the Town of Apple Valley.

10. CLAIMANT - Phillip Hill

Recommendation:

Reject the claim from Phillip Hill

11. CLAIMANT – Sandra E. Castellanos

Recommendation:

Reject the claim from Sandra E. Castellanos

12. Authorize Emergency Wastewater System Repairs

Recommendation:

That the Town Council approve and authorize a budget amendment not to exceed \$95,000 within the current FY12/13 Wastewater Budget to fund the design and construction of two replacement manholes located within the Town's AD3A system.

12a. Treasurer's Report – November 2012 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Club Fund

Recommendation:

That the Town Council Receive and File the November 2012 Treasurer's Report.

PUBLIC HEARINGS

13. Resolution No. 2013-03, Establishing a Permit Fee for Mobile Food Facilities

Mayor Emick opened the public hearing at 7:02 p.m.

Lori Lamson, Director of Community Development, presented the staff report as filed with the Town Clerk.

Mayor Emick closed the public hearing at 7:04 p.m.

Mayor Pro Tem Bishop thanked Mr. Pat Orr for his letter submitted to the Town Council regarding this item. He believed the Town Council completed its due diligence prior to voting on this item.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to adopt Resolution No. 2013-03, a Resolution of the Town Council of the Town of Apple Valley, California, establishes a permit fee for Mobile Food Facilities and amend the "Schedule of Fees" as adopted by Council Resolution No. 2008-30.

Vote: Motion carried 5-0-0-0

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

Absent: None.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Amendment No. 3 to the Happy Trails Villas Owner Participation Agreement for the Construction of 34 Single-Family Attached Units at the Northwest Corner of Kiowa and Highway 18.

Lori Lamson, Director of Community Development, presented the staff report as filed with the Town Clerk.

Council Member Stanton asked a series of questions regarding the number of units that are currently in escrow and ready to close. She also questioned how many units, moderate and low income, are going to be unrestricted with respect to income level for sale.

Council Member Nassif questioned whether or not this project would impact the Town's regional housing numbers.

Ms. Lamson stated that this project would improve our numbers and meets all state requirements

Adolph Collazo, Real Estate Broker, commented on the time he has dedicated to assist interested buyers to become homeowners. He believed that the Town is at its limits regarding moderate buyers. He felt that the community would benefit by the Town moving forward.

Tom Piper, Apple Valley, requested to know if the down payment assistance program is for local residents only.

Councilmember Stanton responded that the down payment assistance program is offered to anyone who qualifies.

Mr. E.T. Snell, Apple Valley, questioned whether or not the units would become Section 8 units. He discouraged the Town Council from allowing the complex to become a Section 8 complex.

Council Member Nassif reminded the public that these units are Single-Family owner occupied units.

Bernadette McNulty, Apple Valley, expressed concern regarding a lack of handicap accessibility for these units.

Council Member Stanton asked questions regarding ADA Requirements for this project.

John Brown, Town Attorney, provided additional clarification to the Town Council and the public regarding ADA Requirements for single family units.

MOTION

Motion by Council Member Nassif, seconded by Council Member Cusack, to approve Amendment No. 3 of the Owner Participation Agreement between AVHTV, LP and the Town for the Happy Trails Villas project for the construction of thirty-four (34) single-family attached units at the northwest corner of Kiowa and Highway 18; and, authorize the Town Manager to execute the agreement on behalf of the Town.

Vote: Motion carried 5-0-0-0

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

Absent: None.

15. Introduce Ordinance No. 445 - 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.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, and unanimously carried, to move to waive the reading of Ordinance No. 445 in its entirety and read by title only

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 445.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to move to Introduce No. 445 "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."

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that Congressman Cook and his staff have begun the move to Town Hall for their new district office. He stated that staff is looking at scheduling a time for the mid-year review.

Mr. Robinson also stated that the Town of Apple Valley is already working on next year's fiscal budget.

Marc Puckett, Director of Finance, introduced the new Assistant Director of Finance, Mr. Kofi Antobam*.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 7:30 p.m.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk