

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

**REGULAR MEETING
MINUTES – February 12, 2013**

CALL TO ORDER:

Mayor Emick 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 Nassif; Stanton; Mayor Pro Tem Bishop; Mayor Emick. Absent: Council Member Cusack.

PUBLIC COMMENTS

None.

CLOSED SESSION

Mayor Emick announced that there is an immediate need to take action on an item that came to the attention of the Town after the agenda was posted. He stated that a motion was needed to add Agenda Item Number 1C - Conference with Legal Counsel - Existing Litigation (Subdivision (A) of Section 54956.9) Briggs v. The Town of Apple Valley; San Bernardino Superior Court Case No. CIVVS 1103746.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, and unanimously carried, that there was an immediate need to take action on an item that came to the attention of the Town after the agenda was posted. Motion to add Agenda Item Number 1C - Conference with Legal Counsel - Existing Litigation (Subdivision (A) of Section 54956.9) Briggs v. The Town of Apple Valley; San Bernardino Superior Court Case No. CIVVS 1103746.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to adjourn to Closed Session at 5:03 p.m. to discuss the following:

1. Closed Session

- A. Negotiations with Real Property Negotiator – Parcel Number(s) 3087-382-15; 3087-382-16; 3087-382-17. Negotiating Parties: Lee & Associates or Designee. Town Negotiator(s): Town Manager, Assistant Town Manager, Finance 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. Conference with Legal Counsel - Existing Litigation (Subdivision (A) Of Section 54956.9) Briggs v. The Town of Apple Valley; San Bernardino Superior Court Case No. CIVVS 1103746.

Upon returning from Closed Session at 6:02 p.m. Mayor Emick announced the following reportable action:

A motion was made by Council Member Nassif, seconded by Council Member Stanton, to accept the offer on 22441 Outer Highway 18, Apple Valley, CA from Kelly Underground, to lease with an option to purchase this property with terms and conditions set forth in the letter dated February 7, 2013.

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 and the addendum at 6:31 p.m.

OPENING CEREMONIES

INVOCATION:

The invocation was given by Pastor Bryan Brock, Life Point Baptist Church.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Nassif.

PRESENTATION:

Certificates of Appreciation – Town of Apple Valley Committee/Commissions

- Richard Rorex, Historical Advisory Committee
- David Hernandez, Planning Commission
- Michael Hinkle, Parks and Recreation Commission

PUBLIC COMMENTS

Tom Piper, Apple Valley, commented on the amount of financial reserves available in the Town of Apple Valley. He also commented on the bus service from the Town of Apple Valley to the hospitals located down the hill. He spoke of ridership and cost for this service.

Michael Drake, Victor Valley Christian School, thanked the Town Council for their support for a reduced cost golf program for the Victor Valley Christian School.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

The Apple Valley Town Council Members each expressed their condolences for the loss of the San Bernardino County Sheriff's Deputy that lost his life today in the line of duty. It was the consensus of the Town Council to adjourn tonight's meeting in memory of the fallen deputy and his family.

Council Member Nassif commented on committee meetings and events that he attended.

Council Member Stanton commented on committee meetings and events that she attended.

Mayor Pro Tem Bishop commented on committee meetings and events that he attended.

Mayor Emick commented on committee meetings and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Stanton asked that a future item be prepared for Council discussion regarding "trash divers". She would also like a future item to be prepared for Council discussion regarding wooden kiosk signs. Mayor Emick stated that the Town Council may need to revisit the sign ordinance.

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

- A. Joint Special Meeting – Thursday, February 21, 2013 – Council Chambers – 5:00 p.m.**
- B. Regular Meeting – Tuesday, February 26, 2013 – Council Chambers**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Mayor Emick announced that Councilman 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.

Council Member Stanton asked questions regarding Agenda Item Number 5 as it relates to the Pro Shop at the Apple Valley Golf Course and Agenda Item Number 7 regarding the reduced cost for a golf program.

Marc Puckett, Assistant Town Manager, Finance and Administration, explained the expenditures listed within the report and explained that the Town receives no revenue from the Pro Shop since the Town contracts out that service.

Dennis Cron, Assistant Town Manager, Municipal Operations/Contract Services, commented on the changes to the course in an effort to improve operations and reduce costs.

Michael Drake, Victor Valley Christian School, stated that the school has not yet played nor paid a fee at the Apple Valley Golf Course.

Mr. Cron explained that the fees offered for the school are comparable to rates offered by other cities.

MOTION

Motion by Council Member Stanton, seconded by Mayor Pro Tem Bishop, to approve the Consent Calendar items numbered 2-8 and the Addendum to the Agenda numbered 8A.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

Council Member Nassif abstained from voting on Agenda Item Number 3.

2. Approval of Minutes of the Town Council

A. Regular Meeting – January 22, 2013

B. Special Meeting – February 5, 2013

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. December 2012 - Commercial Warrants Schedule

Recommendation:

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

4. December 2012 - Payroll/Benefits Warrants Schedule

Recommendation:

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

5. Treasurer's Report – December 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 December 2012 Treasurer's Report.

6. Request to Vacate an Emergency Access Easement on Parcel 3 of Parcel Map 12818

Recommendation:

1. Find that the emergency access easement located on the Parcel 3 as shown on Parcel Map 12818, has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the proposed vacation;
2. Adopt Resolution No. 2013-07 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating the emergency access easement on Parcel 3, Parcel Map 12818, pursuant to the Streets and Highways Code Section 8333 (a)";
3. Instruct the Town Clerk to cause the Resolution vacating the emergency access easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.

7. Approve Reduced Cost for Golf Program with Victor Valley Christian School

Recommendation:

Approve and authorize a flat fee, reduced cost, team golf program for Victor Valley Christian School for its use of Apple Valley Golf Course.

8. A Resolution of the Town Council of the Town of Apple Valley Amending the Benefits to the Members of the Town Council of the Town Of Apple Valley

Recommendation:

That the Town Council adopt the attached resolution No. 2013-09, A Resolution of the Town Council of The Town of Apple Valley amending the benefits to the members of the Town Council of the Town of Apple Valley.

8A. Adopt Resolution No 2013-10, A Resolution of the Town Council of the Town of Apple Valley, California Opposing Inequities in Funding for Trial Courts in California, Opposing any Further Budget Reductions to the Courts, Opposing the Closure of the Superior Court Located In Barstow, California, and Urging the Governor, State Legislature, and State Judicial Council to Resolve the Inequities in Court Funding and to Provide Equal Access to the Judicial System for all Residents

Recommendation:

Adopt Resolution No 2013-10, A Resolution of the Town Council of the Town of Apple Valley, California Opposing Inequities in Funding for Trial Courts in California, Opposing any Further Budget Reductions to the Courts, Opposing the Closure of the Superior Court Located In Barstow, California, and Urging the Governor, State Legislature, and State Judicial Council to Resolve the Inequities in Court Funding and to Provide Equal Access to the Judicial System for all Residents.

PUBLIC HEARINGS

9. Adopt Resolution 2013-08, A Resolution to Record Delinquent Utility Fees and Costs and Code Enforcement Fees Against Real Property Located in the Town of Apple Valley and Directing That Said Assessments Constitute a Lien Upon Said Properties.

Mayor Emick opened the public hearing at 7:31 p.m.

Marc Puckett, Assistant Town Manager, Finance and Administration, presented the staff report as filed with the Town Clerk.

Council Member Stanton questioned the process to collect fees once the assessments are in place.

Mr. Puckett explained that the fees are placed on the property owners' tax assessment and paid through their property taxes.

There being no requests to speak, Mayor Emick closed the public hearing at 7:37 p.m.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, to adopt Resolution No. 2013-08, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that Southern California Edison has a program to create a high desert Southern California energy efficiency partnership. He commented on the benefits to the Town of Apple Valley for participating in the program.

He also announced the upcoming 2013 City/County Conference, "Turning the Corner"; to be held March 21st and March 22nd, 2013 where discussions held will include best practices by the County of San Bernardino, local control of the Ontario Airport, and the RDA World.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Nassif, seconded by Council Member Stanton, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 7:43 p.m. in memory of the fallen San Bernardino County Sheriff's Deputy, Jeremiah McKay.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk