

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

**REGULAR MEETING
MINUTES – March 26, 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

MOTION

Motion by Council Member Stanton, seconded by Council Member Cusack, and unanimously carried, to adjourn to Closed Session at 5:01 p.m. to discuss the following:

1. Closed Session

- A. Negotiations with Real Property Negotiator – Property located at APN 3087-382-19 pursuant to Government Code Section 54956.8 and 54954.5 (b).
- B. Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (B)(1) of Section 54956.9 (one or more cases).

Upon returning from Closed Session at 5:55 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 Nate Garn, Apple Valley Baptist Church

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Stanton.

PRESENTATION:

Presentation – I-10/I-15 Corridor Managed Lanes Project – San Bernardino Associated Governments (SANBAG) – Mr. Gary Cohoe.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, stated that he requested and received a copy of the last traffic survey of Apple Valley Road. He did not believe that this survey was complete and commented on concerns that he expressed to staff.

Greg Raven, Apple Valley, requested that rumble strips be cut into the lanes on the highways in Apple Valley to help prevent accidents.

Salvador Ortiz, Apple Valley, expressed concern regarding taxes that he has been assessed for his business in the Property Business Improvement District (PBID).

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

The Apple Valley Chamber of Commerce was unable to attend the meeting to present an update. Mayor Emick announced that information regarding upcoming events at the Chamber could be found at www.avchamber.org.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Stanton commented on committee meetings and events that she attended. She also commented on the loss of Rita Vogler. Mrs. Vogler was a former Mayor and Council Member of the Hesperia City Council. She requested and the Town Council concurred that tonight's meeting be adjourned in her honor.

Council Member Cusack commented on committee meetings and events that he 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. Mayor Emick also updated the Town Council and the public regarding the potential court closures in San Bernardino County.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Stanton would like an update on future Bike Lanes and also a Business Activity Update for the Town of Apple Valley.

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

A. Regular Meeting – Tuesday, April 9, 2013 – 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 Nassif, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 2-5.

Vote: Motion carried 5-0-0-0

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

Absent: None.

2. **Approval of Minutes of the Town Council**

A. **Regular Meeting – March 12, 2013**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. **Fee Waiver Request For The Church For Whosoever Annual Outreach On May 27, 2013 And September 2, 2013.**

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$245.34.

4. **Adopt Resolution 2013-14, A Resolution Of The Town Council Of The Town Of Apple Valley, California, Confirming And Re-Establishing User Fees For The Apple Valley Golf Course Approved By Resolution 2011-49 And Adding Authority For The Town Manager Or Designee To Approve Special Promotional Golf Rates At The Apple Valley Golf Course**

Recommendation:

Adopt Resolution 2013-14, a Resolution of the Town Council of the Town of Apple Valley, California, confirming and re-establishing user fees for the Apple Valley Golf Course previously approved and established by Resolution 2011-49 and adding authority for the Town Manager or designee to approve special promotional golf rates at the Apple Valley Golf Course effective April 1, 2013.

5. **Ratify Existing Agreement for Settlement of Property Tax Administration Fee per Direction of the Apple Valley Town Council**

Recommendation:

That the Town Council ratifies the existing agreement for settlement of property tax administration fee.

PUBLIC HEARINGS

None

LEGISLATIVE MATTERS

None

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

6. Resolution Submitted to the League of California Cities for Presentation to the General Assembly Regarding Proposed Amendments to League Bylaws

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

The Town Council expressed concern regarding taking a position on an item without prior discussion with the General Membership.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, and unanimously carried, to obtain additional information regarding the proposed amendments and to continue this item to the meeting of April 9, 2013.

7. "Operation Cat Nip" – A Proposed Pilot Program For The Trap-Neuter-Return (TNR) Of Feral Cats

Gina Schwin-Whiteside, Animal Services Manager, presented the staff report as filed with the Town Clerk.

Council Member Stanton commented on the benefit of the program and the cost savings that the program would provide to the Town.

Ms. Schwin-Whiteside clarified how the program would work and the benefit to providing microchips and returning the cats to the areas in which they were originated.

Gilda Vincent, Apple Valley, expressed concern with cats being returned to her property when they do not belong to the owner.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to authorize the implementation of "**Operation Cat Nip**" a pilot program for the Trap-Neuter-Return of Feral Cats within the community.

Vote: Motion carried 5-0-0-0

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

Absent: None

8. Approve Participation in the San Bernardino Associated Governments (SANBAG) Property Assessed Clean Energy (Pace) Program

Joseph Moon, Special Projects Manager, presented the staff report as filed with the Town Clerk.

Duane Baker, San Bernardino Associated Governments, provided input to the Town Council regarding the proposed Pace Program. He explained the criteria for the program.

Kari Leon, Agio Realty, asked questions regarding conditions placed on property owners that have been part of the Pace Program.

Mr. Baker explained how the PACE Program proposed by SANBAG works for property owners who are interested in energy efficient home improvements.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Stanton, to execute a Memorandum of Understanding (MOU) with SANBAG to participate in the Property Assessed Clean Energy (PACE) Program.

9. Discussion of Rescheduling the Town Council Meeting of April 23, 2013 to a Special Meeting Date of April 30, 2013

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

It was the consensus of the Town Council to reschedule the Town Council Meeting of April 23, 2013 to a Special Meeting Date of April 30, 2013.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on Assembly Bill 5 (AB5) regarding homelessness. He stated that the intent of the bill is to provide homeless residents with a homeless Bill of Rights. He also commented on the homeless conduct that would be incorporated into protective behavior should the bill be successful. He noted that the League of California Cities is recommending opposing this legislation. He noted that there will be discussion on this item at the Housing Community and Economic Policy meeting to be held in Pasadena, California next week.

Kathie Martin, Marketing and Public Affairs Officer, commented on the upcoming Summer Concert Series at the Courtyard and Sunset Concert Series at Civic Center Park.

Ralph Wright, Parks and Recreation Manager, announced the upcoming events for the Parks and Recreation Department including the Easter Extravaganza, Bunny Hunt and the Annual Teen Art Festival.

Mr. Robinson announced that the memorial services of Mrs. Rita Vogler will be held on April 2, 2013. He also announced that the Town of Apple Valley will be hosting Small Business Assistance Day on March 28, 2013 which is being presented by the High Desert Hispanic Chamber of Commerce.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Nassif, seconded by Council Member Cusack, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:19 p.m. in memory and honor of Mrs. Rita Vogler.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk