

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

**REGULAR MEETING
MINUTES – April 9, 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 Stanton; Mayor Pro Tem Bishop; Mayor Emick. Absent: Council Member Cusack; Nassif.

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 5:03 p.m. to discuss the following:

1. Closed Session

- A. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8 and 54954.5 (b) – Property: APN 0441-101-13; Negotiating Parties: Premier Asset Services (PAS) on behalf of Wells Fargo. Town Negotiator(s): Town Manager, Finance Director, Community Development Director or Designee. Negotiations involved both price and terms of payment.
- B. Conference with Legal Counsel - Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (d) of Section 54956.9 (one or more cases).

COUNCIL MEMBER NASSIF ARRIVED AT 5:04 P.M.

Upon returning from Closed Session at 6:25 p.m. Mayor Emick announced that the following motion was made:

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, to designate Frank Robinson, Town Manager, as the real property negotiator and to give him the signatory authority to enter into

escrow for the purchase of property for \$125,000 on behalf of the Town. The property is known as 16022 Sago Road – APN 0441-101-13. The Town Council also directs the Town Clerk to provide certification to this effect that can be submitted to the seller with the offer for the property. The source of the funding is Neighborhood Stabilization Program Funds.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

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 Ms. Carol Vonhelf, Apple Valley Christian Care Center

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Nassif.

PRESENTATION:

Proclamation – Fair Housing Month – Inland Fair Housing and Mediation Board

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, commented on his meeting with the Town Engineer and Council Member Stanton regarding the speed limits on Apple Valley Road.

Chuck and Pat Hanson, Apple Valley, commented on the upcoming 8th Year for the Tour de Apple Valley ride in the Town of Apple Valley. She commented on the support that they have received from the community.

William Symborski, Apple Valley, stated that he was injured in a bicycle accident. He commented on the number of bicyclist that reside in the Town of Apple Valley. He recommended signage be placed throughout Town to raise awareness for bicycle safety.

Salvador Ortiz, Apple Valley, expressed concern regarding the taxes for the Property Business Improvement District located in the village area.

APPLE VALLEY BUSINESS ACTIVITY REPORT

Orlando Acevedo, Economic Development Manager, presented the quarterly Apple Valley Business Activity Report.

The Town Council thanked Mr. Acevedo for the update.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Nassif commented on committee meetings and events that he attended. He also announced the winning of the rival trophy from the City of Victorville during the Golf Tournament.

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Mayor Pro Tem Bishop requested a future agenda item to discuss what happened with the City of Stockton bankruptcy in federal court. He stated there is a need to make sure we are doing our due diligence.

Frank Robinson, Town Manager, responded to Mayor Pro Tem Bishop's request stating he will meet with the Town Attorney and respond accordingly.

Council Member Stanton also requested a future agenda item to discuss reducing the impact fees and installing wooden kiosks within the Town of Apple Valley.

Mr. Robinson announced there will be discussion on signage at the first meeting in June.

La Vonda M-Pearson, Town Clerk, reminded the Council and public that the Regular Meeting of the Apple Valley Town Council scheduled for April 23, 2013 has been cancelled. That meeting has been rescheduled to a Special Meeting on April 30, 2013.

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

- A. Regular Meeting – Tuesday, April 30, 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 specific 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 those specific warrants listed under Agenda Item Number 3.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 2-16.

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 the specific warrants for NAPA Auto Parts as listed in Agenda Item Number 3.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – March 26, 2013**
Recommendation:
Approve the subject minutes as part of the consent agenda.

3. **February 2013 - Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

4. **February 2013 – Payroll/Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

5. **Treasurer’s Report – February 2013 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 February 2013 Treasurer’s Report.

6. **CLAIMANT – Jeferson Fuentes Abrego**
Reject the claim from Jeferson Fuentes Abrego

7. **CLAIMANT – Kenia Rodas**
Reject the claim from Kenia Rodas

8. **CLAIMANT – William Lara**
Reject the claim from William Lara

9. **CLAIMANT – Eber Antonio Elias Rodas**
Reject the claim from Eber Antonio Elias Rodas

10. **CLAIMANT – Clara Leticia Rodas**
Reject the claim from Clara Leticia Rodas

11. **CLAIMANT – Jorge Luis Palencia Rodas**
Reject the claim from Jorge Luis Palencia Rodas

12. **CLAIMANT – Jorge Alberto Mendez Rodas**
Reject the claim from Jorge Alberto Mendez Rodas

13. **Establishing Date and Time Certain for Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Public Hearing No. 2 (Consolidated Plan – Second-Year 2013-2014 Action Plan)**
Recommendation:
That the Town Council establish April 30, 2013 at 6:30 p.m., as the date and time certain for the purpose of conducting the second of two public hearings necessary to develop the Town’s Consolidated Plan– Second Year Action Plan.

14. Rehab Financial Corporation Settlement - A Request for Council Approval of a Proposed Settlement Agreement Regarding Rehab Financial Corporation

Recommendation:

That the Town Council approve the settlement agreement proposed by Evanston Insurance, the carrier for Rehab Financial Corporation in the amount of \$8,516.86 and authorize and direct the Town Manager to execute any necessary settlement related documents on behalf of the Town.

15. Resolution 2013-15, A Resolution of the Town Council of the Town of Apple Valley, California, Confirming and Re-establishing Rental Fees for the Apple Valley Conference Center Approved by Resolution 2010-44 and Adding Authority for the Town Manager or Designee to Approve Special Rates for Conference Center Rentals.

Recommendation:

Adopt Resolution 2013-15, a Resolution of the Town Council of the Town of Apple Valley, California, confirming and re-establishing rental fees for the Apple Valley Conference Center previously approved and established by Resolution 2010-44 and adding authority for the Town Manager or designee to approve special rates for Conference Center effective April 9, 2013.

16. Application TP San Bernardino Associated Governments (SANBAG) for Local Transportation Funds – Article 8 – Other Purpose Claim

Recommendation:

Authorize the Assistant Town Manager - Finance & Administration to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$664,988 for Fiscal Year 2011-12.

PUBLIC HEARINGS

None

LEGISLATIVE MATTERS

17. Vacancy on the Equestrian Committee

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, and unanimously carried to appoint Ms. Barbara Betterley to the Town of Apple Valley Equestrian Committee.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

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

Council Member Nassif stated that he had researched this issue and therefore recommended support of this item.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve the amendment of Article VI, Section 2 and the addition of Article VII, Section 16 of the Leagues Bylaws and to submit a YES vote to the League of California Cities.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

19. Discussion on Rumble Strips on Local Roads

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

This was a receive and file item only. There was no action taken.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on receiving the settlement check from the County for the property tax administration fee lawsuit in the amount of \$571,635.00. He also commented on the Newton T. Bass Apple Valley Library expansion. He announced that the High Desert Economic Summit will be tomorrow morning and he also reminded the Town Council of the upcoming Fur Ball that will be held on April 20, 2013. He also informed the Town Council and the public that the Air Traffic Aerial Competition Show will be held May 2 through May 5 at the Apple Valley airport and is being presented by the International Aerobatics Club.

Mr. Robinson recognized Ms. Kathie Martin, Public Information Officer, for completing her requirements for Competent Leadership in Toastmasters.

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.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk