

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

**SPECIAL MEETING  
MINUTES – April 30, 2013**

**TOWN COUNCIL REGULAR SESSION**

Mayor Emick called to order the regular session of the Apple Valley Town Council at 6:30 p.m. He announced that there would be Closed Session discussions at the end of the meeting.

**OPENING CEREMONIES**

**INVOCATION:** Bishop Bruce Ebmeyer, Church of Jesus Christ of Latter-day Saints

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilman Cusack.

**PRESENTATIONS:**

**Employee of the Quarter – Debra Thomas – Deputy Town Clerk**

**Certificate of Appointment – Town of Apple Valley Equestrian Committee – Barbara Betterley**

**Presentation - Shake, Rattle, and Roll – Church of Jesus Christ Of Latter-Day Saints –Dave Faylor**

**PUBLIC COMMENTS**

Kevin Thompson, Apple Valley, commented on a Pit Bull attack at his residence. He expressed concern regarding the lack of response that he has received from Town staff regarding this issue. He asked for assistance with this matter.

Chuck Hanson, Apple Valley, invited the Town Council, staff and the public to the annual Bike Ride.

Sherman Henderson, Apple Valley, expressed concern regarding the inability to receive his business license under the statute for disabled veterans. He stated that disabled veterans are able to receive a free business license under the state code.

Dino DeFazio, Apple Valley, commented on the project on Thunderbird Road regarding AMCAL. He reminded the Town Council of the promises that this development agreed to for the project and requested the Town Council ensure that all promises are adhered to when the project is being completed.

**APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Janice Moore, CEO, Apple Valley Chamber of Commerce, thanked the Town of Apple Valley for allowing the community to drop off their medications at a local facility. She commented on local conferences and shows that she attended and upcoming events that will be hosted by the Chamber of Commerce.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

Council Member Stanton commented on committee meetings and events that she attended. She announced that she had been appointed to the Transportation Board for Southern California Associated Governments.

Council Member Nassif 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. He briefed the public on members of the Town Council's visit to Washington, D.C. and the Woodlands.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for future agenda:**

Council Member Stanton requested a future item be prepared to discuss vicious dogs within the Town limits.

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

- A. Regular Meeting – Tuesday, May 14, 2013 – Council Chambers**
  - Closed Session at 5:00 p.m.**
  - Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

Council Member Cusack stated that he would be abstaining from voting on Agenda Item Number 2 because he was not in attendance at that meeting.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 2-9.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Council Member Cusack abstained from voting on Agenda Item Number 2.**

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

**A. Regular Meeting – April 9, 2013**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Amendment to Professional Services Agreement for Solution Strategies for the Preparation of the Multi-Species Habitat Conservation Plan**

**Recommendation:**

Approve the amendment to the Professional Services Agreement for Solution Strategies allocating additional funds in the amount of \$163,000, which would cover unpaid deferred costs since June 2011 for the preparation of the Multi-Species Habitat Conservation Plan (MSHCP). The additional amount to the Solution Strategies contract will pay for soft costs rendered by them in continuing on with the progression to complete the plan.

**4. Development Agreement for Acquisition and Rehabilitation of a Foreclosed 4-Unit Multi-Family Dwelling Located at 16022 Sago Road for Resale to Family Assistance Program, A California Non-Profit Benefit Corporation**

**Recommendation:**

That the Town Council approve the attached Development Agreement between the Town of Apple Valley and Family Assistance Program for the Acquisition/Rehabilitation of a 4-Unit Multi-Family Dwelling located at 16022 Sago Road under the Neighborhood Stabilization Program 3 funding as identified in the Town's Five Year Consolidated Plan 2010-2011.

**5. CLAIMANT – EZEL TINSLEY**

**Recommendation:**

Reject the claim from Ezel Tinsley

**6. Award Contract for AD3A-1 Lift Station Protective Wall Improvements**

**Recommendation:**

That the Mayor and Town Council accept the bid submitted by TSR Construction & Inspection for the Town's AD3A-1 Lift Station Protective Wall Improvements, and award a contract for the project to TSR Construction & Inspection subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**7. Award Contract for Landscape Maintenance at Various Locations**

**Recommendation:**

That the Mayor and Town Council accept the bid submitted by Lawnmaster for the Town's Landscape Maintenance Services Contract, FY 2013-14, and award a contract for the project to Lawnmaster subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager

**8. Approve Grant Of Easement Documents With Victor Valley Wastewater Reclamation Authority For The Sub-Regional Wastewater Treatment Plant And Percolation Ponds**

**Recommendation:**

Approve and authorize the Town Manager to sign the grant of easement documents between the Town of Apple Valley (Town) and Victor Valley Wastewater Reclamation Authority (VVWRA) for the sub-regional wastewater treatment plant and sub-regional percolation ponds.

**9. Franchise Tax Board/ Town Business Tax Reciprocal Agreement**

**Recommendation:**

Adopt Resolution No. 2013-18, approving the Franchise Tax Board (FTB) reciprocal agreement for the Town's participation in the local government business license information sharing program and authorizing the Assistant Town Manager to sign the agreement.

**PUBLIC HEARINGS**

**10. Final Public Hearing – Consolidated Plan Second-Year Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) Programs for Fiscal Year 2013-2014**

Mayor Emick opened the public hearing at 7:47 p.m.

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

David Greiner, Chairman, Community Development Citizens Advisory Committee, briefed the Town Council and the public on the process for used by the Committee Members when recommending funding for the various projects.

Mr. Moore reiterated for further clarification how the determination was made to fund certain organizations.

The Town Council Members asked questions of staff regarding the ability to fund the organizations.

Susie Hollenbeck, High Desert Homeless, thanked the Town Council for their continued support.

Midge Nicasia, Victor Valley Community Services Council, thanked the Town Council for their continued support.

Margaret Diaz, A Better Way, expressed concern regarding not receiving funding from the Town of Apple Valley. She commented on receiving funding from other organizations and questioned the lack of support from Apple Valley.

Michael Jimenez, San Bernardino County Library – Apple Valley Branch, commented on the literacy services that they offer the high desert residents at the library. He thanked the Town Council for their support.

Linda Triska, Feed My Sheep, stated that her organization represents an emergency food bank feeding 900 households in the high desert, 300 in the Town of Apple Valley. She thanked the Town Council for their support.

Nicole Aragon, St. John of God, expressed concern regarding not being recommended for funding. She stated that they assist low income residents with much needed services. She noted that there are approximately 9000 needed residents in the Town of Apple Valley and that there assistance will be limited due to the lack of funding.

There being no additional requests to speak, Mayor Emick closed the public hearing at 8:10 p.m.

Council Member Nassif commended the committee on the difficult decisions they had to make when recommending funding for the various organizations. He thanked them for their dedication to the Town.

Council Member Stanton concurred with the statements made by Council Member Nassif. She stated that she would like to become more educated on the process so that she will be able to provide information to the applicants on this issue.

Council Member Cusack provided insight to the Council as a former member of the CDCAC. He spoke of the difficult decisions each year that they committee would be forced to make when recommending funding for the non-profit organizations. He stated that it was unfortunate that more funding was not available.

### **MOTION**

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2013-2014 CDBG and HOME programs as part of the Town's Second-Year Action Plan, which is an integral component of the Consolidated Plan; approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents 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.

## **LEGISLATIVE MATTERS**

None.

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

- 11. Adopt Resolution 2013-16, A Resolution Of The Town Council Of The Town Of Apple Valley, California, Amending The Joint Exercise Of Powers Agreement For The Victor Valley Wastewater Reclamation Authority**

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the need to place a knowledgeable individual on the Board who will represent the county properly.

### **MOTION**

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Resolution 2013-16, a Resolution of the Town Council of the Town of Apple Valley, California, amending the Joint Exercise of Powers Agreement for the Victor Valley Wastewater Reclamation Authority.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**12. Request to Adopt Resolution 2013-17 In Support of the City of Victorville's Petition to the California Energy Commission to Extend the Construction Deadline for the Victorville 2 Hybrid Power Project**

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

**MOTION**

Motion by Mayor Pro Tem Bishop, seconded by Council Member Cusack, to adopt Resolution No. 2013-17, a Resolution of the Town Council of the Town of Apple Valley, California, in support of the petition recently filed by the City of Victorville with the California Energy Commission (CEC) to extend the construction deadline for the Victorville 2 Hybrid Power Project for a period of five (5) years.

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, thanked the Town Council for their support during the trip to Washington, D.C. He spoke on the number of meetings that the Town Council attended during their visit. He also thanked those members who were not in Washington, D.C. but at other venues representing the Town of Apple Valley. He spoke of the ability to apply for a Tiger Grant that will help with the funding for the Yucca Loma Bridge if granted. He also reminded the Town Council and the public of the success of the prescription drug turn-in. He stated that 99 pounds of prescription drugs were turned in. He also announced that prescription drugs can be turned in at the Household Hazardous Waste site. In addition, he spoke of Proposition 39 regarding clean energy and the benefit it will have on the community if passed.

Mr. Robinson announced upcoming events such as the ICSC Conference that will be held the week of May 20, 2013. He also announced that in response to a request made by Mayor Pro Tem Bishop, the Town Attorney will prepare a briefing packet on the Stockton issue from the Town Attorney's office.

Kathie Martin, Marketing and Public Affairs Officer, commented on a survey conducted last year regarding effective communication within the Town organization. She explained why employees believed there was a lack of communication by employees. She commented on the implementation over a year ago of "What Happened Last Night" an internal newsletter to employees and that there is an 80.4% agreement that there is communication within the Town organization.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**1. Closed Session**

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Stanton, and unanimously carried, to adjourn to Closed Session at 8:39 p.m. to discuss the following:

- A. Conference with Legal Counsel – Existing Litigation - Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9. Case Name: Trojan Wellness, Inc. v. Town of Apple Valley, et al. Case Number: San Bernardino County Superior Court Case No. CIVVS 1204476.

Upon returning from Closed Session at 9:18 p.m., Mayor Emick announced that there was no reportable action taken.

**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 9:20 p.m. in memory of Mr. John Weldy.

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Curt Emick, Mayor

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La Vonda M-Pearson, Town Clerk