

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

**REGULAR MEETING  
MINUTES – May 14, 2013**

**CALL TO ORDER:**

Mayor Emick called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:02 p.m.

Roll call was taken with the following members present:

Roll Call

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

**PUBLIC COMMENTS**

**CLOSED SESSION**

**MOTION**

Motion by Council Member Stanton, seconded by Mayor Pro Tem Bishop and unanimously carried, to adjourn to Closed Session at 5:03 p.m. to discuss the following:

**1. Closed Session**

- A. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one or more potential cases).
- B. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation: Title: Town Manager

**COUNCIL MEMBER NASSIF ARRIVED AT 5:07 P.M.**

Upon returning from Closed Session at 6:30 p.m., Mayor Emick announced that closed session would be continued to the end of the meeting.

**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 Brian Brock, Life Point Baptist Church

### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Cub Scout Bryson Ladwig.

### PRESENTATION:

Campaign for Classes – Mr. Val Christianson and Mrs. Kathy Abbott – Victor Valley College Foundation

Energy Update – Ms. Nancy Jackson, Southern California Edison

## PUBLIC COMMENTS

Chuck and Pat Hanson, Apple Valley, thanked Councilman Nassif for supporting the bike ride by attending and Councilwoman Stanton for her support. Mrs. Hanson thanked the community for their support stating that over 50 riders in the event.

Allison Moyer, Cadillac Ranch Saloon, commented on the support to save the Hilltop Ranch. She spoke of the numerous individuals who support this historic home. She presented the Council with a petition of over 200 signatures who support the Hilltop House and the Legacy Trail.

Tanya Baumann, Apple Valley, spoke in support of the Apple Valley Legacy Trails.

The following individuals spoke in support of Medical Marijuana Dispensaries.

Freeman Ruddock, Apple Valley  
Terrence Simpson, Apple Valley  
John Forgett, Apple Valley  
David Brickwood, Apple Valley  
Elizabeth McClain, Apple Valley  
Todd Anderson, Apple Valley  
Mitch Ford, Apple Valley  
Jerad Sanbord, Apple Valley  
Pete Stehlik, Lucerne Valley  
James Stumbaugh, Apple Valley  
Rudy Becker, Apple Valley  
Ali Kelpy, Apple Valley  
Erin Taylor, Apple Valley  
Doreen Sullivan, Apple Valley  
Carrie Erskine, Apple Valley  
Sandy McKay, Apple Valley  
Jill Linson, Apple Valley  
Vince Griego, House of Zen  
Taryn Lord, Apple Valley  
Thomas Vorhis, Apple Valley  
Kerry Cannon, Apple Valley

Joseph Stephens-Castleman, Apple Valley  
Armando Tijerina, Apple Valley  
Michael Galbraith, Apple Valley  
Tom Piper, Apple Valley  
Robert Bennett, Apple Valley

The following individuals submitted a card in favor of Medical Marijuana Dispensaries but wished not to speak:

Eric Hayes, Apple Valley  
Robert Sullivan, Apple Valley  
Brendan Anderson, Apple Valley  
Sterling Skiffington, Apple Valley  
Vickie Cook, Apple Valley  
Ryan Hanley, Apple Valley  
Keith Broyles, Riverside  
Jose Casas, House of Zen  
Brent Brinlee, Apple Valley  
Alejandra Sanchez, Apple Valley  
Ron Warren, Apple Valley  
Aaron Enborg, Lucerne Valley  
Laura Enborg, Lucerne Valley  
Amanda Miller, Apple Valley  
Dominick Fraire, Apple Valley  
Spencer Sitnik, Apple Valley  
Anthony Grajeda, Apple Valley  
Micah Corpe, Hesperia

### **RECESSED MEETING**

Mayor Emick recessed the meeting of the Apple Valley Town Council at 8:17 p.m.

### **RECONVENED MEETING**

Mayor Emick reconvened the meeting of the Apple Valley Town Council at 8:32 p.m.

## **COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

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 briefly discussed the comments made by the public regarding the Medical Marijuana Dispensaries.

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 Cusack asked that a future item be prepared regarding private alley ways in Town and required maintenance that will prevent individuals from accessing these alley ways.

Council Member Stanton AB1676 – recommends a resolution in support of the Johnson Bill presented by Congressman Cook.

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

- A. Regular Meeting – Tuesday, May 28, 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 dealing with Napa Auto Parts for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore, he will be abstaining from voting on the warrants for Napa Auto Parts listed under Agenda Item Number 3. Also, Councilman Cusack has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communication for the Town of Apple Valley as owner of Apple Valley Communications; therefore, he too will be abstaining from voting on warrants for Apple Valley Communications listed under Agenda Item Number 3.

Council Member Cusack stated that he had a potential conflict of interest with Agenda Item Numbers 7 and 8 and therefore he would be abstaining from voting on this item.

Council Member Nassif stated that he had a potential conflict of interest with Agenda Item Numbered 7 and 8 and therefore he would be abstaining from voting on this item.

Council Member Stanton asked questions regarding Agenda Items numbered 7 and 8.

Orlando Acevedo, Economic Development Manager, provided clarification to the Town Council regarding the median improvements and road and drainage improvements to the PBID area.

Brad Miller, Town Engineer, presented a brief report for clarification on Agenda Item Number 8.

**MOTION**

Motion by Council Member Stanton, seconded by Mayor Pro Tem Bishop, 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 Members Cusack and Nassif abstained from voting on specific warrants listed under Agenda Items Number 3. Both members also abstained from voting on Agenda Items numbered 7 and 8 due to a potential conflict of interest.**

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

**A. Special Meeting – April 30, 2013**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. March 2013 - Commercial Warrants Schedule**

**Recommendation:**

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

**4. March 2013 – Payroll/Benefits Warrants Schedule**

**Recommendation:**

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

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

**6. Review and Approval to Advertise the Kiowa Road Improvements – Phase II, Tussing Ranch Road to Del Oro Road – Project 2012-06**

**Recommendation:**

1. That the Town Council review and approve the project plans, specifications, and bid documents for the construction of the Kiowa Road Improvements – Phase II project.
2. That the Town Council authorize staff to solicit bids for construction of said project.

**7. Annual Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association**

**Recommendation:**

That the Town Council Approve the Fiscal Year 2013-14 Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association.

**8. San Bernardino Association of Government’s (SANBAG) Transportation Development Act Article 3 for Pedestrian and Bicycle Facilities Program – Grant Application for the Ramona Road Project**

**Recommendation:**

That the Town Council adopt Resolution No. 2013-19, A Resolution of the Town Council of the Town of Apple Valley, California, authorizing the submittal of an application for grant funds from SANBAG’s Transportation Development Act (TDA) Article 3 for Pedestrian and Bicycle Facilities Program for the Ramona Road Project.

**9. Acceptance of Work, Notice of Completion and Release of Retention for the Dale Evans Parkway Overlay Project – Project No. 2012-10 and Joshua Road Overlay Project – Project No. 2012-11**

**Recommendation:**

That the Town Council:

1. Accept the work completed as part of the Dale Evans Parkway and Joshua Road Projects for a total cost of \$743,789.55.
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
3. Direct the Finance Director to release retained funds 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

**PUBLIC HEARINGS**

None.

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

Joseph Moon, Special Projects Manager, commented on the Greener Way of Life poster competition held with Burrtec Waste, the Town of Apple Valley and students. He stated that there were over 300 entries and presentations would be given at the next Town Council meeting. He also commented on improvements being done at James Woody Park with the assistance of the Victor Valley Transit Authority utilizing Article 3 funds.

Frank Robinson, Town Manager, commented on the upcoming budget workshop dates. He stated upcoming items for discussion included signage, impact fees, pit bulls within the Town limits and a spay/neuter ordinance.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**1. Closed Session**

The Town Council resumed to Closed Session at 9:01 p.m.

- A. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one or more potential cases).
- B. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation: Title: Town Manager

Upon returning from Closed Session at 9:50 p.m., Mayor Emick announced that there was no reportable action taken.

**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 9:51 p.m.

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Curt Emick, Mayor

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La Vonda M-Pearson, Town Clerk