

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

**REGULAR MEETING
MINUTES – June 11, 2013**

CALL TO ORDER:

TOWN COUNCIL REGULAR SESSION

Mayor Emick called to order the regular session of the Apple Valley Town Council at 6:32 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Cusack; Nassif; Stanton; Mayor Pro Tem Bishop; Mayor Emick. Absent: None.

OPENING CEREMONIES

INVOCATION:

The Invocation was given by Pastor Danotra Johnson, Victory in Jesus Bible Faith Center

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance will be led by Council Member Stanton

PRESENTATIONS:

None.

PUBLIC COMMENTS

Mickey Paul, Apple Valley, read a comment regarding neighboring cities and the problems that they are having with their police department versus the Sheriff's Department.

Lawrence McCarthy, Apple Valley, commented on the Request for Proposal for the Food and Beverage contract in the Town of Apple Valley.

Tom Piper, Apple Valley, commented on an increase in sales tax to support the Parks and Recreation and the Golf Course.

David Mueller, Liberty Tribune, expressed concern regarding the Town's organizational chart. He made comments regarding the Town's proposed budget and the Town's current debt, revenues and expenditures.

Carl Coleman, Apple Valley, commented on the Integrated Regional Management Plan.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Nassif commented on events that he attended. He stated that he will be on vacation for the meeting of July 23, 2013.

Council Member Cusack commented on events that he attended.

Mayor Pro Tem Bishop commented on committee meetings and events that he attended. He also announced that the Town was reimbursed for the 2010 floods from FEMA.

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Stanton stated that the item on Development Impact Fees would be coming soon before the Town Council for review. She also commented on the need to discuss in the future renewable energy policies and solar panels.

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

- A. Regular Meeting – Tuesday, June 25, 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 Stanton requested that Agenda Items numbered 5 and 7 be pulled for discussion.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 2, 3, 4 and 6, and that agenda items numbered 5 and 7 be pulled for discussion.

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 under agenda item numbered 3.

2. Approval of Minutes of the Town Council

A. Regular Meeting – May 28, 2013

B. Special Meeting – May 30, 2013

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. April 2013 - Commercial Warrants Schedule

Recommendation:

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

4. April 2013 – Payroll/Benefits Warrants Schedule

Recommendation:

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

6. Award Contract For The Micro Surface 2013/14, Project Number 2013-02 “Summer 2013”

Recommendation:

1. Award Contract to American Asphalt South for The Micro Surface 2013-14 Summer 2013 Project.

2. The scope of the project is to be increased (add additional streets) to utilize the entire budgeted amount of the funds.

PULLED FOR DISCUSSION

5. Treasurer’s Report – April 2013 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund

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

Council Member Stanton asked a series of questions regarding the projections and funding for the Pro Shop, Food and Beverage and the Restaurant.

David Mueller, Liberty Tribune, commented on what he believed were deficiencies within the various finance spreadsheets.

Mr. Puckett briefly responded to statements made during the public comment portion of this item.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, to receive and file the April 2013 Treasurer’s Report.

Vote: Motion carried 5-0-0-0

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

Absent: None.

7. Ratify the Repeal of Resolution No. 2013-14, Specified User Fees At The Apple Valley Golf Course And Approving Resolution No. 2013-21 Authorizing The Golf Course Manager To Establish Market-Based Fees At The Apple Valley Golf Course

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

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, to ratify the Repeal of Resolution No. 2013-14, specified user fees at the Apple Valley Golf Course and Adopt Resolution No. 2013-21, authorizing the Golf Course Manager, in consultation with the Town Manager or designee, to establish market-based fees at the Apple Valley Golf Course.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

8. Introduce Ordinance No. 448 – An Ordinance of the Town Council of the Town of Apple Valley Amending Chapter 2.10 (Town Clerk) of Title 2 of the Town of Apple Valley Municipal Code Relating to the Office of the Town Clerk and Chapter 2.60 (Personnel) of Title 2 of the Town of Apple Valley Municipal Code Relating to Exceptions of Chapter 2.60.

Mayor Emick presented the staff report as filed with the Town Clerk.

Richard Rorex, Apple Valley, stated that he understood the reasoning for this proposed change; however, he believed that employees should have a right to an appeal process.

Frank Robinson, Town Manager, explained that management positions are under contract and those employees are protected

The Town Council Member each expressed their appreciation with the work of the Town Clerk.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, and unanimously carried to **WAIVE** reading of Ordinance No. 448 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 448.

MOTION

Motion by Council Member Nassif, seconded by Council Member Cusack, to **INTRODUCE** Ordinance No. 448 amending Chapter 2.10 (Town Clerk) and Chapter 2.60 (Personnel) of Title 2 of the Town of Apple Valley Municipal Code by Amending Section 2.10.010 Relating to the Office and Compensation of the Town Clerk and Section 2.60.030 Relating to Exceptions of Chapter 2.60.

9. Review of the FY 2013-2014 Statement of Investment Policy

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

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to adopt Resolution No. 2013-24 approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 5-0-0-0

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

Absent: None.

10. Adoption of Fiscal Year 2013-2014 Appropriations Limit

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

David Mueller, Liberty Tribune, commented on his belief that the Town is losing money. He said that he believes it is unfair that he has been insulted by the Town staff.

John Brown, Town Attorney, commented on Proposition 13 and its intent with municipal government. He clarified, for the benefit of the Town Council and audience, that it is required that the Town go through this exercise because it was intended to serve as a protection against the Town Council spending more in terms of their annual budget rather than their Appropriations Limit.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, to adopt Resolution No. 2013-23 of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2013-2014 Appropriations Limit for the Town at \$31,634,838 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 5-0-0-0

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

Absent: None.

11. A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for All Funds for Fiscal Year 2013-14

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

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, to adopt Resolution No. 2013-22 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal year 2013-2014.

Vote: Motion carried 5-0-0

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

Absent: None.

12. Approve Execution of a Memorandum of Understanding (MOU) to Participate Financially in a Public Safety Joint Powers Authority (JPA) Feasibility Study

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

Jerry Beller, Apple Valley, commented on the dedication of the San Bernardino County Sheriff's Department within the high desert. He believed that our Police Captain as well as previous captains have all been very committed to our community and are always available to our citizens. He respectfully requested that the Sheriff's Department remain the law enforcement for the Town of Apple Valley.

Jackie Brown, Apple Valley, commented on the excellent service that is provided by our Sheriff's Department. She questioned why the Council felt a need to issue a Memorandum of Understanding for public safety.

Council Member Nassif explained the process and the reasoning behind the feasibility study. He expressed concern regarding the Town losing any level of service as well as the ability to control it's own destiny with respect to public service. He commended the Sherrif's Department for the fantastic level of service they provide to the Town.

Council Member Stanton commented on the excellent level of service that the Town receives from the Sheriff's Department. She stated that the Town was only reviewing the possibility in an effort to save funding for the community.

Council Member Cusack also commented on the excellent service received by both the Sheriff's Department and the Fire District. He stated that the feasibility study is just to review costs and determine what is best for the Town.

Mayor Pro Tem Bishop concurred with the previous statements by the Council. He thanked the Town Manager for his willingness and dedication in working with the other communities through this review process as they participate in the feasibility study.

Mayor Emick commented on the commitment and involvement of our Sheriff's Department with various Town programs.

John Brown, Town Attorney, clarified, for the benefit of the Council, that the Memorandum of Understanding is simply an agreement between the three cities and our Town to conduct a feasibility study. He noted that it has not, at this point, resulted in the formation of a Joint Powers Authority.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, and unanimously carried, to approve a staff recommendation to participate financially with the Cities of Hesperia, Adelanto and Victorville in a Public Safety Joint Powers Authority (JPA) feasibility study.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Kathie Martin, Marketing and Public Affairs Officer, commented on the Save program and a Sponsor Recognition sign. Ms. Martin also commented on the new movable sponsorship sign coming soon to Town Hall.

Frank Robinson, Town Manager, announced that the Food and Beverage operator at the Golf Course has received its liquor license. He also commented on future agenda items including a Vicious Dog Ordinance, Private Alley Discussion and Building fees.

Brad Miller, Town Engineer, stated that since the Washington, DC trip, several milestones have been completed as we work toward the Yucca Loma Bridge project. He briefed the Town Council on timelines and believed the first bid package would be submitted in August. He is hopeful that Council will be awarding the contract in November and that the Notice to Proceed would be completed in December.

The Town Council each expressed their thanks and congratulations to Mr. Miller for his hard work and diligence on this project.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Nassif, seconded by Mayor Pro Tem Bishop, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:31 p.m.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk