

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

**REGULAR MEETING
MINUTES – January 11, 2011**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Councilwoman Coleman; Boardmember/Councilman Emick;
Boardmember/Councilman Roelle; Vice Chair/Mayor Pro Tem Stanton; Chair/Mayor Nassif. Absent:
None.

CLOSED SESSION

With the consensus of the Town Council, Mayor Nassif announced that Closed Session would be moved to the end of the meeting.

OPENING CEREMONIES

INVOCATION: The invocation was led by Dr. Eldoris Bonner, Faith Ministries

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Stanton.

PRESENTATIONS:

Employee of the Quarter – Raul Lopez, Code Enforcement Officer II
Report on Emergency Response to recent flooding event in the Town of Apple Valley

Information for assistance for homeowners will be placed on the website for the Town and the Fire District. Homeowners can also call 211 for assistance.

SPECIAL ANNOUNCEMENTS:

Frank Robinson, Town Manager, introduced the new Director of Finance for the Town of Apple Valley, Mr. Marc Puckett.

PUBLIC COMMENTS

Darryl Evey, Apple Valley, thanked the Animal Services Division with the Town of Apple Valley for working with the High Desert Domestic Violence Shelter.

He commented on the assistance provided by the High Desert Domestic Violence Shelter to families who were displaced from their homes as a result of the flooding.

Joyce Blajek, Agio Real Estate, expressed concern regarding the flooding that occurred on Quapaw Road. She respectfully requested assistance by the Town Council to expedite the approval process to install infiltration wells in areas severely affected by the flooding.

Scott Weldy, General Manager, Apple Valley Ranchos Water District, presented a proposed rate increase to the Town of Apple Valley. He answered questions by the Town Council regarding the high cost to provide water in Apple Valley.

Barry LeBlonc, Apple Valley, commented on the CAFR funds. He explained how the CAFR funds are connected to Agenda 21 and believed that it takes away the people's rights.

Michael Wealthy, Apple Valley, expressed concern regarding fluoride contents in water.

Robert Gaines, Apple Valley, expressed concern regarding the lack of assistance from the Town of Apple Valley for flood damages to his property.

William Furnage, Apple Valley, thanked the Town Council for moving forward with the renovations at the Apple Valley Skate Park. He recommended additional renovations be made that he believed would enhance the park.

Michael Spaulding, Apple Valley, commented on the use of wind generators in the Town of Apple Valley.

James Nickerson, Apple Valley, expressed concern regarding the number of cutbacks that the Apple Valley Country Club has taken to save costs.

Don Gerber, Apple Valley, expressed concern regarding the flooding that occurred in his neighborhood.

Patricia Winkler, Apple Valley, expressed concern regarding a variety of issues in the Town of Apple Valley.

Richard Rorex, Apple Valley, commended Town staff for their hard work in the community.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION
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Council Member Coleman commented on her attendance at the re-entry facility in the high desert.

Council Member Roelle stated that the high desert would be receiving approximately \$5 million per year in transportation money thanks to Proposition 1B funding. He provided the Town Council with an update on the Yucca Loma Bridge Project.

Council Member Emick also commented on his attendance at the prison facility and also pledged his support to the community regarding the flooding issues.

Mayor Pro Tem Stanton stated that she attended the Groundbreaking for the prison facility. She commented on AB 900 funding available for re-entry facilities. She also commented on her attendance at VVWRA where discussions held included waste water issues.

Mayor Pro Tem Stanton thanked Darryl Evey for inviting her to meet with the people who were affected by the flooding as well as the services he provided. She also thanked Chief Art Bishop for the tour of the various sites affected by the flooding. She too pledged her support to the community regarding the flooding issues.

Mayor Nassif thanked staff and the Fire District for their hard work during the heavy rains and flooding.

Mayor Nassif commented on his attendance at the Victor Valley Wastewater Reclamation Authority where discussions held included an upgrade to the website to help improve services to the community.

He also commented on sewage breakage in the river which occurred during the floods. He also commented on the testing done for contamination in the water. Mayor Nassif stated that staff is currently looking into various solutions and will come back to the Council in a future meeting with their report.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

In lieu of the proposed State Budget Council Member Coleman requested that the Town Manager prepare a report regarding the condition of the Town's budget.

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

A. Special Meeting – Tuesday, January 25, 2011 at 4:00 p.m. – Council Chambers

B. Regular Meeting – Tuesday, January 25, 2011, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, to approve and adopt the Consent Calendar items numbered 2 – 13, respectfully.

Mayor Nassif announced that due to a potential Conflict of Interest, he would be abstaining from voting on Item Number 5.

Vote: Motion carried 5-0-0-0

Yes: Councilmember Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Absent: None. Abstain: None.

Mayor Nassif abstained from voting on Item #5.

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – December 14, 2010**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Sylvia Ramirez

Recommendation:

Reject the claim of Sylvia Ramirez

4. Treasurer’s Report – Month of November 2010

Recommendation:

Receive and file

5. Commercial Warrants Schedule – Month of November 2010

Recommendation:

Receive, ratify, and file the commercial warrants as presented.

6. Payroll/Benefits Warrant Schedule – Month of November 2010

Recommendation:

Receive, ratify, and file the payroll/benefits warrants as presented.

7. Transfer of JAG Grant Funds For Fiscal Year 2009-10 And 10-11 To The Public Safety Grant Fund For Police Activities League Related Expenditures.

Recommendation:

Approve the transfer of JAG grant funds from 2009-10 and 1010-11 totaling \$57,624 from the General Fund to the Public Safety Grant Fund to pay expenses as listed in the attached Captain’s memorandum.

8. Adopt Resolution No. 2011-01, A Resolution Of The Town Of Apple Valley, California, Proclaiming And Confirming The Existence Of A Local Emergency.

Recommendation:

Adopt Resolution No. 2011-01, A Resolution of the Town of Apple Valley, Proclaiming and Confirming the Existence of a Local Emergency.

9. Adopt Ordinance No. 415, Amending The Official Zoning Map From Single Family Residential (R-SF, 1 DU Per 0.4 To 0.9 Net Acres) And Open Space Conservation (OS-C) To Specific Plan (SP). The Specific Plan Addresses Future Development, Including Expansion Of The Existing K-12 Lewis Center For Educational Research School Site (The “Academy For Academic Excellence”), Along With Future Development Plans For A College/University Campus. The Project Is 150-Acres In Size; APNS 0474-183-21 And -22.

Recommendation:

Adopt Ordinance No. 415

10. Review and Approve Construction Specifications for the Yucca Loma Bridge at Mojave River, Clearing and Tree Removal Activities Project, and Authorize Staff to Proceed with Advertisement for this Project.

Recommendation:

Review and approve specifications for the Yucca Loma Bridge Mojave River Clearing and Tree Removal Activities Project and direct staff to proceed with the project.

11. Adopt Ordinance No. 416 Of The Town Council Of The Of The Town Of Apple Valley, California, Amending Title 8 Of The Town Of Apple Valley Municipal Code By Amending

Chapters 8.10, 8.12, 8.16, 8.18, 8.21, 8.22, And 8.26, Adding Chapters 8.13, 8.15 And Repealing Chapter 8.14, Adopting As Modified The 2010 Edition Of The California Building Code Volumes 1, 2 Including The Appendix And Standards, The 2010 Edition Of The California Electrical Code, The 2010 Edition Of The California Plumbing Code, The 2010 Edition Of The California Mechanical Code, The 2008 Edition Of The Uniform Solar Energy Code, The 2010 Edition Of The California Residential Code, 2010 Edition Of The California Green Building Code And Adopting Other Regulations Relating To Building Requirements.

Recommendation:

Adopt Ordinance No. 416.

12. Authorization of the Mayor to Execute the Fourth Amendment to the Waste Disposal Agreement with the County of San Bernardino

Recommendation:

Authorize Mayor to execute attached Amendment No. 4 to the Waste Delivery Agreement with the County of San Bernardino on behalf of the Town of Apple Valley.

13. Letter to Congressman Lewis Requesting Assistance with Storm Recovery

Recommendation:

The Town Council send a letter to Congressman Lewis requesting assistance with storm recovery.

PUBLIC HEARINGS

14. Supplemental Law Enforcement Services Funds (SLESF – COPS Grant)

Mayor Nassif opened the public hearing at 8:46 p.m.

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Nassif closed the public hearing at 8:48 p.m.

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, to authorize the Finance Director to submit to the County a request for the Supplemental Law Enforcement Service Fund (SLESF) – COPS Grant in the amount of \$100,000 plus accrued interest to be used to supplement the Juvenile Officer positions.

Vote: Motion carried 5-0-0-0

Yes: Council Member Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Absent:

None. Abstain: None.

LEGISLATIVE MATTERS

15. Vacancies on the Town of Apple Valley Committees/Commissions due to Reorganization of the Town Council

MOTION

Motion by Council Member Emick, seconded by Council Member Coleman, and unanimously carried, to nominate Bill Olson to the Historical Advisory Committee and Donald Tatera to the Park and Recreation Commission

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the upcoming agenda items requested by the Council including "In God We Trust" or "One Nation Under God ", e-verify, a report on current hours on Animal operation and water rates discussion. He stated that the mid-year budget review is scheduled for the Town Council Meeting on February 8, 2011.

Mr. Robinson also stated that the Town is waiting on the determination for FEMA assistance.

Mr. Robinson commented on the proposed budget as announced by the new Governor.

Brad Miller, Town Engineer, stated that the Town has received approval from FHWA and Cal Trans for the Environmental Document for the Yucca Loma Bridge.

Mr. Robinson, Town Manager, commended Mr. Miller for his work on the project.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 8:57 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Property located at APN 0444-521-05; Negotiating Parties: Steven H. Iverson; Town Negotiator(s): Town Manager or Designee. Negotiations involve both price and terms of payment.
- B. Negotiations with Real Property Negotiator – Property located at APN 3088-571-15; Negotiating Parties: Danilo and Rosario Manela; Town Negotiator(s): Town Manager or Designee. Negotiations involve both price and terms of payment.
- C. Negotiations with Real Property Negotiator – Property located at APN 3088-411-04 and 0480-031-07; Negotiating Parties: San Bernardino County Flood Control District; Town Negotiator(s): Town Manager or Designee. Negotiations involve both price and terms of payment.
- D. Negotiations with Real Property Negotiator – Property located at APN 0444-011-24, 0479-131-04, 0480-031-04 and 0480-031-06; Negotiating Parties: State of California; Town Negotiator(s): Town Manager or Designee. Negotiations involve both price and terms of payment.

Upon returning from Closed Session at 9:13 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:14 p.m.

Town Clerk

Mayor