

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

**REGULAR MEETING  
MINUTES – February 8, 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/Council Member Coleman; Boardmember/Council Member Emick; Board Member/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 Jim Anderson, Code Enforcement Manager

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

**SPECIAL ANNOUNCEMENTS:** None.

**PUBLIC COMMENTS**

Pat Hanson, Apple Valley, thanked the Town Council for their support in placing “One Nation Under God” in the Town Council Chambers.

David Christian, Apple Valley, thanked the Town Council for reviewing the proposed purchase of Apple Valley Ranchos Water District and their proposed rate increase.

David Mueller, Apple Valley, commented on questions that he had pertaining to the enterprise fund listed in the mid-year budget report.

Bernadette McNulty, representing High Desert Citizens United, a group of 800 customers of Apple Valley Ranchos Water Company (AVRW), commented on the need to send a letter to the PUC requesting a General Rates Water Control Hearing in Apple Valley to oppose the increase in water rates.

## COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilmember Coleman stated that she attended the SCAG meeting where they appointed the Regional Housing Needs Assessment Subcommittee. She also stated that she has been attending the Inland Southern California Redevelopment Association meetings pertaining to supporting the continuation of redevelopment agencies.

Councilmember Roelle stated that he attended the CHP road dedication. He also stated that he attended meetings at SANBAG where various issues were discussed.

Councilmember Emick stated that he attended a meeting with the Mojave Water Agency. He commented on his tours with the Animal Services Center, the police facility with Captain Belknap and the Wastewater Plant. He also commented on meetings he attended in support of our Redevelopment Agencies.

Mayor Pro Tem Stanton commented on her tours of the various facilities as a new Councilmember. She spoke highly of our Animal Services Center and the beauty of the facility. She thanked Captain Belknap for the tour of the Police Facility and the Town staff for their willingness to meet with her in bringing her up to speed as a new Councilmember. She also thanked the Town Clerk's office for working diligently to include the warrant list in the Town Council packets and online. She believed in total transparency for the community and thanked them for making this information available online.

Mayor Nassif commented on various meetings he attended including the Desert Mountain League of Cities meeting in Ridgecrest where various issues were discussed and Victor Valley Waste Water, where they discussed solutions to repairing waste management systems. He commented on his trip to Sacramento where discussions were held regarding redevelopment money and enterprise zones.

## TOWN COUNCIL ANNOUNCEMENTS

### **Suggested items for next agenda:**

Councilman Roelle requested a follow up on the RFP for Counseling Services. John Brown, Town Attorney, stated that he submitted a list of consulting firms and will follow up.

Mayor Pro Tem Stanton requested an item be placed on a future agenda to discuss the need for special meetings.

Mayor Pro Tem Stanton recommended that the Council receive the agenda on Tuesday instead of Thursday.

Mayor Pro Tem Stanton also recommended that staff produce a monthly profit and loss statement for the Apple Valley Country Club.

Mayor Pro Tem Stanton also recommended to flag the agenda on the home page of website and to change the time of the meetings. She noted that the special meeting was not listed on the website.

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

- A. Special Meeting – Tuesday, February 22, 2011, 4:00 p.m. – Council Chambers**
- B. Regular Meeting – Tuesday, February 22, 2011, 6:30 p.m. – Council Chambers**

**TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

Mayor Nassif announced the need to make corrections to item #6.

**Mayor Nassif announced that due to a potential Conflict of Interest, he would be abstaining from voting on Item Number 11.**

Mayor Pro Tem Stanton requested agenda items number 8 and 9 be pulled for discussion.

**MOTION**

Motion by Mayor Pro Tem Stanton, seconded by Council Member Emick, and unanimously carried, to approve and adopt the Consent Calendar item numbered 2, 3, 4, 5, 6, 7, 10, 11, 12 and 17, as amended.

Vote: Motion carried 5-0-0-0

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

**Mayor Nassif abstained from voting on Agenda Item Number 11.**

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

- A. Special Meeting – January 25, 2011**
- B. Regular Meeting – January 25, 2011**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 417, An Amendment To Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Section 9.74.040 "Definitions" As It Relates To Kiosk Signs And Amending Chapter 9.74 By Adding Section 9.74.155 "Village District Business Directional Kiosk Signs And Commemorative Banners" As It Relates To Off-Site Kiosk Business Directional Signs And Commemorate Banners On Light Poles Within The Village District**

**Recommendation:**

Adopt Ordinance No. 417.

**4. A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing Submittal of Applications to the Department Of Resources Recycling and Recovery (Calrecycle) for 5 Years for Calrecycle Grants.**

**Recommendation:**

Adopt Resolution 2011-02, a Resolution of the Town Council of the Town of Apple Valley Authorizing the Town Manager to Execute Department of Resources Recycling and Recovery (CalRecycle) Grants on Behalf of the Town of Apple Valley.

5. **A Resolution Of The Town Of Apple Valley, California, Determining The Amount Of Property Tax Revenues To Be Transferred As A Result Of The Pending Reorganization To Include The Annexation To The Town Of Apple Valley From County Service Area 70 As Described In LAFCO No. 3163**

**Recommendation:**

Approve Resolution No. 2011-03, of the Town of Apple Valley determining the amount of property tax revenues to be transferred as a result of the pending reorganization to include the annexation to the Town of Apple Valley from County Service Area 70 as described in LAFCO No. 3163.

6. **Ratify the Local Appointment List (Maddy Act) for the Town of Apple Valley Regular and Ongoing Boards, Commissions and Committees**

**Recommendation:**

That the Town Council approve the Local Appointment List (Maddy Act) as presented.

7. **Award Contract for the Yucca Loma Bridge at Mojave River, Clearing and Tree Removal Activities Project 2011-01**

**Recommendation:**

Award a contract to Pyramid Building & Engineering Inc., for the Yucca Loma Bridge at Mojave River, Clearing and Tree Removal Activities Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to content" by the Town Manger.

10. **Treasurer's Report – Month of December 2010**

**Recommendation:**

Receive and file.

11. **Commercial Warrants Schedule – Month of December 2010**

**Recommendation:**

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

12. **Payroll/Benefit Warrants Schedule – Month of December 2010**

**Recommendation:**

Receive, ratify, and file the payroll warrant schedule as presented.

17. **A Resolution in Opposition to the Governor's Proposal to Abolish Redevelopment Agencies in California**

**Recommendation:**

That the Town Council Adopt Resolution No. 2011-06, Opposing the Governor's Proposal to Abolish Redevelopment Agencies in California.

**PULLED FOR DISCUSSION**

8. **Review and Approve Construction Specifications for the Town-Wide Microsurfacing 2010-11 Project, and Authorize Staff to Proceed with Advertisement for this Project**

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

**MOTION**

Motion by Councilmember Coleman, seconded by Councilmember Roelle, to review and approve specifications for the Microsurfacing 2010 Project and direct staff to proceed with the project.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

**9. Review And Approve Construction Plans And Specifications For The 2010-11 Drywell Project (Project No. 2010-01) And Authorize Staff To Proceed With Advertisement For This Project.**

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

**MOTION**

Motion by Councilmember Coleman, seconded by Councilmember Roelle, to review and approve the project documents for the Drywell Project (Project No. 2010-01) and direct staff to proceed with the project.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

**PUBLIC HEARINGS**

**13. Adopt Resolution No. 2011-04, to Record Delinquent Utility Fees and Costs and Code Enforcement Fees Against Real Property Located in the Town of Apple Valley and Directing that Said Assessments Constitute a Lien Upon said Properties**

Mayor Nassif opened the public hearing at 7:17 p.m.

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

Councilmember Emick expressed concern regarding the ability to lien apartments for refuse collections. He asked for a legal interpretation by the Town Attorney.

John Brown, Town Attorney, responded by stating that as a matter of policy, the Town takes a legal position to make it the ultimate responsibility of the property owner to pay delinquent charges regardless of who resides at the property. He read into record Section 10009.6 of the legislature adoption of Public Utilities Code which defines utility service. He noted that it does not include refuse collection; therefore, he recommended deleting the reference of utility fee and replacing it with unpaid refuse collection charges.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, requested staff be directed to work with the Town Attorney on this issue to insure that the language requirements be met.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:27 p.m.

### **MOTION**

Motion by Councilmember Roelle, seconded by Councilmember Coleman, to adopt Resolution No. 2011-04, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

## **LEGISLATIVE MATTERS**

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **14. Drainage Within Tract No. 16492-1, (Apple Valley Vineyards)**

Mayor Pro Tem Stanton thanked the Town Engineer for his report.

It was the consensus of the Town Council that this report be received and filed.

#### **15. Approve Bid For Grid-Tied Solar Photovoltaic Power System And Shade Structure And Authorize Mayor To Execute Construction Contract.**

Diana McKeen, Environmental and Regulatory Compliance Officer, presented the staff report as filed with the Town Clerk.

Dave Mueller, Highdesertpolitics.org, commented on possible delays in receiving funding for this project from the state. He also commented on administration fees for this project.

Ms. McKeen stated that the Town is not charging any administrative fees for this project.

### **MOTION**

Motion by Councilmember Coleman, seconded by Councilmember Emick, to

1. Waive bid protest by BCE, per opinion of Town Attorney,
2. Award construction bid to SunWize Technologies, Inc.,
3. Authorize the Town Manager to execute contract with SunWize Technologies, Inc., for the construction of a grid-tied photovoltaic power system, pending approval of modified project by the Department of Energy and confirmation of federal funding, and

4. Appropriate \$75,000, 33% (\$25,000) each from Waste Management fund, Wastewater fund, and Facility Maintenance fund to pay construction costs.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

**16. A Resolution Of The Town Council Of The Town Of Apple Valley Approving Participation In The Institute For Local Government's Recognition Program, The Beacon Award: Local Leadership Toward Solving Climate Change.**

Councilmember Coleman presented the staff report as filed with the Town Clerk.

Diana McKeen, Environmental and Regulatory Compliance Officer, answered questions of staff regarding this program.

**MOTION**

Motion by Councilmember Coleman, seconded by Councilmember Emick, to adopt Resolution No. 2011-05 and direct staff to complete application to participate in the Beacon Award program.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

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

Frank Robinson, Town Manager, introduced the following staff members to provide an update to the Town Council on various projects.

Ralph Wright, Parks and Recreation Manager, provided an update to the Town Council on the Civic Center Park Playground, including the restroom facilities and the drinking fountains. He also commented on the status of the renovations of the 3 Diamond Skate Park and the dugouts at James Woody Park. He also discussed the amount of participation at Lenny Brewster Park for Soccer Tournaments.

Jim Anderson, Code Enforcement Manager, commented on the success of Tire Amnesty Day collecting over 2000 tires in the community for recycling. He also stated that Code Enforcement conducts monthly events to assist the public with disposal of various items including appliances.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, commented on a meeting that he held with a site selector for a medical device manufacturing firm who is interested in building a facility in the Town of Apple Valley.

Lori Lamson, Assistant Director of Community Development, provided an update to the Town Council on the second phase of the Town Hall renovations and the beginning of Phase three.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**ADJOURNMENT**

**MOTION**

Motion by Councilmember Emick, seconded by Councilmember Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:57 p.m.

Town Clerk

Mayor