

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

**REGULAR MEETING  
MINUTES – April 12, 2011**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Nassif called to order the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

**INVOCATION:** The invocation was led by Pastor Royce Bessera, Church for Whosoever

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Nassif.

**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**

**PRESENTATIONS:**

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**Employee of the Quarter – Levi James, Animal Care Specialist**  
**Military Banner Presentation – Nicholas D. Herbst – Karen Kelley**  
**Proclamation – Denim Day – High Desert Domestic Violence**  
**Certificates of Appointment – Blue Ribbon Water Committee**  
**Animal Control Presentations- Gina Schwin-Whiteside, Animal Services Manager –**  
**Fur Ball Event**  
**ASPCA 100K Challenge Update**

**PUBLIC COMMENTS**

Milt Holland, Apple Valley, commended the Apple Valley Animal Services for their work with the animals; however, he believed the funding spent for the Shelter was excessive. He also commented on the audit for the Village. Mr. Holland apologized to the Council for the concerns he raised regarding the time he was given to speak at the last meeting.

Chuck Hanson, Apple Valley, commented on the National Bike Month event to be held in May. He invited the Council to attend the event.

Dave Corbell, Apple Valley, thanked the Apple Valley Police Department for their support in helping with off-roaders. He felt that it would be helpful to the Police Department to have signs posted to remind off-roaders of the existing ordinance regarding off road vehicles. He also thanked the Council for their support.

Reggie Lamson, Apple Valley Ranchos, provided an update to the Council on the upcoming Disaster Preparedness Drill. He commented on their ability to back up Edison's power source to their well pumping plants with diesel powered generators that would allow them to provide water service to the community in the event of a quake.

Jeferey Ricker, Apple Valley, regretfully informed the Council that he is resigning from the Blue Ribbon Water Committee. He read into the record his letter of resignation. He recommended that the Council consider Reggie Lamson as his replacement.

Mayor Nassif encouraged Mr. Ricker to attend the meetings and to stay engaged with the community.

William Furmage, Apple Valley, thanked the Council for their support with the skate park. He expressed concern regarding the number of kids that do not wear helmets. He recommended that staff be available to help enforce the use of helmets. He announced the grand opening on April 23, 2011.

Bernadette McNulty, Apple Valley, thanked Councilmember Roelle for appointing her to the Blue Ribbon Water Committee. She urged the Council to make an appointment this evening to select a replacement for Mr. Ricker who has resigned from the committee. She also felt it would be appropriate for the Council to select additional alternates who would be available in the event of an emergency.

Tara Stancyk, Apple Valley, expressed concern regarding the videos of children that appear on YouTube. She recommended posting signs prohibiting videotaping in a public restroom.

Gary Malkus, Apple Valley, thanked the Council for their service to the Community. He expressed concern regarding the homeless in the high desert. He would like to see plans for the future to assist the homeless in the community.

#### **HISPANIC CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Tamara Torres, Hispanic Chamber of Commerce, provided an update to the Town Council on their work to serve the businesses in the community. She thanked Joseph Moon, Economic Development, for his participation on Small Business Assistance Day. She stated that the event was successful. She invited the Council to attend the Hispanic Chamber of Commerce meetings.

Mayor Pro Tem Stanton requested to know the number of businesses in Apple Valley that are affiliated with the Hispanic Chamber of Commerce.

Ms. Torres responded by stating that approximately 35% or more of businesses in the region are from Apple Valley.

#### **COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilmember Roelle commented on his attendance at State of the County where discussions of the budget was held. He thanked Gina Whiteside and Levi James for their work with the Animal Shelter events. He also thanked all of the committee members for their participation in the Blue Ribbon Water Committee.

Councilmember Coleman commented on her attendance at various meetings including SCAG where a presentation on the Regional Transportation Plan was made. She also commented on her attendance at the League Environmental Policy meeting where discussions held included the state budget. She also commented on the two actions taken where AB 1778 and AB 83 were opposed.

Councilmember Emick announced that the next VVEDA Special Meeting will be held on April 20, 2011. He encouraged the public to keep voting for the ASPCA 100K Challenge.

Mayor Pro Tem Stanton commented on her attendance at various meetings including the High Desert Corridor meeting. She announced that the next meeting will be held on April 13, 2011 in the Council Chambers. She also commented on her attendance at the Mojave Desert Air Quality Management District meeting where they discussed the budget and the Victor Valley Transit Authority meeting where the transportation agency was honored with CALACT's (California Association for Coordinated Transportation) transportation agency of the year award promoting professional excellence.

Mayor Pro Tem Stanton commented on the Fur Ball event and congratulated Gina Whiteside, Animal Services Manager, and her staff for their work. She also commented on the new skate park and congratulated Ralph Wright, Park and Recreation Manager and his staff for their work. She requested that staff look into the availability of bleachers.

Mayor Pro Tem Stanton announced that the Public Utility Commission meeting will be held on May 3, 2011 at Town Hall between 1:00 p.m. and 7:00 p.m.

Mayor Nassif announced that the City County Conference has been rescheduled for the end of April. He commented on his attendance at the Red Cross Economic Summit where the Town received an award for participating in the economic summit. He commented on his attendance at the VVWRA meeting where discussions held included the regional acquisition of Victorville and Adelanto's waste water facilities as well as Apple Valley and Hesperia's sub-regional plants. He also commented on his attendance at the San Bernardino County meeting where the Town was recognized by the Board of Supervisors for participating in the Healthy Cities Program. He commended staff for their excellent work.

Mayor Nassif commented on his attendance at the League of Cities meeting where a joint presentation was made on the budget by the Economic Development & Housing Committee. He also commented on the discussions held regarding AB 1220. He would like for staff to look into AB 1220 and come back to the Council with an update on the housing element.

Mayor Nassif commented on his attendance at the Apple Valley Disaster Committee meeting where they dedicated this month to earthquake preparedness. He announced the two events this month; Shake, Rattle and Roll to be held at the Apple Valley Emergency Preparedness Fair on Saturday, April 30, 2011 at the Church of Latter Saints and Saturday, April 16, 2011 at Station 337 at Jess Ranch Sun City Station beginning at 9:00 a.m. He also commented on his attendance at the Sun City volunteer recognition and discussions held regarding volunteer service.

## TOWN COUNCIL ANNOUNCEMENTS

Councilmember Roelle would like to agendize an item to discuss an Ordinance to oppose the redistricting in the high desert in support of Senator George Runner's office.

Councilmember Roelle would also like to agendize an item to discuss changing the start time of Closed Session to 5:00 p.m.

Mayor Pro Tem Stanton would like to agendize an item regarding group homes to discuss with the police summary.

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

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

**A. Regular Meeting – Tuesday, April 26, 2011, 6:30 p.m. – Council Chambers**

## TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

**Mayor Nassif announced that due to a potential Conflict of Interest, he would be abstaining from voting on Item Number 4.**

### **MOTION**

Motion by Councilmember Coleman, seconded by Councilmember Roelle, and unanimously carried, to approve and adopt the Consent Calendar item numbered 2 and 4 - 9, as amended and that Item Number 3 be pulled for discussion.

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 4.**

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

**A. Regular Meeting – March 22, 2011**

**B. Special Meeting – March 30, 2011**

##### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

#### **4. Commercial Warrants Schedule – Month of February 2011**

##### **Recommendation:**

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

#### **5. Payroll/Benefit Warrants Schedule – Month of February 2011**

##### **Recommendation:**

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

#### **6. Acceptance Of Work, Notice Of Completion And Release Of Retention For Central Road Widening Project, From Ottawa Road To Lucilla Road, Town Project 2010-05.**

##### **Recommendation:**

1. Accept the work for the roadway improvements included in the Central Road Widening Project, from Ottawa Road to Lucilla Road, Town Project 2010-05 for a total cost of \$218,648.56
  2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety, and to exonerate contract bonds.
  3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.
7. **Fee Waiver Request for the Church for Whosoever Annual Outreach on May 30, 2011 and September 5, 2011.**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$605.54.
8. **Fee Waiver Request for the Dystonia Medical Research Foundation Dystonia/Dystonia Walk at Civic Center Park on May 15, 2011.**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$466.00.
9. **2011-2013 Contract Amendment for Graffiti Removal Services Agreement**  
**Recommendation:**  
Authorize the Town Manager to sign the 2011-13 Contract Amendment between Battista's Custom Painting and the Town of Apple Valley.

**PULLED FOR DISCUSSION**

3. **Treasurer's Report – Month of February 2011 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**

Mayor Pro Tem Stanton asked questions regarding the water expenditures and building maintenance for the Country Club.

Marc Pucket, Finance Director, responded by stating that there was no billing processed during the reported period for the current month.

Dennis Cron explained that the club did not purchase water from Apple Valley Ranchos until the month of April and that prior to that, the water had been supplied by the well that is on site.

Mayor Pro Tem Stanton requested to know the total budget for this year under the current fiscal year budget.

Marc Puckett, Finance Director, provided the Council with the ending deficit for the end of the reporting period for the Country Club and Park and Recreation.

This was a receive and file item only.

**PUBLIC HEARINGS**

None.

## LEGISLATIVE MATTERS

None.

## REPORTS, REQUESTS AND COMMUNICATIONS

Mayor Nassif announced the need to take action on an item that arose after the posting of the agenda. Based on this information the Council will need to add an additional Item Number 13 – Appointment to replace Jeffery Ricker.

### **MOTION:**

Motion by Councilmember Coleman, seconded by Mayor Pro Tem Stanton, and unanimously carried, that there is a need to take action on an item that arose after the posting of the agenda and to add Item Number 13 – Appointment to replace Jeffery Ricker.

### **BUSINESS OF THE COUNCIL**

#### **10. Solicitation in Front of Businesses**

Jim Anderson, Code Enforcement Manager, provided the staff report as filed with the Town Clerk's office.

Councilmember Roelle made recommendations that the property owners would be able to use regarding this issue.

Matthew Sawyer, Manager, Apple Valley Super Target, commented on his experience with solicitation. He also commented on the distraction free environment enforced by his employer.

Discussion ensued regarding having an Ordinance to protect property owners from solicitation.

It was the consensus of the Council to direct staff to review potential Ordinance options with legal counsel as well as consult with law enforcement.

#### **11. Spay/Neuter, Foster and Rescue Incentive Programs**

Gina Whiteside, Animal Services Manger, presented the Council with a presentation on the history of the Town of Apple Valley Animal Services.

Councilmember Roelle expressed concern regarding releasing cats back into the community after being spayed.

Mayor Pro Tem Stanton asked a series of questions regarding licensing of animals and existing shot clinics. She requested that staff provide her with a copy of the presentation to further review the information.

Councilmember Coleman also expressed concern regarding animals being altered. She felt it should be the ultimate responsibility of the pet owners to alter their pets.

It was the consensus of the Council to direct staff to come back to the Council with a report to discuss more options.

**12. A Request for a Resolution of the Town Council of the Town of Apple Valley Accepting Reimbursement of the Costs for Development of Public Infrastructure Improvements within the Town from the Victor Valley Economic Development Authority and Ratifying the Execution and Delivery of a Reimbursement Agreement**

Ken Henderson, Assistant Town Manger/Economic and Community Development, provided the staff report as filed with the Town Clerk's office.

Milt Holland, Apple Valley, expressed concern regarding the proposed resolution. He also expressed concern regarding the Village merchants. He respectfully requested that the Council allow him the opportunity to read the report before making a decision on this item.

Bernadette McNulty, Apple Valley, expressed concern regarding the proposed agreement with VVEDA. She also expressed concern regarding the resolution and felt it needed to be more specific.

Ken Henderson, Assistant Town Manger/Economic and Community Development, clarified for the benefit of the Council and public the radius that is included in the redevelopment project area. He commented on the property base tax for VVEDA that allows the project area to receive a tax increment. He also commented on the bonds that were supported by the tax increment

**MOTION**

Motion by Councilmember Roelle, seconded by Councilmember Coleman, to approve and adopt Resolution No. 2011-11 of the Town Council of the Town of Apple Valley accepting reimbursement of the costs for development of public infrastructure improvements within the Town from the Victor Valley Economic Development Authority and ratifying the execution and delivery of a Reimbursement Agreement.

Vote: Motion carried 5-0-0-0

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

**13. Appointment to replace Jeffery Ricker to the Town of Apple Valley – Blue Ribbon Water Committee**

Councilmember Emick recommended the nomination of Jack Collingsworth as an at large member of the Blue Ribbon Water Committee.

It was the consensus of the Town Council members to nominate Jack Collingsworth to the Blue Ribbon Committee at the meeting of April 14, 2011.

**MOTION**

Motion by Councilmember Emick, seconded by Mayor Nassif, and unanimously carried to nominate Jack Collingsworth to the Blue Ribbon Water Committee.

Vote: Motion carried 5-0-0-0

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

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

Frank Robinson, Town Manager, called upon Ken Henderson, Assistant Town Manager/Economic and Community Development, to provide an update to the Council regarding Affordable Housing Request for Proposals (RFP).

Ken Henderson, Assistant Town Manager/Economic and Community Development, provided an update to the Council regarding the status of the RFQ/RFP process.

Mr. Henderson recommended that the Town select one or two high quality projects, commit the funding, and move forward with the projects. He also recommended that the Council participate in the upcoming affordable housing tours.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**1. Closed Session**

**MOTION**

Motion by Councilmember Emick, seconded by Councilmember Coleman, and unanimously carried, to adjourn to Closed Session at 9:59 p.m. to discuss the following:

- A. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9) California Public Utilities Commission Case No.(s) A.11-01-001 and A.11-01-019.

Upon returning from Closed Session at 10:41 p.m., Mayor Nassif announced that there was no reportable action.

**ADJOURNMENT**

Motion by Councilmember Coleman, seconded by Mayor Pro Tem Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:42 p.m.

Town Clerk

Mayor