

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

**REGULAR MEETING
MINUTES – June 14, 2011**

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilmember Coleman, seconded by Councilmember Emick, and unanimously carried, to adjourn to Closed Session at 5:26 p.m. to discuss the following:

- A. Conference With Legal Counsel-Existing Litigation (Subdivision (a) of Section 54956.9)
Name of case: Application of Western Water Holdings, LLC, PWC Merger Sub, Inc., Park Water Company (U 134 W), and Apple Valley Ranchos Water Company ((U-346-W) for Authority for Western Water Holdings, LLC to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company

Upon returning from Closed Session at 5:50 p.m., Mayor Nassif announced that there was no reportable action.

OPENING CEREMONIES

- INVOCATION:** The invocation was led by Pastor Doris Eddy, Apple Valley Faith Center
- PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by a Boy Scout Troop Member 257
- PRESENTATIONS:** Recognition - Optimist Club, Joseph Ramos and Lena Quinonez
- SPECIAL ANNOUNCEMENTS:** None

PUBLIC COMMENTS

Chuck and Pat Hanson, Apple Valley, thanked the Town of Apple Valley for placing the wording "One Nation Under God" in our Council Chambers.

Dino Defazio, Apple Valley, commented on the senior housing project that was discussed at the last two meetings. He requested that staff review the tapes and incorporate their promises into the agreement. He commented that some of the agreements included the Town subsidizing the units. He also commented on the need to have the agreement published and available to the public two weeks prior to the vote.

Dawn Harrison, CERT Program, spoke in support of the emergency preparedness department in Apple Valley. She respectfully requested that the Town continue financial support of the Emergency Services Officer.

Robert Wank, CERT Program, spoke in support of the Emergency Services Officer. He also recommended the Council to seek FEMA grants that would possibly fund the position.

Reggie Lamson, Apple Valley Ranchos, distributed a handout to the Town Council that graphed the water bills for various water providers.

William Furmage, Apple Valley, commented on the need to staff the Skate Park for the benefit of the youth in Apple Valley. He recommended the Town hire Action Sports Alliance to supervise the Skate Park.

Harold Childress, Apple Valley Baptist Church, thanked the Town Council for the placement of "One Nation Under God" in the Town Council Chambers.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Emick commented on upcoming board meetings that he will be attending. He also commented on his attendance at the Church for Whosoever Memorial Day event. He also thanked Captain Belknap and the Police Department for allowing them to participate in the SMASH event that was held in the Town last Friday.

Council Member Coleman commented on her attendance at the Regional Housing Needs Assessment Sub-committee Meeting (RENA) where they approved the process for sub-regional delegation. She also commented on her attendance at the National Association of Regional Councils Conference where a presentation was made on the Census.

Council Member Roelle stated that he attended an Eagle Scout ceremony recognizing three Eagle Scouts in Apple Valley. He commented on his attendance at the "Working Together" event attended by local Judges from Superior Court combating against domestic violence. He also commented on his attendance at SANBAG meetings where they continue to move forward with the Yucca Loma Bridge project.

Mayor Pro Tem Stanton stated that she attended the Excelsior School Memorial Day celebration. She commented on the bleachers at the Skate Park. She thanked Park and Recreation staff for finding the resources to provide the bleachers. She commented on the recent slurry work on the roads in Apple Valley. Mayor Pro Tem Stanton would like to see an ordinance on foreclosed homes where the banks are responsible for performing inspections. She requested that staff look into the sale of bath salts at local Smoke Shops.

Mayor Nassif commented on his attendance at the California League of Cities meeting where they formed a committee to look into marijuana dispensaries. He also commented on his attendance at the Apple Valley Police Activities League's (PAL) Golf Tournament Fundraiser in Apple Valley and the Memorial Day celebration events held at the Church for Whosoever and Sunset Hills. Mayor Nassif announced the passing of the father of Kaye Reynolds, Finance Manager for the Town of Apple Valley and Vicki Chimbole, wife of former Palmdale Council Member Larry Chimbole.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Stanton requested future items be provided regarding the Happy Trails Villas project, roof mounted wind turbines, an update on the proposed medical campus on Apple Valley Road, an update on her previous request regarding the costs associated with the Apple Valley Golf Course, including what we are spending, during the discussion phase of finalizing the purchase of the golf course and a review of the Town Manager's contract.

Mayor Pro Tem Stanton commented on the number of abandoned homes due to foreclosures. She would like an item on a future agenda to discuss the foreclosures in Apple Valley and a possibly mandatory registration of abandoned properties.

Council Member Emick would like to examine an ordinance that governs public corporations ability to sponsor venues in Apple Valley.

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

A. Special Meeting – Monday, June 20, 2011, 3:00 p.m. – Council Chambers

B. Regular Meeting – Tuesday, June 28, 2011, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Nassif announced that he had a remote interest in certain warrants on tonight's commercial warrants for the Town of Apple Valley as the owner of Napa Auto Parts. Therefore, he abstained from voting on agenda item number 11.

Mayor Nassif also announced that staff requested that agenda item number 13 be tabled at this time.

Brad Miller, Town Engineer, presented a brief synopsis on agenda item number 6 for the benefit of the Town Council.

MOTION

Motion by Council Member Coleman, seconded by Mayor Pro Tem Stanton, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; and that item number 13 be tabled.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Absent: None.

Mayor Nassif abstained from voting on Agenda Item Number 11.

2. Approval of Minutes of the Town Council

A. Regular Meeting – May 24, 2011

B. Special Meeting – June 2, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Undergrounding Utility District No. 3 Along Yucca Loma Road Between Apple Valley Road And Rincon Road

Recommendation:

1. Staff recommends that the Town Council adopt Resolution No. 2011-20 " A Resolution of the Town Council of the Town of Apple Valley, California, authorizing the initiation of proceedings to establish Undergrounding Utility District No. 3 along Yucca Loma Road, between Apple Valley Road and Rincon Road".
2. Direct the Town Clerk to give notice, by mail, of the time and place of the hearing to all affected property owners as shown on the last equalized assessment roll or as known to the Town Clerk, at least ten (10) days before the date set for the hearing.

4. Award Contract For The Slurry Seal/ Micro Surface 2010-11 Project, Number 2011-02

Recommendation:

Award a contract to Valley Slurry Seal Co. for the Slurry Seal/Micro Surface Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager

5. Lighting And Landscape Assessment District #1 - Engineer's Annual Report And Levy Of Assessment For Fy 2011-2012

Recommendation:

1. Adopt Resolution No. 2011-21, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.
2. Receive and approve the engineer's report as filed, or as amended.
3. Adopt Resolution No. 2011-22, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2011-2012.

6. SANBAG Transportation Development Act Article 3 for Pedestrian and Bicycle Facilities Program – Grant Application for the Bear Valley Road Bridge Bikeway Project

Recommendation:

Staff recommends that the Town Council adopt Resolution No. 2011-19 " 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 Article 3 for Pedestrian and Bicycle Facilities Program for Phase 2 of the Bear Valley Road Bike Path Project – Cantilevered Bikeway on the Mojave River Bridge".

7. Acceptance of Work, Notice of Completion and Release of Retention for the Town of Apple Valley Town Hall and Police Department Remodel

Recommendation:

1. Accept the work of the attached sixteen (16) prime contractors for the work performed at Town Hall and Police Department buildings and release the total retention in the amount of \$30,024.59.
2. Direct the Town Clerk to file a Notice of Completion for their contract work, notify surety, exonerate bonds and notify prime contractors escrow account holders to release withheld retention funds provided no claims are filed against the contractor or Town
3. Direct the Finance Director to release retained funds 30 days after the filing of the Notice of Completion, or notify prime contractors escrow account holders to release the withheld retention funds, provided no claims are filed against the contractor or Town.

8. **Emergency Sewer Trench Repair Work On Bear Valley Road**
Recommendation:
Accept and approve the invoice submitted by Cooley Construction under the terms of the Town's Street Maintenance Services Contract FY2010-11, approve and authorize a budget amendment appropriating \$218,583.96 from the unallocated wastewater fund balance and approve a budget amendment #11-42.

9. **Proposition 84 Grant Program, Statewide Park Development And Community Revitalization Program**
Recommendation:
That the Town Council Adopt Resolution No. 2011-23 approving the submittal of an application for Statewide Park Program grant funds.

10. **Treasurer's Report – Month of April 2011**
Recommendation:
Receive and file.

11. **Commercial Warrants Schedule**
Recommendation:
Receive, ratify, and file the commercial warrants as presented.

12. **Payroll/Benefits Warrants Schedule**
Recommendation:
Receive, ratify, and file the payroll/benefits warrants as presented.

14. **Approval Of License Agreement Between The Town Of Apple Valley And Southern California Edison (SCE)**
Recommendation:
That the Town Council Approve a License Agreement between Southern California Edison and the Town of Apple Valley to Install Signs, Flags and Banners on SCE Streetlight Poles within the Town's Right-of-Way.

THIS ITEM WAS TABLED

13. **A Request For Adoption Of Resolution 2011-24 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 Proposed Amendment No. 1 To The Reimbursement Agreement**
Recommendation:
That the Town Council table this item.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

15. Vacancy On The Town Of Apple Valley Planning Commission

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Roelle, and unanimously carried to nominate Mark Shoup to the Town of Apple Valley Planning Commission.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

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

Mayor Nassif stated that he had a potential conflict of interest on this item and therefore excused himself from the dais.

MAYOR NASSIF WAS EXCUSED FROM THE DAIS AT 7:31 P.M.

Emily Wong, Assistant Director of Economic Development, presented the staff report as filed by the Town Clerk.

Mayor Pro Tem Stanton asked a series of questions regarding the membership and funding for the PBID.

John Brown, Town Attorney, asked for clarification on whether or not the PBID would continue indefinitely.

Ms. Wong explained that the PBID would sunset at the end of this year; however, the association could continue indefinitely.

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, explained how, in some cases, the project is annexed into the town-wide landscape maintenance district.

Larry Cusack, President, Property Business Improvement District, explained that the maintenance costs have been set aside for eight (8) years past the sunset date. He updated the Town Council on recent activities of the PBID.

Discussion ensued regarding the total cost of the budget for the PBID.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to approve the Fiscal Year 2011-12 Budget of the Apple Valley Village Property and Business Improvement District Association.

Vote: Motion carried 4-0-0-1
Yes: Councilmember's Coleman; Emick; Roelle; Mayor Pro Tem Stanton.
Absent: Mayor Nassif.

MAYOR NASSIF RETURNED TO THE DAIS AT 7:50 P.M.

17. Discussion on Adding E-Verify as a Requirement for a Business License in the Town of Apple Valley

Nikki Salas, Director of Human Resources, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Stanton questioned the cost to implement the E-Verify program for businesses.

Council Member Coleman questioned if the enforcement from other communities was pro-active or reactive.

Ms. Salas stated that most communities use reactive enforcement for this program.

Mayor Nassif expressed concern regarding the placement of another layer of government to our local businesses. He commented on the amount of compliance that employers already have to comply with from other state agencies.

Ms. Salas explained the process that an employer would need to do in order to comply with the program.

Mayor Nassif recommended that we notify the Apple Valley Chamber and request their input on this program.

John Brown, Town Attorney, explained that it is important when the item comes back to Council that particular attention is paid to the process in which you enroll in e-verify. He stated that the government does not enforce e-verify.

Councilwoman Coleman would like the item brought back at the next meeting. She would also like to receive input from the Apple Valley Chamber of Commerce.

With the consensus of the Town Council, Mayor Nassif directed staff to bring back a proposed ordinance addressing the concerns by the Council.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that there will be a Homeless Workshop held on June 21st at the Development Services Building Conference Center from 2 p.m. – 5 p.m. He stated that the Town is working on a federal grant with the Fire District for funding for an Emergency Operation Center (EOC). He also stated that staff is currently working on an item regarding solicitation at businesses to bring back to the Council at the next meeting.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Nassif, seconded by Councilwoman Coleman, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:13 p.m. in memory of Mr. Thomas R. Kirkmeyer, Sr. and Mrs. Vicky Chimbole.

Mayor

Town Clerk