

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

**REGULAR MEETING
MINUTES – August 9, 2011**

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

None.

OPENING CEREMONIES

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council/Redevelopment Agency 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; Vice Chair/Mayor Pro Tem Stanton; Chair/Mayor Nassif. Absent: Board Member/Councilman Roelle.

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

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

PRESENTATIONS: Employee of the Quarter – Lena Quinonez, Recreation Supervisor

SPECIAL ANNOUNCEMENTS: None

PUBLIC COMMENTS

Reggie Lamson, Apple Valley Ranchos Water, commented on a conservation plan to assist with the school district and help them reduce their costs by reducing decorative grass and replacing with water smart landscaping.

Gordon Gregg, Apple Valley, expressed concern regarding Municipal Code Section 6.30.030 (f) regarding vehicles in residential lots. He stated that he received a violation from Code Enforcement for excessive vehicles and trash debris. He agreed that his property needed to be cleaned, however, he was not in agreement with limits being placed on the number of vehicles a homeowner could have at their property. He stated that all of his vehicles are either registered or have non-ops placed on them.

Karen Gregg, Apple Valley, agreed that the property needed to be cleaned; however she recommended that 30 days be made available to clean property instead of 10 days.

Richard Sheridan, Apple Valley, commented on the notices he received from Animal Services regarding a dog that was registered by his former tenant. He stated that the second notice he received came with

a demand to pay or a lien would be placed against his property. He respectfully requested assistance from the Council.

David Mueller, Highdesertpolitics.org, commented on what he believed were inaccuracies in various staff reports listed in the agenda.

HISPANIC CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Tamara Torres, Chairperson, High Desert Hispanic Chamber, provided an update to the Town Council regarding various activities that have occurred at the Hispanic Chamber as well as upcoming events.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman stated that she attended the Redevelopment Press Conference and commented on the support expressed by all the high desert Mayors for redevelopment.

Councilman Emick commented on attending National Night Out and touring the new PAL facility. He stated that he and his wife will be participating in Park and Recreation's swing dance classes to help support that department.

Mayor Pro Tem Stanton stated that she also attended National Night Out and toured the PAL facility. She thanked the Police Department for the event. She announced that her sister, Ms. Elizabeth Foster, passed away on Monday, August 8th, after a long battle with cancer. She stated that her sister was a wonderful person who had lived in the high desert for over 20 years. She respectfully requested, and the Town Council concurred to adjourn the meeting in her sister's honor.

Mayor Nassif commented on the Redevelopment Press Conference and commented on the discussions that took place regarding redevelopment and the need to continue redevelopment agencies in the state. He also commented on the presentation he made during the State of the Town Address where they discussed the business opportunities in Apple Valley. Mayor Nassif commented on a meeting he attended at the County where he met with the State Energy Commission who was interested in receiving information on the solar and wind projects in the Town of Apple Valley for their new Habitat Conservation Plant.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilmember Coleman requested that a future item be prepared regarding Local Preference for Town of Apple Valley projects.

La Vonda M-Pearson, Town Clerk, read the time, date and place for the next Town Council Meetings:

- A. Regular Meeting – Tuesday, August 23, 2011, 5:00 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Nassif announced that he had a remote interest in certain warrants on the commercial warrants for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore he stated that he will be abstaining from voting on agenda item number 4.

It was the consensus of the Town Council that items numbered 3 and 7 be pulled from the Consent Calendar for discussion.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Councilmember Coleman, to approve and adopt the Consent Calendar items numbered 2, 4, 5, 6, 8 and 9 respectfully, and that item number 3 and 7 be pulled for discussion.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

Mayor Nassif abstained from voting on Agenda Item Number 4.

2. Approval of Minutes of the Town Council

A. Special Meeting – July 25, 2011

B. Regular Meeting – July 26, 2011

C. Special Meeting – July 26, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. Commercial Warrants Schedule – Month of June 2011

Recommendation:

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

5. Payroll/Benefits Warrants Schedule – Month of June 2011

Recommendation:

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

6. Review And Approve Construction Plans And Specifications For Phase I Of The Kiowa Road Improvement Project And Authorize Staff To Proceed With Advertisement For This Project.

Recommendation:

Review and approve the project documents for the Kiowa Road Improvement Project Phase 1, Del Oro Road to Bear Valley Road, and direct staff to proceed with the project.

8. Adopt Ordinance No. 422 - An Ordinance Of The Town Council Of The Town Of Apple Valley Complying With The Voluntary Alternative Redevelopment Program Pursuant To Part 1.9 Of Division 24 Of The California Health And Safety Code, As Provided By AB 1x 27, In Order To Permit The Continued Existence And Operation Of The Apple Valley Redevelopment Agency Under Threat Of Dissolution

Recommendation:

Adopt Ordinance No. 422.

9. Amended Release of Retention for the Town of Apple Valley Town Hall and Police Department Remodel

Recommendation:

That the Town Council direct the Finance Director to release retained funds to the sixteen (16) separate prime contractors for construction of the remodel to Town Hall and the Police Department buildings in the total corrected amount of \$43,774.59.

PULLED FROM CONSENT

3. Treasurer's Report – Month of June 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 funding expenditures, revenues and transfers listed in the staff report. She expressed concern regarding whether or not the reporting for the golf club fund was accurate.

Marc Puckett, Director of Finance, answered questions of Mayor Pro Tem Stanton addressing her concerns regarding the various transfers.

MOTION

Motion by Councilmember Emick, seconded by Councilmember Coleman, to receive and file.

Vote: Motion carried 4-0-0-1

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

Absent: Councilmember Roelle.

7. A Professional Services Agreement for the Preparation of the Sewer Master Plan Update

Lance Miller, Public Works Manager, provided input to the Town Council regarding the process used to issue Request for Qualifications for this project.

Councilmember Coleman expressed concern regarding no local preference given when issuing contracts for the Town of Apple Valley. She believed that local preference should be considered especially during a time when jobs are needed within the community.

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, provided clarification to the Town Council regarding the development of a local preference policy that the Town is currently developing.

Mayor Pro Tem Stanton commented on her agreement with supporting a local policy; however she also stated that qualifications were very important when selecting a contractor.

Carl Coleman, Apple Valley, expressed concern regarding this item. He did not agree with the selection of firms for this project who are not local contractors.

Mayor Nassif commented on the differences between Request for Proposals and Request for Qualifications.

Mr. Henderson explained the legal challenges that cities are faced with when developing local preference policies. He stated that staff is working with the Town Attorney on developing a preliminary plan prior to presenting it to the Town Council.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, stated that he works very hard to ensure that local effort is provided in every possible opportunity for the Town. He commented on the reasons why he believed there is a need for direction from the Council regarding the bidding process.

Mayor Nassif stated that a policy of local preference may not even apply to a policy like this.

MOTION

Motion by Councilmember Coleman, seconded by Mayor Pro Tem Stanton, and unanimously carried, to table this item.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

10. **Resolutions of The Town Council of the Town of Apple Valley, California, and the Board of Directors of the Apple Valley Redevelopment Agency Adopting the Budget Appropriations, Including the Operating and Capital Improvement Budgets for Fiscal Year 2011-12, And Establishing The Appropriations Limit For Fiscal Year 2011-12.**

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

Dave Mueller, highdesertpolitics.org, commented on the Resolution 2011-26 proposed for adoption. He also commented on the Town increasing its current debt ceiling.

MOTION

Motion by Councilmember Coleman, seconded by Councilmember Emick, to:

That the Town Council:

1. Adopt Resolution No. 2011-25, approving a budget appropriation and adopting the budget, including the Operating and Capital Improvement Budget for Fiscal Year 2011-12, and
2. Adopt Resolution No. 2011-26 establishing the Fiscal Year 2011-12 Appropriation Limit for the Town of Apple Valley, and

That the Redevelopment Agency:

3. Adopt Resolution No. RDA 2011-02 approving a budget appropriation and adopting the Agency budget for Fiscal Year 2011-12, and
4. Adopt Resolution No. RDA 2011-03 approving use of a portion of the Housing Fund Budget for planning and administration expenses for the production, improvement, or preservation of low and moderate housing during the 2011-12 Fiscal Year.

Vote: Motion carried 3-1-0-1

Yes: Boardmember's/Councilmember's Coleman; Emick; Chair/Mayor Nassif. Noes: Vice-Chair/Mayor Pro Tem Stanton. Absent: None. Boardmember/Councilmember Roelle

11. **Discussion of Wastewater Fund**

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

Mayor Pro Tem Stanton thanked Mr. Puckett for his report.

Mr. Puckett further explained that the purchase of the water rights in the amount of \$2.9 Million is between the golf course fund to the waste water fund and that the total expenditure for the closing was approximately \$1.5 Million. He stated that the additional \$1.4 Million, which is

outlined in previous staff reports, was intended to reduce the fund deficit accumulated in the golf course fund.

Dave Mueller, highdesertpolitics.org, questioned whether or not escrow closed on this property. He also expressed concern regarding records requests that he submitted to the Town Clerk's office which were not fulfilled.

This was a receive and file item only.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

12. Status Report On Proposed Acute Care Hospital

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

This was a receive and file item only.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

Frank Robinson, Town Manager, stated that staff is diligently working on a number of issues as requested by the Town Council. He thanked the staff for their hard work. He also reminded the Town Council and the public that the Animal Shelter is still adopting cats for \$10.00.

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Coleman, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:17 p.m. in the member of Elizabeth Foster, sister to Mayor Pro Tem Stanton.

Mayor

Town Clerk