

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

**REGULAR MEETING  
MINUTES – September 13, 2011**

**CALL TO ORDER:**

Mayor Nassif called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 5:00 p.m.

Roll call was taken with the following members present:

Roll Call

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

<b>TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION</b>
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**1. Closed Session**

**MOTION**

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 5:05 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Manager.

Upon returning from Closed Session at 5:56 p.m. Mayor Nassif announced that there was no reportable action.

<b>OPENING CEREMONIES</b>
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**INVOCATION:** The invocation was led by Pastor Doris Eddy, Apple Valley Faith Center

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

**PRESENTATIONS:** Military Banner Presentation – Justin Reinwand  
The plaque was accepted by the parents of Justin Reinwand

**SPECIAL ANNOUNCEMENTS:** Mayor Nassif announced that staff has requested that Agenda Item Number 9 regarding, "Consider Development of Environmental Policy Statement", be tabled.

## PUBLIC COMMENTS

David Mueller, highdesertpolitics.org, commented on discussions that took place on the AMCAL development at the special meeting regarding the loan agreement. He read into record Section 33348 of the Redevelopment Law that states you must have public hearings for senior affordable housing and questioned whether or not the Town had a public hearing on this issue.

Art Galvez, Apple Valley, expressed concern regarding an incident that occurred at the Winco Grocery Store where his wife's purse was stolen. He commented on the lack of communication within the police department and the public and asked that this issue be addressed.

Edzna Gutierrez, Apple Valley, expressed concern regarding vandalism at her home. She commented on the amount of crime in the area and respectfully requested that the road near her home in the Vineyard Tract be blocked off to eliminate traffic in the area.

Norma Irazaba, Apple Valley, expressed concern with the number of vandalisms in the area that she has witnessed. She stated that the area is near Mohawk and Nisqually Roads.

Craig Green, Apple Valley, stated that individuals have attempted to break into his home numerous times since Nisqually Road has been opened. He stated that additional crime has also taken place in the area.

Al Rice, Apple Valley, expressed concern regarding the Apple Valley Skatepark/Bicycle Park. He recommended that more information be provided on the Town's website regarding the Skatepark/Bicycle Park.

Wally Linn, Apple Valley, invited everyone to the God and Country Breakfast to be held at the County Fairgrounds.

Martha Altamirano, Apple Valley, commented on the lack of safety in the Vineyards and asked for assistance for the safety of the residents and the children.

Angela Panushkina, Apple Valley, commented on her house being broken into and various items stolen including her car. She stated that she did not feel safe in her neighborhood. She also stated that she was told it would be a gated community when she purchased her home.

Jay Beirborios, Apple Valley, commented on the problems of traffic and safety in the Vineyards since Nisqually Road has been opened.

Salvador Ortiz, Apple Valley, expressed concern regarding obtaining Conditions of Approval for his project.

Kim Scully, Apple Valley, questioned the amount of time it will take to make the improvements to the Parking Lot in the PBID area.

## APPLE VALLEY RANCHOS WATER COMPANY UPDATE

Reggie Lamson, Apple Valley Ranchos Water Company, presented a PowerPoint presentation on Apple Valley Ranchos Water Company's recently approved Urban Water Management Plan.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Roelle commented on the Yucca Loma Project and the delay due to additional environmental reports being required by the state.

Brad Miller, Town Engineer, provided additional clarification regarding the requirements being imposed by the state. He stated that this new requirement will cause a delay of approximately six (6) months to the project.

Council Member Roelle stated that the funding for the project have been allocated to the City of Fontana; however, the funds are guaranteed to be returned to the Yucca Loma Project in six (6) months when the project is ready to move forward. He also asked for an update on Mr. Ortiz project.

Council Member Coleman stated that she attended the Regional Housing Needs Assessment Meeting where they approved some of the concerns expressed by members of Southern California Association of Governments (SCAG) regarding how the RENA numbers are assessed. She also attended the Local Agency Formation Commission (LAFCO) Conference in Northern California.

Council Member Emick commented on his attendance at the Press Conference regarding SB469 related to Big Box Development. He also expressed his support for the individuals who spoke regarding their concerns in the Vineyard Tract. He commended Mr. Linn on his work with the God and Country Breakfast.

Mayor Pro Tem Stanton stated that she attended the San Bernardino County Water Conference. She commented on her attendance at the 9/11 Memorial Event where various dignitaries were in attendance. She too expressed concern regarding the increase in crime and assaults in the Town of Apple Valley and the need to continue to work toward keeping the community safe. She thanked the Town Manager and staff for their quick response to the request by Mr. Luthy who spoke at the last Council meeting where he recommended that the speed limits on Rancherias Road be reduced for safety.

Mayor Nassif stated that he too attended the Press Conference regarding SB469. He also stated that he presented two Eagle Scout awards last Saturday and provided the Town Update at the High Desert Rotary Optimist Club. He commented on his attendance at an outreach event at the Church for Whosoever. He also commented on local businesses that are responsible to pay for underground power work that is needed. He announced that Dick Wilson, longtime resident of the Town of Apple Valley, recently passed away. He respectfully requested that the meeting be adjourned in his honor.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

None.

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

**A. Regular Meeting – Tuesday, September 27, 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 abstained from voting on Agenda Item Number 4.

David Mueller, highdesertpolitics.org, questioned the amount paid to Best, Best & Krieger and the Apple Valley Golf Course under Agenda Item Number 3, Treasurer's Report.

Mayor Pro Tem Stanton asked that Agenda Item Number 3 be pulled for discussion.

### **MOTION**

Motion by Council Member Roelle, seconded by Council Member Coleman, to approve and adopt the Consent Calendar items numbered 2 – 7, respectfully, as amended and that Item Number 3 be pulled for discussion.

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 4.**

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

**A. Regular Meeting – August 23, 2011**

**B. Special Meeting – August 25, 2011**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**4. Commercial Warrants Schedule – Month of July 2011**

**Recommendation:**

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

**5. Payroll/Benefits Warrants Schedule – Month of July 2011**

**Recommendation:**

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

**6. Adopt Ordinance No. 423 – An Ordinance of the Town Council of the Town Of Apple Valley to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the Town of Apple Valley to Implement California Government Code Section 20903 (Two Years Additional Service Credit), Section 20475 (Different Level of Benefits), Section 21354 (2% @ 55 Formula) and Section 20037 (Three-Year Final Compensation) for all Local Miscellaneous Members**

**Recommendation:**

Adopt Ordinance No. 423.

**7. Agreement Between the Town of Apple Valley and the Apple Valley Unified School District for use of the Swimming Pool**

**Recommendation:**

Approve the updated Swimming Pool Use Agreement between the Town and AVUSD.

**PULLED FOR DISCUSSION**

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

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

John Brown, Town Attorney, provided clarification regarding the billings submitted from Best, Best & Krieger.

**MOTION**

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to receive and file the item.

**PUBLIC HEARINGS**

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

8. **Discuss Development of Commercial Recycling Program to Meet New State Mandatory Commercial Recycling Regulations.**

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

Discussion ensued regarding the need to adhere to the regulations imposed by the state.

**MOTION**

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to direct staff to prepare a mandatory commercial recycling ordinance for the Town of Apple Valley.

9. **Consider Development of Environmental Policy Statement**

It was the consensus of the Town Council that this item be tabled.

10. **Initiation of Development Code Amendment as it Relates to Emergency Shelters Within a Village Commercial (C-V) Zoning Designation**

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Coleman, seconded by Council Member Roelle, and unanimously carried, to receive and file the report and to initiate the proposed Development Code Amendments.

**11. Resolution 2011-44, A Resolution of the Town Council of the Town of Apple Valley, California, Repealing Resolution 2010-40, Confirming and Re-Establishing Current Sewer Use Fees, Establishing an Operative Date Therefore and Adding a Provision to Allow a Credit for Victor Valley Wastewater Reclamation Authority (VWVRA) Treatment Portion of the Monthly Sewer Use Fees Paid for Vacant Residential Property**

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk.

Council Member Roelle stated that Victor Valley Waste Reclamation Authority (VWVRA) management believes that the Town would have to pass on user rate increases should this policy be implemented.

Mr. Cron stated that that would not be required. He explained how the Town recovers its costs separately from the Victor Valley Waste Reclamation Authority (VWVRA) expenses.

Mayor Pro Tem Stanton questioned why the Town would be paid any fees if water is not being used at the property.

Mr. Cron explained that the fees collected would be for the Town's operation of the sewer system. He explained how the proposed process would be regulated.

John Brown, Town Attorney, provided additional clarification regarding this item.

**MOTION**

Motion by Council Member Coleman, seconded by Council Member Emick, to adopt Resolution 2011-44 adding a provision to provide residents with a sewer vacancy credit.

Vote: Motion carried 3-2-0-0

Yes: Councilmember's Coleman; Emick; Mayor Nassif.

Absent: Roelle; Mayor Pro Tem Stanton.

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

Kathie Martin, Marketing and Public Affairs Officer, provided an update to the Town Council on future events including the Apple Valley Fall Festival and the Apple Valley Golf Course Grand Opening starting on September 29, 2011.

Frank Robinson, Town Manager, commented on a meeting that he attended entitled "Beat the Canal" and it discussed the widening of the Panama Canal and the numerous jobs of approximately 100,000 that will be created once this project begins.

**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 8:43 p.m. in memory of Mr. Dick Wilson, longtime resident of the Town of Apple Valley.

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Mayor

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Town Clerk