

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

**REGULAR MEETING
MINUTES – September 27, 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.

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 5:02 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Clerk.
- B. Conference With Legal Counsel- Anticipated Litigation – Significant Exposure To Litigation Pursuant To Subdivision (b) Of Section 54956.9: 1 Case
- C. Conference With Legal Counsel - Existing Litigation (Subdivision (A) Of Section 54956.9) Case No: California Public Utilities Commission Proceeding A.11-07-017

Upon returning from Closed Session at 6:34 p.m. Mayor Nassif announced that there was no reportable action.

OPENING CEREMONIES

- INVOCATION:** The invocation was led by Pastor Eldoris Bonner, Faith Ministries
- PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council Member Coleman
- PRESENTATIONS:** Healthy Apple Valley Partners – St. Mary’s and Victor Valley Community Support Services (VVCSS), Lena Quinonez, Recreation Supervisor

Proclamation - High Desert Hispanic Chamber of Commerce 20th
Anniversary – Presented to Vicki Cabriales

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Reggie Lamson, Apple Valley Ranchos Water, commented on the sharing of information of water usage. He stated that since last November, the Public Utilities Commission has added Rule 22 which allows that the sharing of information include sewer fees based on water usage.

Chuck Hanson, Apple Valley, expressed concern regarding the lack of a response from Animal Control when trying to reach them for assistance.

Milt Holland, Apple Valley, expressed concern regarding the results of the Forensic Audit that was conducted on behalf of the Property Business Improvement District. He believed that something should have been done regarding this issue.

Al Rice, Apple Valley, expressed concern regarding the image of the Apple Valley Code Enforcement Department. He recommended that re-active cases be monitored more closely.

William Furmage, Apple Valley, expressed concern regarding the lack of helmets and safety gear being used at the Skatepark. He spoke of the need for the Skatepark to be staffed a minimum of two-hours a day.

Kim Scully, Apple Valley, expressed concern regarding the beautification project in the village area.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Pat Orr, Apple Valley, provided an update to the Town Council on past activities of the Apple Valley Chamber and upcoming events.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Mayor Pro Tem Stanton stated that she attended the California Redevelopment Workshop, League of California Cities. She expressed concern regarding the comments made by the public regarding the issues with Animal Control and stated that the Town would work toward improving those services to the public.

Mayor Pro Tem Stanton also reminded the public of the Tour de Apple Valley that will be held on October 22, 2011.

Council Member Emick commented on his tour of the Snapple Plant and the amount of jobs that it employs. He also commented on his attendance at the League of California Cities, the Apple Valley Fall Festival, and the St. Mary's Gala. He announced that there would be a Health Fair on October 8, 2011 from 10:00 a.m. – 2:00 p.m. in Jess Ranch.

Council Member Coleman stated that she attended the Regional Housing Needs Assessment Meeting. She also commented on her attendance at the League of California Cities Conference where Apple Valley received the Silver Award for Best Practices at the Beacan Awards Ceremony.

Council Member Roelle commented on his attendance at the Apple Valley Fall Festival and thanked staff for the event. He also stated that the next Park and Recreation Ad Hoc Meeting would be held tomorrow at 5:00 p.m.

Mayor Nassif commented on presenting certificates to the Girl's State Delegates and Boy's State Delegates for 2011. He also commented on his attendance at the League of Cities Conference and the Apple Valley Fall Festival.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Roelle recommended a future agenda item regarding enforcing weed control in the Town of Apple Valley to include foreclosed homes be presented at a future meeting.

Council Member Coleman commented on the possible use of Internships in the Town of Apple Valley. She recommended that a program be established and brought to the Town Council for review.

Mayor Nassif recommended that November 5th be recognized as Roy Rogers Day in commemoration of his centennial birthday.

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

A. Regular Meeting – Tuesday, October 11, 2011 – Council Chambers

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

MOTION

Motion by Council Member Emick seconded by Council Member Roelle, to approve and adopt the Consent Calendar items numbered 2, 3, 5, 6, 7, 8 and 10, respectfully, and that items numbered 4 and 9 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.

- 2. Approval of Minutes of the Town Council**
 - a. Regular Meeting – September 13, 2011**

Recommendation:

Approve the subject minutes as part of the consent agenda.

- 3. Award Contract For The Kiowa Road Improvements Phase 1 – Del Oro Road To Bear Valley Road, Project Number 2011-06**

Recommendation:

1. Award a contract to Cooley Construction, Inc., in the amount of \$546,916.28 for the Kiowa Road Improvements Phase 1 project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

2. Approve Budget Amendment No. 12-05 to allocate \$601,608.00 to this project from the Measure I Fund.

5. **Acceptance Of Work, Notice Of Completion And Release Of Retention For The 2010-11 Micro Surface Project, Project 2010-04.**
Recommendation:
 1. Accept the work for the Micro Surface project for a total cost of \$955,797.23.
 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.

6. **Acceptance Of Work, Notice Of Completion And Release Of Retention For The Drywell Project 2010-11, Project # 2011-01.**
Recommendation:
 1. Accept the work for the Drywell project for a total cost of \$471,805.20.
 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. **Professional Services Agreement for the Preparation of the Five-Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice For The Period Covering 2012-2016.**
Recommendation:

That The Town Council Approve An Agreement Between The Town Of Apple Valley And Veronica Tam And Associates For The Preparation Of The Consolidated Plan, First Year Action Plan, And The Analysis Of Impediments To Fair Housing In An Amount Not-To-Exceed \$49,955.00 And Authorize The Town Manager To Execute The Agreement On Behalf Of The Town.

8. **Initiation Of A Development Code Amendment As It Relates To Animal Keeping Regulations Outlined Within Development Code Table 9.28.030-A "Permitted Uses".**
Recommendation:

Move to receive and file the report and to initiate a Development Code Amendment.

10. **Approval of a Community Remittance Agreement And Adoption Of Accompanying Resolutions.**
Recommendation:
 1. That the Town Council and Agency Board approve a conditional Community Remittance Agreement pursuant to California Health and Safety Code Section 34194.2
 2. That the Town Council adopt Resolution No. 2011-45, a resolution of the Town of Apple Valley conditionally approving a Community Remittance Agreement pursuant to California Health and Safety Code Section 34194.2
 3. That the Town Council and Agency Board adopt RDA Resolution No. 2011-07, a resolution of the Apple Valley Redevelopment Agency conditionally approving a Community Remittance Agreement pursuant to California Health and Safety Code Section 34194.2
 4. That the Agency Board adopt RDA Resolution No. 2011-08, a resolution of the Apple Valley Redevelopment Agency conditionally reducing its allocation to the Low and Moderate

Income Housing Fund for the 2011-12 fiscal year and making certain findings and determinations.

PULLED FOR DISCUSSION:

4. **Yucca Loma Bridge Contract Amendment #6, Of The Yucca Loma Bridge Contract Agreement In The Amount Of \$847,400.00, For Additional Design And Right Of Way Services, And Construction Support For Town Facilities– Final Design And Project Coordination**

Council Member Roelle asked questions of staff regarding the dollar amount of the contract amendment and whether or not the costs were foreseen by the contractor.

Brad Miller, Town Engineer, provided clarification regarding this matter to the Town Council. He explained that the costs were not foreseen.

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, to approve the Yucca Loma Bridge Project Contract Amendment # 6 with Dokken Engineering, the design contractor, in the amount of \$847,400.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

Vote: Motion carried 5-0-0-0

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

Absent: None.

9. **Resolution Of The Redevelopment Agency Of The Town Of Apple Valley Approving And Adopting An Initial Recognized Obligation Payment Schedule Pursuant To Abx1 26.**

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

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, that the Town of Apple Valley Redevelopment Agency adopt RDA Resolution No. 2011-05 approving and adopting a preliminary draft of the initial Recognized Obligation Payment Schedule in compliance with ABx1 26.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

11. Approve Consulting Agreement For Leadership And Organizational Development Study With Dr. Klyver And The Organizational Network

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Nels Klyver, The Organizational Network, presented a powerpoint presentation on the services that he is prepared to provide to the Town organization to assist with effective leadership, employee moral and customer service.

The Town Council commended Mr. Klyver for his presentation and proposed model approach for the Organization Development Study.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Stanton, to approve consulting agreement with Dr. Nels Klyver and the Organizational Network not to exceed \$17,950.00

Vote: Motion carried 5-0-0-0

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

Absent: None.

12. Update On The Progress Of The Parks And Recreation Master Plan Update And Discussion Of The Proposed Implementation Survey

Ralph Wright, Park and Recreation Manager, presented the staff report as filed with the Town Clerk.

Cindy Mendoza, MIG Incorporated, presented a powerpoint outlining the update on the Parks and Recreation Master Plan and the request to move forward with a citizen's survey.

Mayor Pro Tem Stanton asked a series of questions regarding options that the Town may have in an effort to increase revenue for the Parks department.

Wilson So, So Engineering, commented on capital and operational funding.

Council Member Roelle stated that the Parks and Recreation Ad Hoc Committee will be meeting tomorrow. He recommended that this item be continued until after that meeting and after discussion on the possibility of contracting out various services. He felt it would be beneficial for the Council to wait until they have had an opportunity to hear the recommendations by the Parks and Recreation Ad Hoc Committee.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Roelle, to continue this item to a future meeting until after the Ad Hoc Committee has met and reviewed this item and had an opportunity to prepare a blue print; then bring those recommendations back to the Town Council for review and approval.

Vote: Motion failed 2-3-0-0

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

Absent: None.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to move forward with the survey to include the input from the Parks and Recreation Ad Hoc Committee Members.

Vote: Motion carried 4-1-0-0

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

Noes: Council Member Roelle.

Absent: None

13. Local Preference

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

Council Member Coleman expressed concern regarding the need to have some type of local preference for our community.

Carl Coleman, Apple Valley, distributed a proposed resolution for utilizing local professionals and businesses. He recommended this resolution be reviewed by Town Counsel and brought back to a future meeting for discussion and possible approval.

Council Member Coleman commented on other communities that separate Local Preference and Small Business Preference.

Discussion ensued regarding the need to offer local preference to members of the community.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Coleman, and unanimously carried, to direct staff to consult with the Town Attorney in crafting a draft policy to enable eligible professional services to receive a local preference to be determined by the Town Council. The policy will include geographical borders to include areas from the City of Barstow to the Cajon Pass as well as a definition of local businesses.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Brad Miller, Town Engineer, provided an update to the Town Council on the Yucca Loma Bridge project as it relates to the contract amendment with Dokken Engineering.

Frank Robinson, Town Manager, explained that there is a bill on the Governor's desk (AB1236) regarding Hiring Employment Verification which would prohibit the Town to require other employers to use electronic verification systems. He stated that this information has been turned over to legal counsel for further review. He announced that future items will include Parks Landscape Maintenance RFP and a General Fund Reserve Policy.

Mr. Robinson announced that many Council Members do not submit mileage reimbursement. He stated that staff will be bringing forward an item for a minimal car allowance for Town Council Members.

DEPARTMENTAL REPORTS AND BUSINESS:

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 9:25 p.m.

Mayor

Town Clerk