

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

**REGULAR MEETING
MINUTES – October 25, 2011**

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 6:30 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

None.

OPENING CEREMONIES

INVOCATION: Jim Anderson, Code Enforcement Manager

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Emick

PRESENTATIONS:

Presentation of 2012 Calendar Winners

Presentation on the Town of Apple Valley Graffiti Abatement Program

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Al Rice, Apple Valley, commented on the pro-active involvement of Code Enforcement. He thanked the Town for their service and also commented on other areas in need of clean-up. He also commented on the declining of property values in the state.

Chuck and Pat Hanson, Apple Valley, thanked the Town of Apple Valley for the success of the Tour de Apple Valley. He stated that they were looking forward to next year's event.

Kevin Mahaney, St. Mary's Medical Center, stated that he would like the Town to consider providing care to individuals that are homeless, such as an Emergency Shelter.

Clint Air, Apple Valley, expressed concern regarding a possible danger zone in Apple Valley with overgrown brush.

Salvador Ortiz, Apple Valley, expressed concern regarding drywells in the Town of Apple Valley.

David Mueller, highdesertpolitics.org, expressed concern regarding the Happy Trails Villa project not listed on this agenda. He commented on requesting and receiving public records requests on this matter which he believes should be addressed.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Andy Tricinella, Assistant Chairman, Apple Valley Chamber of Commerce, commented on previous events and upcoming events taking place at the Apple Valley Chamber.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Coleman commented on committees and events that she attended.

Council Member Roelle stated that the Happy Trails Villa report will be discussed at the next Town Council meeting which will be held on November 8, 2011.

Council Member Emick commented on committees and events that he attended.

Mayor Pro Tem Stanton commented on committees and events that she attended.

Mayor Nassif commented on committees and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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

- A. Regular Meeting – Tuesday, November 8, 2011 – Council Chambers**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Clint Air, Apple Valley, expressed concern regarding the cost for the GIS Software project listed on the agenda.

MOTION

Motion by Council Member Coleman seconded by Mayor Pro Tem Stanton, to approve and adopt the Consent Calendar items numbered 2 through 6, respectfully.

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 – October 11, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Authorize Purchase of GIS Hardware and Software

Recommendation:

1. Approve the purchase of \$120,000.00 in hardware from CDW Government, Inc. and GIS software in the amount of \$35,000 from ESRI necessary to improve the Town's GIS systems.
2. Adopt budget amendment number 12-7 in the total amount of \$155,000 appropriating necessary funding from General Fund fund balance.

4. Authorize Town Manager To Execute Two-Year Extension Of Current Service Agreement For Electronic Waste Recycling With Gold'N West Surplus, Inc.

Recommendation:

Authorize the Town Manager to execute a two-year contract extension with Gold'n West Surplus, Inc., for transport and recycling of electronic waste received at the Household Hazardous Waste Collection Center.

5. Claimant – James Maldonado

Recommendation:

Reject the claim of James Maldonado

6. Two Years Additional Service Credit Program Window Program Approval For Fy 2011/12

Recommendation:

Staff recommends the approval of the designated window period for implementation of the two years additional service credit for the miscellaneous unit in accordance with the CalPERS contract.

PUBLIC HEARINGS

7. A Request To Modify The Provisions Of The Development Code By Amending Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Section A.3 Of Table 9.35.030-A “Permitted Uses” Of The Code To Allow Emergency Shelters Within The Village Commercial (C-V) Zoning District Subject To A Special Use Permit.

Mayor Nassif opened the public hearing at 7:25 p.m.

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

Mayor Pro Tem Stanton expressed concern regarding the discussions that took place on this item at both the Planning Commission and the Town Council. She questioned whether or not there is a true need to offer assistance for homelessness in this area.

Ms. Lamson provided clarification to the Town Council and the public regarding the definitions for various terms listed in the staff report as well as for Emergency Shelters per the State of California.

Council Member Roelle questioned particular areas in the village area where panhandling may be a problem.

Jim Anderson, Code Enforcement Manager, responded to the questions raised by Council Member Roelle regarding the influx of panhandlers and homeless individuals in the village area.

Discussion ensued regarding the requirements to operate a shelter in the Town of Apple Valley.

David Mueller, highdesertpolitics.org, commented on the need to offer shelter service in the Town of Apple Valley. He questioned whether or not there was a concern about where the proposed shelter would be located.

Rev. James Harris, Apple Valley, spoke in favor of the item listed on the agenda regarding the need for an Emergency Shelter.

Salvator Ortiz, Apple Valley, commented on the homeless situation in Apple Valley.

Richard Cambridge, Apple Valley, expressed concern regarding the homeless situation in the Town of Apple Valley. He recommended that extensive review of this issue be given.

Ms. Lamson explained the definition for emergency sheltering according to the State of California.

Council Member comments ensued regarding approval of Emergency Shelters within the Village Commercial district or town-wide.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 8:05 p.m.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to overturn the decision of the Planning Commission; find the facts presented within the staff report do support the required findings for approval of an amendment to the Development Code, and adopt the Findings; and waive reading of Ordinance No. 425.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 425.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to introduce Ordinance No. 425.

Vote: Motion carried 5-0-0-0

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

Absent: None.

8. Wal-Mart Initiative Petition

Council Member Emick stated that he had a potential conflict of interest and therefore excused himself from discussion of this item.

COUNCIL MEMBER EMICK WAS EXCUSED FROM THE DAIS AT 8:04 P.M.

Mayor Nassif opened the public hearing at 8:05 p.m.

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

Bob Sagona, Apple Valley, believed that Wal-Mart was not abiding by rules that apply to all other developers in the community. He recommended that this item not be approved.

Clint Air, Apple Valley, spoke in favor of this project. He recommended the Town Council approve this item.

David Mueller, highdesertpolitics.org, expressed concern regarding the petition that was circulated to the public.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 8:17 p.m.

Mayor Pro Tem Stanton clarified for the benefit of the public that the document presented to the public was complete.

MOTION

Motion by Council Member Roelle, to find that the proposed Town Council Ordinance is not consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.

Motion died for lack of a second.

MOTION

Motion by Council Member Coleman, seconded by Mayor Pro Tem Stanton, to:

1. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
2. **Adopt** Ordinance No. 420, adopting in the form attached as Exhibit A to the Ordinance thereby discharging the Town's duty to comply with Election Code section 9215.

Vote: Motion carried 3-1-0-1

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

COUNCIL MEMBER EMICK RETURNED TO THE DAIS AT 8:24 P.M.

9. Resolution 2011-49, A Resolution Of The Town Council Of The Town Of Apple Valley, California, Amending Specified User Fees For The Apple Valley Golf Course

Mayor Nassif opened the public hearing at 8:25 p.m.

Council Member Coleman explained that after consulting with the Town Attorney, she has been advised that she can participate on discussions and voting on items dealing with the Apple Valley Golf Course as property owned by the Town.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk. He stated that an amendment had been made to the Proposed Rates to include Super Weekday and Weekend Twilight Rates.

Mr. Cron explained the difference in rates between various clubs throughout the community.

Salvador Ortiz, Apple Valley, spoke in opposition of the Town being involved in the Golf Course and using taxpayer funds for this project.

Gary Bingham, Apple Valley, thanked Mayor Pro Tem Stanton and Mayor Nassif for responding to his concerns. He recommended approval of this item.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Coleman, to adopt Resolution 2011- 49, A Resolution of the Town Council of the Town of Apple Valley, California, amending and adopting specified user fees for the Apple Valley Golf Course effective November 1, 2011.

Vote: Motion carried 5-0-0-0

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

Absent: None.

LEGISLATIVE MATTERS

10. Vacancy on the Town of Apple Valley Historical Advisory Committee

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, to appoint Mr. Art Bolding to the Town of Apple Valley Historical Advisory Committee.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

11. Update on Longevity Pay and Merit Increase Provisions of the Personnel Policy And Procedure Manual

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

Mayor Pro Tem Stanton expressed concern regarding employees receiving both longevity pay and merit increases during a time of economic downturn.

Council Member Coleman believed that longevity pay and merit increases were not the same. She believed that employees should be rewarded for long term and dedicated service to the Town.

Discussion ensued regarding whether or not the Town should revisit the longevity pay benefit at this time.

It was the consensus of the Town Council that this item be received and filed. Mayor Pro Tem Stanton was in opposition of this recommendation.

12. Introduce Ordinance No. 424 Modifying Chapter 6.20 Of The Town Of Apple Valley Municipal Code, Solid Waste Regulations, And Enacting Mandatory Commercial Recycling.

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

Council Member Coleman recommended that the Ordinance not limit itself to one specific hauler; it should be written to state, "Town franchise hauler" for flexibility.

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, to waive the reading of Ordinance No. 424 as amended, and read by title only.

Vote: Motion carried 5-0-0-0

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

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 424.

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, to introduce Ordinance No. 424, amending Chapter 6.20 of the Town of Apple Valley Municipal Code regarding solid waste and enacting mandatory commercial recycling.

Vote: Motion carried 5-0-0-0

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

13. Discussion of Landscape Maintenance Issues

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

Council Member Roelle expressed concern regarding the lack of landscaping on existing homes within the Town. He recommended that the Town amend its Ordinance to include landscaping for existing properties in addition to new construction.

Discussion ensued regarding whether or not this issue could be handled by Code Enforcement and whether or not landscaping that is not maintained is deemed as a nuisance.

Mayor Nassif commented that commercial development projects should be addressed as well.

It was a consensus to receive and file the report.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Marc Puckett, Director of Finance, announced that he was successful in convincing the San Bernardino County Assessor's Office to abate the property taxes for the golf course and the Town would be receiving a refund check in the amount of \$35,000.

Frank Robinson, Town Manager, stated that the Town of Apple Valley, has successfully been awarded a Safe Routes to School grant for Yucca Loma Elementary School. He also commented on the CRA Hearings that are currently taking place.

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, indicated that the Happy Trails Villa report will be presented to the Town Council at its next meeting on November 8, 2011.

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 9:33 p.m.

Mayor

Town Clerk