

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

**REGULAR MEETING
MINUTES – November 8, 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

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Clerk.
- B. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Manager.
- C. Personnel Matter – Government Code Section 54957 – Consider Public Employee Employment: Title: Town Manager (as listed on the addendum to the agenda)

Upon returning from Closed Session at 6:03 p.m., Mayor Nassif announced that there was no reportable action taken.

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 6:04 p.m.

OPENING CEREMONIES

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

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

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

PRESENTATIONS:

Burrtec Waste Industries – Presentation of Reward Check
Military Banner Presentation - Eric Reyes
Landmark Discount Programs for Food and Beverage – Apple Valley Golf Course

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Daniel Rockwell, Apple Valley, expressed concern regarding the Phoenix Academy blocking the main road and not allowing vehicles to travel along Thunderbird Road, to have access to the Lewis Center. He respectfully requested that the Town investigate this matter.

Brianne Zaragoza and Dandy Barry, Apple Valley High School – Health Occupations Students of America Program, thanked the Town of Apple Valley for their support and presented the Town with a certificate in honor of National HOSA Week for the Town's outstanding support of the Apple Valley High School program.

Pat Hanson, Apple Valley, invited the Town Council to attend the God and Country Breakfast that will be held on Thursday, November 11, 2011 at 7:00 a.m. at the San Bernardino County Fairgrounds.

Nancy Jackson, Public Affairs Manager, Southern California Edison, presented a plaque to the Town of Apple Valley, thanking them for their support to Edison as they celebrate 125 years of service.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Coleman commented on committees and events that she attended. She also requested with the consensus of the Town Council, that tonight's meeting be adjourned in memory of longtime resident Dr. Gil McAdams, the first Orthodontics in Apple Valley.

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, December 13, 2011 – Council Chambers
Closed Session at 5:00 p.m.
Regular Session at 6:30 p.m.

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Nassif stated 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 would be abstaining from voting on Agenda Item Number 4. He also stated that Agenda Item Number 8 had been amended to include two additional prime contractors for a total of 19 with a request to release the total retention in the amount of \$262,563.03. Staff is requesting that item number 8 be approved as amended.

Mayor Nassif also announced that item 10 would be tabled.

Bonnie McKay, Apple Valley, expressed concern regarding the homeless shelter in the village area. She explained the problems that she has at her business regarding homeless individuals and alcoholics loitering at her business.

David Mueller, highdesertpolitics.org, asked a series of questions regarding the Treasure's Report listed on the agenda.

Mark Shoup, Apple Valley, expressed concern regarding the RFP for the Town Manager. He recommended that the next Town Manager be a resident of Apple Valley.

Carl Coleman, Apple Valley, agreed with the comments made by Mr. Shoup regarding the RFP for the Town Manager. He suggested that there are many talented professionals in the community that are in need of employment.

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, 11, 12, 13, and 14; and that item number 10 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 4.

2. Approval of Minutes of the Town Council

A. Regular Meeting – October 25, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

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

Recommendation:

Receive and file.

4. Commercial Warrants Schedule – Month of September 2011

Recommendation:

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

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

Recommendation:

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

- 6. 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.**
Recommendation:
Adopt Ordinance No. 425
- 7. Cooperative Agreement With County Of San Bernardino For Funding The Design And Construction Of The Yucca Loma Road Regional Storm Drain Facility**
Recommendation:
That the Town Council approve and adopt the attached agreement with the County of San Bernardino for Design and Construction of the proposed Yucca Loma Road Regional Storm Drain Facility and authorize its execution by the Mayor, Town Manager, Town Attorney and Town Clerk.
- 8. Acceptance Of Work, Notice Of Completion And Release Of Retention For The Town Of Apple Valley Public Works Facility as amended.**
Recommendation:
 1. Accept the work of the attached 19 prime contractors for the work performed at the Public Works Facility; release the total retention in the amount of \$262,563.03.
 2. Direct the Town Clerk to file a Notice of Completion for their 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, or notify prime contractors escrow account holders to release the withheld retention funds provided no claims are filed against the contractor or Town.
- 9. Adopt Ordinance No. 424, Modifying Chapter 6.20 Of The Town Of Apple Valley Municipal Code, Solid Waste Regulations, And Establishing Mandatory Commercial Recycling.**
Recommendation:
Adopt attached Ordinance No. 424, Modifying Chapter 6.20 of the Town of Apple Valley Municipal Code, Solid Waste Regulations, and establishing mandatory commercial recycling.
- 11. Submission Of CalHome Program Application To The California Department Of Housing And Community Development (HCD)**
Recommendation:
That the Town Council adopt Resolution 2011-XX authorizing the submittal of an application to the California State Department of Housing and Community Development (HCD) for funding under the CalHome Program; and authorize the Town Manager, or designee, to execute the application, the Standard Agreement, all other documents required by HCD for participation in the CalHome Program and any amendments thereto.
- 12. Resolution Of The Town Council Of The Town Of Apple Valley To Open The Window Period For The Two Years Additional Service Credit In Accordance With Government Code Section 20903**
Recommendation:
Adopt Resolution No. 2011-52, a Resolution of the Town Council of the Town of Apple Valley opening the designated two years additional service credit window period.
- 13. Adoption of Measure I – Local Street Program Capital Improvement Plan For Fiscal Years 2011/2012 Through 2015/2016**
Recommendation:

1. Approve FY 11/16 Measure I, 5-year plan
2. Adopt Resolution No. 2011-50, "A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Five Year Capital Improvement Program"

14. Financing Of The Victor Valley Economic Development Authority (VVEDA) Regional Marketing Program

Recommendation:

That the Mayor and Town Council appropriate \$25,000 from the undesignated reserve of the General Fund for the purpose of financing Apple Valley's share of the Victor Valley Economic Development Authority regional marketing program and that staff be authorized and directed to develop and execute all documents necessary to implement the Town Council's direction.

THIS ITEM WAS TABLED

10. Request For Proposal For Professional Services For Recruitment Of The Town Manager Position

Recommendation:

That the Town Council table this item.

PUBLIC HEARINGS

15. A Request To Consider An Amendment To Title 3 "Revenue And Finance Code" Of The Town Of Apple Valley Municipal Code Amending Sections 3.12.230 "Open Market Or Informal Bid Procedure" And 3.12.270(5) "Exceptions To Competitive Bidding Requirement" Of The Code By Amending And Establishing Provisions Allowing Local Preference For Businesses Within The High Desert/Victor Valley Area For The Promotion Of The Local Economy And To Offset Increased Costs For Local Businesses.

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

Mayor Nassif opened the public hearing at 7:23 p.m.

Carl Coleman, Apple Valley, spoke in support of the ordinance submitted to the Council; however, he expressed concern that it lacked a process that would allow local professionals to be qualified if they lack experience.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 7:27 p.m.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried, to:

1. **Determine** that, pursuant to Section 20162 of the State of California Public Contract Code and the Federal Office of Management and Budget Circular A-102, it can be determined that the Municipal Code amendment complies with the legal requirement(s) of the Public Contract Code statute and adheres to the federal grant requirements for state and local governments and nonprofit entities.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Municipal Code and adopt the Findings.

3. **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 promote the local economy of the Town of Apple Valley and Victor Valley region.
4. **Move** to waive the reading of Ordinance 426 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 426.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to:

5. **Introduce** Ordinance 426, amending Chapter 3.12 "Purchases" by adding Section 3.12.290 which establishes regulations to provide for local business preference, and amending Sections 3.12.230 "Open market or informal bid procedure" and 3.17.270(5) "Exceptions to Competitive Bidding Requirement".
6. **Direct** staff to file report.

Vote: Motion carried 5-0-0-0

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

Absent: None.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

16. Happy Trails Villas Update

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

Mayor Pro Tem Stanton asked a series of questions regarding the status of the units, the cost of the units, and whether or not the units will be sold as low income property.

Barry Ephriam, AVHTV, explained the progress that has taken place on the Happy Trail Villas project and the marketing efforts that they will entail once the construction loan becomes final. He spoke about the aesthetics around the project and the benefits that they will give residents. He also stated that he is working with Apple Valley Ranchos to resolve the issues dealing with the water main.

Council Member Roelle asked the Town's recourse if this project is not successful and does not move forward.

John Brown, Town Attorney, recommended that the Town Council should not feel that there is a breach of contract at this time. However, by the next Town Council meeting, he will be ready to respond to the Town Council with a course of action should this project not proceed.

David Mueller, highdesertpolitics.org, presented a timeline that he prepared on the Happy Trail Villas project. He also presented what he believed were violations to the project.

Mayor Pro Tem Stanton requested that staff come back to the Council at the next meeting with information regarding disability access regulations for the project.

This was a receive and file item only. There was no action necessary.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that the date set for the CRA Lawsuit is Thursday, November 10, 2011 beginning at 9:00 a.m. He stated that it can be accessed at www.Calchannel.com.

Mr. Robinson reminded the audience that the property tax deadline is December 12, 2011. He noted the website for San Bernardino County is www.mytaxcollector.com which is available for more details.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 7:50 p.m. in memory of Dr. Gil McAdams.

Mayor

Town Clerk