

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

**REGULAR MEETING
MINUTES – December 13, 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: The invocation was led by Pastor Doris Eddy, Apple Valley Faith Center

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATIONS:

2. Selection of Mayor and Mayor Pro Tempore

MOTION:

Motion by Council Member Coleman, seconded by Council Member Roelle to nominate Barb Stanton as Mayor of the Town of Apple Valley.

ROLL CALL VOTE

Vote: Motion carried 5-0-0-0

Yes: Council Members Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Absent: None. Abstain: None.

MOTION:

Motion by Mayor Stanton, seconded by Council Member Nassif to nominate Ginger Coleman as Mayor Pro Tem of the Town of Apple Valley.

ROLL CALL VOTE

Vote: Motion carried 5-0-0-0

Yes: Council Members Coleman; Emick; Nassif; Roelle; Mayor Stanton. Absent: None.

Abstain: None.

RECESS FOR REORGANIZATION

Mayor Stanton called for a recess of the Apple Valley Town Council at 6:40 p.m.

Mayor Stanton reconvened the meeting of the Apple Valley Town Council at 7:02 p.m.

PRESENTATIONS:

- a. Mayor's Plaque – Councilman Nassif for his term as Mayor on the Town Council for the period December 2010 to December 2011.
- b. Certificate of Appointment – Art Bolding, Historical Advisory Committee
- c. Military Banner Presentation – Tym Quigg

SPECIAL ANNOUNCEMENTS:

None.

PUBLIC COMMENTS

Art Bishop, Apple Valley Fire Chief, congratulated the new Mayor and Mayor Pro Tem, and thanked Council Member Nassif for his work as Mayor during the past year.

Carl Ross, Property Owner, commented on Agenda Item number 16 regarding the Golden Triangle. He believed that Interstate 15 would make the Golden Triangle more valuable and he recommended that the Town Council approve the annexation.

Lawrence McCarthy, Apple Valley, expressed concern regarding providing additional service credit to members of staff that choose to retire. He questioned the need to provide this service. He also commented on the recruitment of a Town Manager out of state.

Al Rice, Apple Valley, expressed concern regarding Consultants Compensation Study. He briefed the Town Council on various issues that he believed were warning flags on this survey.

Joy Jeanette, Adelanto, commented on the Mayors love for the veterans and thanked her for her support.

Angela Valles, City of Victorville Council Member, congratulated Barb Stanton and Ginger Coleman on their appointments as Mayor and Mayor Pro Tem.

Pat Hanson, Apple Valley, respectfully requested that the Nativity Scene be displayed in front of Town Hall during the Christmas season.

Chuck Hanson, Apple Valley, wished the Town Council and audience a Merry Christmas and Happy New Year. He also thanked the Apple Valley Parks and Recreation Department for their work during the Tour de Apple Valley. He stated that they were able to donate nearly \$4,000.00 to the PAL center.

Bob Tinsley, Apple Valley, congratulated the new Mayor and Mayor Pro Tem, and thanked Council Member Nassif for his work as Mayor during the past year. He read a letter from Mr. Dusty Rogers thanking staff and the Council for their hard work and support during the Roy Roger Celebration.

Val Christensen, Apple Valley, congratulated the new Mayor and Mayor Pro Tem, and thanked Council Member Nassif for his support of the Eagle Scouts during the past year.

Thomas Power, Apple Valley, expressed concern regarding receiving a citation for a trash lien.

Milt Holland, Apple Valley, expressed concern regarding not being allowed to attend a marketing meeting and later being arrested for disorderly conduct. He stated that he has been trying to obtain records from the PBID since August through the Public Records Act without success.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Nassif commented on committees and events that he attended

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

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

Mayor Stanton commented on committees and events that she attended.

TOWN COUNCIL ANNOUNCEMENTS

Council Member Roelle recommended that an item be placed on a future agenda regarding Gourmet Food Trucks in the Town of Apple Valley.

Council Member Nassif recommended an item be placed on the agenda the second meeting in January regarding the ruling on Redevelopment agencies.

Mayor Stanton recommended that future items be prepared to discuss next year's decorations for the holiday season, copy fees to citizens, speaker time limits, a Town forum for citizens and the cost to have the Animal Shelter open on Saturdays.

Suggested items for next agenda:

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

- A. Special Meeting – Thursday, December 15, 2011 at 3:00 p.m.**
- B. Regular Meeting – Tuesday, January 10, 2012 – Council Chambers**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

David Mueller, highdesertpolitics.org, asked questions regarding the Town of Apple Valley Treasurer's Report.

Al Rice, Apple Valley, expressed concern regarding the High Desert Corridor Memorandum of Understanding.

Mayor Stanton announced that Councilman Nassif had a remote interest in certain warrants on the commercial warrants for the Town of Apple Valley as the owner of NAPA Auto Parts and that he would be abstaining from voting on agenda item number 6.

It was the consensus of the Town Council that items numbered 8 and 11 be pulled for discussion.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to approve and adopt the Consent Calendar items numbered 3-12 and 17 respectfully, and that Item Number 8 and Item Number 11 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Mayor Nassif abstained from voting on Agenda Item Number 6.

3. Approval of Minutes of the Town Council

A. Regular Meeting – November 8, 2011

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. Claimant – Matilde Gonzalez De Martinez

Recommendation:

Reject the claim of Matilde Gonzalez De Martinez

5. Treasurer's Report – Month of October 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.

6. Commercial Warrants Schedule – Month of October 2011

Recommendation:

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

7. **Payroll/Benefits Warrants Schedule – Month of October 2011**
Recommendation:
Receive, ratify, and file the payroll/benefits warrants as presented.
9. **High Desert Corridor Memorandum of Understanding**
Recommendation:
That the Town Council approve and adopt the attached Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority, and the 11 other participating public agencies, and authorize its execution by the Town Manager, Town Attorney and Town Clerk.
10. **Release of Securities For Tract Map Nos. 17062-1 and 17062-2**
Recommendation:
Find that the construction of various improvements required for Tracts numbered 17062-1 and 17062-2 are complete, and approve the 50% reduction of the performance securities.
12. **Acceptance Of Work, Notice Of Completion And Release Of Retention For The Town Of Apple Valley Public Works Facility**
Recommendation:
1. Accept the work of the attached 8 prime contractors for the work performed at the Public Works Facility; release the total retention in the amount of \$106,351.41.
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.
17. **Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual**
Recommendation:
Adopt Resolution No. 2011-55, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual.

PULLED FROM CONSENT

8. **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.**

Mayor Pro Tem Coleman requested the Town Council amend this ordinance to increase the local credit from 5 percent to 10 percent.

Discussion ensued regarding whether or not the Town would face challenges if the preference was raised to 10 percent. The Town Attorney also informed the Town Council that if the Council desired to raise the percentage, the ordinance would have to be brought back for a second reading.

Colleen Butcher, Apple Valley, spoke on her experience as it relates to local preference. She believed that a local preference could be given that would prohibit legal challenges.

Al Rice, Apple Valley, expressed concern regarding the procurement decision making process.

Ev Butcher, Apple Valley, recommended that the Town Council approve this item and then move forward to revisit this item to consider amending it in the future.

Council Member Nassif recommended that this item be discussed at the visioning workshop.

MOTION

Motion by Council Member Roelle, seconded by Council Member Nassif to adopt Ordinance No. 426

Vote: Motion carried 5-0-0-0

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

Absent: None.

PULLED FROM CONSENT

11. A Professional Services Contract For The Preparation Of The Sewer Master Plan Update

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

MAYOR ROELLE WAS EXCUSED FROM THE MEETING AT 8:37 P.M.

Discussion ensued regarding the professional service contracts that were prepared and submitted to the Town.

Lawrence McCarthy, Apple Valley, expressed concern regarding the bids that were submitted and their qualifications.

Ev Butcher, Apple Valley, commented on the RFP process and he believed that the Council was the decision maker in the process. He expressed concern regarding URS Corporation and recommended that the Town Council not approve this contract.

Colleen Butcher, Apple Valley, expressed concern regarding services provided by URS Corporation.

John Brown, Town Attorney, expressed concern regarding the comments made on this item and the message that is being sent to potential contractors that may be interested in doing business in Apple Valley. He recommended this item be referred back to staff with direction as to how the Council would like the Professional Services Contracts reviewed

Carl Coleman, Apple Valley, expressed concern regarding the recommendation for approval of this item.

Bob Sagona, Apple Valley, believed that every effort should be done to hire local businesses for services in the community.

Brian Wynne, Manager, URS Corporation, stated that his corporation, located in Ontario, California, has worked in the high desert and Victor Valley. He commented that many of his employees live in the Inland Empire. He stated that he practices and lives in Riverside, CA.

Mike Anabodo, URS Corporation, responded to statements made regarding the funding amount for the project.

MOTION

Council Member Nassif made a motion, seconded by Mayor Stanton, to:

1. Award The Professional Services Contract In The Not-To-Exceed Amount Of \$263,097.00 To URS Corporation, For Professional Services For The Preparation And Development Of The Sewer Master Plan Update Subject To "Approval As To Form" By The Town Attorney And "Approval As To Content" By The Town Manager.
2. This Project Is Currently Budgeted In FY 11-12 To The Amount Of \$250,000, And Is Projected For Completion During FY 12-13.

Council Member Emick recommended that any consideration for changes to future Request For Quotes (RFQ's) and Request For Proposals (RFP's) be made prior to moving forward with the item.

Council Member Nassif withdrew his motion.

Mayor Pro Tem Coleman believed that local businesses deserved a local preference because they live and work in the community.

Council Member Nassif made a motion, seconded by Council Member Emick, and unanimous carried, that this item be continued.

18. Results of the Organizational Development Study With Dr. Klyver And The Organizational Network

It was the consensus of the Town Council that this item be heard at this time.

Nels Klyver, Organizational Network, provided the results to the Town Council on the Organization Development Study conducted by his firm.

David Mueller, highdesertpolitics.org, expressed concern regarding the presentation given by Mr. Klyver.

MOTION

It was the consensus of the Town Council that this report be received and filed.

RECESSED MEETING

Mayor Stanton recessed the meeting of the Apple Valley Town Council at 9:45 p.m.

RECONVENED MEETING

Mayor Stanton reconvened the meeting of the Apple Valley Town Council at 10:03 p.m.

PUBLIC HEARINGS

13. A Resolution Of The Town Of Apple Valley, California, Determining The Amount Of Property Tax Revenues To Be Transferred As A Result Of The Pending Reorganization To Include The Annexation To The Town Of Apple Valley From County Service Area 70 As Described In LAFCO No. 3169

Mayor Stanton opened the public hearing at 10:04 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 10:05 p.m.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to approve Resolution No. 2011-53 of the Town of Apple Valley determining the amount of property tax revenues to be transferred as a result of the pending reorganization to include the annexation to the Town of Apple Valley from County Service Area 70 as described in LAFCO No. 3169.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Roelle.

16. Golden Triangle Amnesty Program - Annexation No. 2008-001

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk. She read a letter into the record from the Land Use Services Department regarding the Golden Triangle Annexation and code enforcement issues in that area.

Linda Mitchovitt, Solution Strategies, provided the Council with a briefing on the workshops held with the residents in the Golden Triangle area, as well as some concerns expressed by the residents which include the costs and fees of trash service and aggressive behavior by code enforcement.

Mayor Pro Tem Coleman would like to see a provision in the Resolution that would allow an extension of the grace periods requested by the Council for any unusual circumstances that may arise.

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to approve in concept the Golden Triangle Amnesty Program and direct staff to return on January 10, 2012 with a resolution to adopt said Amnesty Program.

Vote: Motion carried 4-0-0-1
Yes: Councilmember's; Emick; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.
Absent: Council Member Roelle

14. Supplemental Law Enforcement Services Funds (SLESF – Cops Grant)

Mayor Stanton opened the public hearing at 10:25 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 10:28 p.m.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to adopt the attached Resolution No. 2011-54 accepting the COPS grant in the amount of \$132,207 and authorizing the allocation of the FY 2011-12 Supplemental Law Enforcement Services Funds (SLESF) to supplement the Juvenile Officer positions.

Vote: Motion carried 4-0-0-1
Yes: Councilmember's; Emick; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.
Absent: Councilmember Roelle.

LEGISLATIVE MATTERS

15. Council Member Representation on Various Boards, Committees and Commissions

It was the consensus of the Town Council to continue this item to the next meeting.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Emily Wong, Assistant Director of Economic Development, provided an update to the Town Council regarding the Town's compliance with ADA requirements as it relates to Happy Trail Villas. She stated that major structural changes would need to be made in order to make the units 100% handicap accessible. She explained that this is a homeowner acquisition project; however the units do minimally meet ADA requirements.

Frank Robinson, Town Manager, stated that the tax rebate from the golf course is \$62,226.66. He asked that the Council consider closing the meeting in honor of the Town's retirees which include Ms. Emily Wong.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 10:38 p.m. in honor of the Town of Apple Valley retirees.

Mayor

Town Clerk