

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

**REGULAR MEETING
MINUTES – February 28, 2012**

CALL TO ORDER:

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

Roll call was taken with the following members present:

Roll Call

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

TOWN COUNCIL CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried, to adjourn to Closed Session at 5:01 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases);
- B. Negotiations with Real Property Negotiator – Property located at APN 3087382-15, 3087382-16, 3087382-17, 3087382-19, 3087382-20, and 3087382-21; Negotiating Parties: Jennifer Kelley; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involved both price and terms of payment. (This item was listed on the Town Council Agenda Addendum).

Upon returning from Closed Session at 6:08 p.m., Mayor Stanton announced that under Closed Session item Number 1B, the Town Council authorized staff to begin marketing the property to include discussing the price and terms of payment.

Mayor Stanton recessed the meeting of the Apple Valley Town Council/Successor Agency at 6:09 p.m.

OPENING CEREMONIES

Mayor Stanton called to order the meeting of the Apple Valley Town Council 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 Roelle
- PRESENTATIONS:** Healthy Apple Valley Presentation / Heart Chase Event – Lena Quinonez, Recreation Supervisor
- SPECIAL ANNOUNCEMENTS:** None.

PUBLIC COMMENTS

Bernadette McNulty, Apple Valley, commented on the foreclosure rate in the United States and the high desert. She commented on a committee that was organized and is successful in eliminating foreclosures throughout the states. She explained the process and recommended that the Town adopt the policy as being implemented by this committee.

Lawrence McCarthy, Apple Valley, expressed concern regarding the Town overspending its funds on various projects, salaries and retirement packages.

David Mueller, highdesertpolitics.org, questioned a check that was written to Happy Trail Villas and Landmark Golf. Mr. Mueller commented on previous statements made by Mr. Henderson regarding bonds. He commented on the total issuance of bonds and provided the Council with information on how he believes the bonds were used. He questioned where the balance of the funds will come from to build the Yucca Loma Bridge.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Sam Pulice, Vice-Chairman, Apple Valley Chamber of Commerce, briefed the Town Council and the public on previous activities and classes presented by the Chamber of Commerce. He also informed the Town Council on upcoming events including the celebration of Dale Evans 100th Birthday.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Nassif commented on committees and events that he attended. Council Member Nassif announced that he will not be in attendance at the next regular Town Council Meeting due to a scheduling conflict.

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

Council Member Emick 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. She announced that the next Coffee with the Mayor will be held on March 15, 2012 at One of Life's Perks. The event will begin at 10:00 a.m.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Roelle recommended an item be placed on the next agenda regarding the types of pay cuts needed to make up the deficit in the Parks and Recreation Department. He would like staff to come back to the Council with a report that includes a breakdown with this information.

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

- A. Mid-Year Budget Workshop Meeting – Thursday, March 8, 2012 – Council Chambers**
- B. Regular Meeting – Tuesday, March 13, 2012**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

David Mueller, highdesertpolitics.org, commented on Agenda Item Number 6 regarding the Recognized Obligation Payment Schedule. He asked questions regarding the encumbrances listed on the schedule.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to approve and adopt the Consent Calendar items numbered 2 – 7.

Vote: Motion carried 5-0-0-0

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

Absent: None.

- 2. Approval of Minutes of the Town Council**
 - A. Regular Meeting – February 14, 2012**
 - Recommendation:**
Approve the subject minutes as part of the consent agenda.
- 3. Adopt Ordinance No. 429 - An Ordinance Of The Town Council Of The Town Of Apple Valley, Amending Title 5, Chapter 5.06 Of The Apple Valley Municipal Code To Establish Franchise Fees, And Customer Service Penalties For State Franchise Holders Providing Video Service Within The Town Of Apple Valley**
 - Recommendation:**
That the Town Council adopts Ordinance No. 429
- 4. Adopt Ordinance No. 432 - An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Revising Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Subsection "B" Of Table 9.28.050-A "Permitted Uses" Within Chapter 9.28, "Residential Districts", Of The Code By Revising The Regulations Related To Animal Keeping Permits And Peafowl.**
 - Recommendation:**
That the Town Council adopt Ordinance No. 432.
- 5. Acceptance of Work, Notice of Completion and Release of Retention For The AD#3A Sewer Lift Station No.1- Grinder Station**

Recommendation:

1. Accept the work of the contractor for the work performed at the AD#3A Sewer Lift Station No.1 to install a Grinder Station; release the total retention in the amount of \$13,590.00.
2. Direct the Town Clerk to file a 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, or notify contractor's escrow account holders to release the withheld retention funds provided no claims are filed against the contractor or Town.

6. Approve Recognized Obligation Payment Schedule (ROPS)

Recommendation:

That the Town Council as the Successor Agency adopt the attached Resolution No. 2012-01 approving the Recognized Obligation Payment Schedule ("ROPS").

7. Rescission of Any and all Previously Enacted Town Council Action(s) Associated With ABx1 27 Of The First Extraordinary Session In The California State Assembly.

Recommendation:

Rescind any and all previously enacted actions associated with the implementation of ABx1 27.

PUBLIC HEARINGS

8. Development Code Amendment No. 2011-05

Mayor Stanton opened the public hearing at 7:18 p.m.

Carol Miller, Senior Planner, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:19 p.m.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, and unanimously carried, to move to:

1. Determine that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review.
2. Find the facts presented within the staff report support the required Findings for approval of an amendment to the Development 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 preserve the health, safety and general welfare of the citizens of Apple Valley.
4. Move to waive the reading of Ordinance No. 433 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 433.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, to

5. Introduce Ordinance No.433, amending Section 9.62.070.C.3 that establishes additional submittal requirements and procedures to further address health and safety related to floodplain management.
6. Direct staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Apple Valley Chamber of Commerce Agreement for Business Retention Services

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

Janice Moore, Apple Valley Chamber of Commerce, spoke on the benefit of a partnership between the Chamber and the Town of Apple Valley for Business Retention Services.

Sam Pulice, Vice-Chairman, Apple Valley Chamber of Commerce, believes that the Chamber of Commerce will be able to assist the Town in carrying out redevelopment duties for the Town of Apple Valley.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to approve an Agreement for Business Retention Services ("Agreement"), Attachment No. 1, between the Town and the Apple Valley Chamber of Commerce in an amount not to exceed \$18,820.

Vote: Motion carried 5-0-0-0

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

Absent: None.

10. Initiate A General Plan Amendment To Modify The General Plan Street System Map In The Circulation Element To Accommodate Modifications To The Design Of The High Desert Corridor

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

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Coleman, to initiate a General Plan Amendment to the Circulation Element to modify the General Plan Street System Map to accommodate recent changes to the High Desert Corridor design.

Vote: Motion carried 5-0-0-0

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

Absent: None.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Jim Anderson, Code Enforcement Manager, commented on the clean-up efforts in the Town of Apple Valley. He presented a slide for the Council's viewing of citizen's cleaning their neighborhoods.

Frank Robinson, Town Manager, updated the Town Council on the Economic Development Task Force Meeting held last Wednesday in Sacramento. He stated that the primary discussions focused on replacing lost revenue, preservation of bond proceeds, protecting housing funds on deposit and to provide revenues to meet housing mandates.

Mr. Robinson briefly described two new bills, SB1151 and SB1156, designed to address the RDA Dissolution. He also commented on SB 1220, a Housing Trust Fund Act to establish funding for affordable housing.

Mr. Robinson stated that since the last Council Meeting when the Mayor and Town Manager were appointed to the Oversight Board, they have received notification that Art Bishop was appointed to the Oversight Board from the Apple Valley Fire Protection District and Matt Schulenberg was appointed to the Oversight Board from the Apple Valley School District. He stated that the meetings are expected to begin during the third week of March.

Mayor Stanton asked a series of questions regarding SB 986 which deals with Redevelopment Bond Proceeds. She would like staff to come back to the Council with more information on this bill and it's impact on the Yucca Loma Bridge project.

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 7:43 p.m.

Mayor

Town Clerk