

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

**REGULAR MEETING  
MINUTES – February 14, 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**

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).

Upon returning from Closed Session at 6:30 p.m., Mayor Stanton announced that there was no reportable action taken.

**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 Mr. Jim Anderson, Code Enforcement Manager

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

**PRESENTATIONS:**

- A. Employee of the Year Proclamation presented to Lena Quinonez, Recreation Supervisor by Mr. Ken Anderson, representative for Senator Sharon Runner.

**SPECIAL ANNOUNCEMENTS:** None.

## PUBLIC COMMENTS

Nacole Smith, African American Health Institute, presented a draft report to the Town Council on mental health services for the ethnic populations.

Richard Rorex, Apple Valley, stated that he would like the Town replace the real tree that was in front of Town Hall. He recommended that the Town solicit donations from the community for this cause.

Christopher Schilling, Park Water/Apple Valley Ranchos, commented on the important role that his organization has within the community to include jobs, schools and protection of the aquifer.

Tyler Biberston, Boy Scouts Troup 465, stated that he will be completing an Eagle Scout Project and asked if the Town could recommend a project for him.

## 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.

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

Mayor Stanton commented on committees and events that she attended. She also commented on the trees on Apple Valley Road which are bare five times a year. She recommended these trees be replaced with baring trees.

## TOWN COUNCIL ANNOUNCEMENTS

### **Suggested items for next agenda:**

Councilman Roelle would like staff to come back to the Council with the recommendations by the Counseling Team following their survey.

Mayor Stanton would like staff to come back to the Council with a cost program that would allow Animal Control hours to be more consistent as well as open on Saturdays.

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

- A. Regular Meeting – Tuesday, February 28, 2012 – Council Chambers**
  - Closed Session at 5:00 p.m.**
  - Regular Session at 6:30 p.m.**

## TOWN COUNCIL CONSENT AGENDA

Mayor Stanton announced that there is a need to add an item to the agenda that came to the attention of the Town after the agenda was posted. Based on this information, staff is requesting that an item be added as Item Number 9A to "Adopt Resolution No. 2012-08 Requesting a Grant from the State of California to assist the Town in completing the Multi-Species Habitat Conservation Plan."

### **MOTION**

Motion by Councilman Nassif, seconded by Mayor Pro Tem Coleman, that there is a need to add an item to the agenda that came to the attention of the Town after the agenda was posted. That the Town Council add item 9A to "Adopt Resolution No. 2012-08 Requesting a Grant from the State of California to assist the Town in completing the Multi-Species Habitat Conservation Plan."

Vote: Motion carried 5-0-0-0

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

Absent: None.

Mayor Stanton also announced that Councilman Nassif has 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 will be abstaining from voting on agenda item number 4.

Motion by Mayor Pro Tem Coleman, seconded by Councilman Emick, to approve and adopt the Consent Calendar items numbered 2 – 9A.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Council Member Nassif abstained from voting on Item Number 4**

**2. Approval of Minutes of the Town Council**

**A. Regular Meeting – January 24, 2012**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Treasurer's Report – Month of December 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. December 2011 Commercial Warrants Schedule**

**Recommendation:**

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

**5. Payroll/Benefits Warrants Schedule – Month of December 2011**

**Recommendation:**

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

**6. Adopt Ordinance No. 430**

**Recommendation:**

Adopt Ordinance No. 430

**7. Adopt Ordinance No. 431**

**Recommendation:**

Adopt Ordinance No. 431

**8. Fee Waiver Request for the American Cancer Society Relay for Life on May 19, 2012.**

**Recommendation:**

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$4,473 for the American Cancer Society.

**9. 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 4 prime contractors for the work performed at the Public Works Facility; release the total retention in the amount of \$89,958.75.
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.

**PUBLIC HEARINGS**

**10. Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Five Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) Public Hearing #1**

Emily Wong, Consultant, presented the staff report as filed with the Town Clerk.

Mayor Stanton opened the public hearing at 7:14 p.m.

Midge Nikosia, Victor Valley Community Services Council, expressed concern regarding the lack of responses from the survey as well as a lack of communication within the Town. She believed that the survey should have been properly advertised.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:31 p.m.

Council Member Emick commented on the concerns expressed by the speaker. He too believed that there should be some form of collaboration with the Town staff and the public.

Ms. Wong stated that this was the first public hearing and that the second public hearing would be to adopt the plan.

There was no action taken on this item.

**11. 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**

Mayor Stanton opened the public hearing at 7:33 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 7:34 p.m.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, and unanimously carried, to move to waive the reading of Ordinance No. 429 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 429.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, to introduce Ordinance No. 429, amending Title 5, Chapter 5.06 of the Town of 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, and further to update the Ordinance to comply with changes in the Digital Infrastructure and Video Competition Act (DIVCA).

Vote: Motion carried 5-0-0-0

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

Absent: None.

**12. Resolution 2012-07, to Record Delinquent Utility Fees and Costs Against Real Property Located in the Town of Apple Valley and Directing that Said Assessments Constitute a Lien Upon Said Properties**

Mayor Stanton opened the public hearing at 7:36 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 7:38 p.m.

**MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, to adopt Resolution No. 2012-07, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**13. Development Code Amentment No. 2011-002 - A Request to Revise 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 .**

Mayor Stanton opened the public hearing at 7:39 p.m.

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

Gina Schwin Whiteside, Animal Shelter Manager, provided additional clarification regarding the animal limitations in the Town.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:45 p.m.

### **MOTION**

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
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. 432 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 432.

### **MOTION**

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

5. **Introduce** Ordinance No. 432, 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.
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**

14. **Appointment of Oversight Board Members**

Mayor Stanton announced that this item is in reaction to the changes made regarding the dissolution of the Redevelopment Agencies.

Frank Robinson, Town Manager, expressed concern regarding the conflicting information regarding this issue. He stated that the County of San Bernardino is recommending that the Town appoint one appointee from the general population and one from a member of the Town.

Art Bishop, Fire Chief, Apple Valley Fire Protection District, stated that the Fire Board will take action to nominate an appointee to represent the Special Districts on the Oversight Board.

### **MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, to appoint the Mayor and the Town Manager, to the Oversight Board pursuant to AB 26, defined in Health & Safety Code Section 34179(a), for the purpose of governing the actions of the Successor Agency (now the Town) of the former Apple Valley Redevelopment Agency (AVRDA).

Vote: Motion carried 5-0-0-0

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

Absent: None.

### **15. Recommendations of the Parks and Recreation Ad Hoc Committee**

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

Michael Hinkle, Chairman, Parks and Recreation Commission, presented the recommendations of the Budget Ad Hoc Committee and how to deal with the budget shortfalls.

Discussion ensued regarding the recommendations presentation as well as possible volunteer payment programs and resident cards.

### **MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, and unanimously carried, to approve the implementation of the recommendations submitted by the Ad Hoc Committee; and that staff develop formal guidelines on the expected level of general fund support for Parks and Recreation Department operations for discussion and approval during the budget process.

### **16. Establishment of Consolidated Plan Priorities**

Emily Wong, Consultant, presented the staff report as filed with the Town Clerk.

### **MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, and unanimously carried, to approve the following list of Community Development Block Grant and HOME priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee in making funding recommendations to the Town Council for the 2012-2013 Action Plan.

1. Preserve the Existing Housing Stock (Single-Family Housing Rehabilitation)
2. Increase Affordable Homeownership Opportunities (Down Payment Assistance)
3. Expand the Supply of Affordable Housing (HTV & AMCAL)
4. Address Public Service Needs
5. Affirmatively Further Fair Housing to Ensure Equal Access to Housing Lower Income, Ethnic Minorities and Special Needs Groups (Fair Housing Program)
6. Provision of Public Facilities and Park Improvements
7. Create safer, more attractive and more accessible neighborhoods and stimulate economic growth through the improvement of infrastructure
8. Expand the economic base and promote greater employment opportunities for residents

### **17. Approval of Employment Agreement Between the Town of Apple Valley and Frank Robinson**

Piero Dallarda, Town Attorney, presented the staff report as filed with the Town Clerk.

Art Bishop, Fire Chief, Apple Valley Fire Protection District, recommended the agreement with the Town Manager be approved.

Richard Cambridge, Apple Valley, spoke in support of Mr. Frank Robinson and his ability to lead the Town during these difficult economic times.

Rob Turner, Apple Valley, expressed his support for Mr. Frank Robinson.

Larry Cusack, Apple Valley, expressed his support for Mr. Frank Robinson.

### **MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Coleman, to approve the Employment Agreement between the Town of Apple Valley and Frank Robinson

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**

Frank Robinson, Town Manager, thanked the Town Council for their support and approval of his new contract.

Captain Bart Belknap, Apple Valley Police Department, commented on the amount of tagging that has been done in the Town of Apple Valley. He stated that the department is working hard on identifying the tagging groups and have successfully identified and arrested seven individuals who were involved in approximately 200 cases. In addition, another two individuals have been arrested who were involved in 100 cases.

Council Member Nassif thanked the Sheriff's Department for their quick response as well as the quick and excellent work done by the graffiti removal program.

Frank Robinson, Town Manager, announced his appointment to the Desert Mountain Division, Economic Development Program. He also presented the Council with a Building for the Future slide show where he commented on upcoming meetings including the Mid-year budget, the Council retreat and the Budget Workshop which will be scheduled for late May or early June.

Mr. Robinson commented on SB654, a Bill designed to preserve funds in housing.

**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 8:55 p.m.

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Mayor

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Town Clerk