

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

**REGULAR MEETING  
MINUTES – July 24, 2012**

**CALL TO ORDER:**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:05 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Emick; Council Member Roelle Mayor Pro Tem Coleman; Mayor Stanton.

Absent: Council Member Nassif (arrived late)

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| <b>PUBLIC COMMENTS</b> |
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None.

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| <b>CLOSED SESSION</b> |
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**1. Closed Session**

Mayor Stanton announced that it has been brought to the attention of the Town Council/ Successor Agency that there is a need to take action on an item that arose after the posting of the agenda. That item is for a Closed Session discussion – Conference with legal counsel – existing litigation (subdivision (a) of the Government Code Section 54956.9) Town of Apple Valley; Town of Apple Valley as the Successor Agency to the former Redevelopment Agency of the Town of Apple Valley; and Lawrence A. Cusack v. Director of Finance and Auditor-Controller of the County of San Bernardino (Case No. 34-2012-00127355).

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Coleman, and unanimously carried, to add Closed Session item 1B for discussion.

Mayor Stanton announced that there is no need to take action on Item 1A.

**MOTION**

Motion by Mayor Stanton, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 5:07 p.m. to discuss the following:

- B. Conference With Legal Counsel - Existing Litigation (Subdivision (A) Of Section 54956.9) Town of Apple Valley; Town of Apple Valley as the Successor Agency to the Former Redevelopment Agency of the Town of Apple Valley; and Lawrence A. Cusack v. Director of Finance; Auditor-Controller of the County of San Bernardino. (Case no. CIVVS 34-2012-00127355).

Upon returning from Closed Session at 5:40 p.m., Mayor Stanton announced that there was no reportable action taken. The meeting was recessed until 6:30 p.m.

### OPENING CEREMONIES

Mayor Stanton reconvened the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll Call

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

#### INVOCATION:

The Invocation was led by Pastor Doris Eddy, Apple Valley Faith Center

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor Stanton

### SPECIAL ACKNOWLEDGEMENT/PRESENTATION

Recognition of Service – Council Member Ginger E. Coleman – Mr. Mark Butala, SCAG Manager of Regional Services

Recognition of Service – Mayor Pro Tem Ginger E. Coleman - Apple Valley Town Council

#### PRESENTATIONS

The Town of Apple Valley welcomed Fire Chief Sid Hultquist, Apple Valley Fire Protection District. He thanked the Town Council and the community for supporting him in this great opportunity. He commented on his commitment to the citizens of Apple Valley.

### PUBLIC COMMENTS

Tony Pena, Apple Valley Ranchos Water, reminded the Town Council that there will be an open house at the Apple Valley Conference Center to discuss water issues within the community.

Tom Piper, Apple Valley, announced that he would be on the ballot for a member of the Apple Valley Town Council.

Michael Pacino, Apple Valley, expressed concern regarding the removal of a fence around the Rancho Water Property, which has led to damage to his home. He requested assistance from the Town Council on this issue.

Millie Huntley, Apple Valley, expressed concern regarding the speaking time limitations placed on some residents and not others. She also commented on statements made at the last meeting regarding the petitions that she presented at the Town Council meeting. She stated that she and other representatives collected signatures in good faith from individuals in the Town of Apple Valley.

Michael Edinberger, Apple Valley, commented on business licenses for contractors. He stated that he has seen homes in Apple Valley that have substandard electrical work done on them that are hazardous.

Chuck and Pat Hanson, Apple Valley, thanked Mayor Pro Tem Coleman for her service to the community. Ms. Hanson discussed the Tour de Apple Valley ride in the Town on July 23, 2012.

Mark Shoup, Apple Valley, thanked Mayor Pro Tem Coleman for her service to the community. He expressed concern regarding the lack of clarification in the Town's Municipal Code regarding appointees of a Council Member should they leave from office.

David Mueller, highdesertpolitics.org, wished Mayor Pro Tem Coleman well in her new position. He commented on the ability for the public to address elected officials regarding their concerns. He also announced that he would be running for a seat on the Mojave Water Agency. He briefly stated his reasoning for running for office.

Michael Welty, Apple Valley, read an article from a newspaper regarding state funding that was unreported to the State of California. He believed the community should review the CAPERS report.

Joseph Brady, Apple Valley, thanked Mayor Pro Tem Coleman for her hard work and dedication that she has given as a member of the Apple Valley Town Council.

Christina Burton, Apple Valley, stated that if the Town Council decides to appoint someone to fill the position for the November general election, it should be Mr. Bob Sagona. She explained her reasons for supporting Mr. Sagona.

Patricia Perry, Apple Valley, expressed concern regarding a neighbor that she believed is in violation of various Town codes. She felt that the health issues she has experienced for several years are caused by the smoke that comes from this property. She respectfully requested assistance from the Council.

Jackie Moore, Red Cross, stated that she is a shelter coordinator. She would like to meet with the Town Council members to inform them of all the shelters available in the area.

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| <b>APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE</b> |
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Janice Moore, Apple Valley Chamber of Commerce, congratulated Mayor Pro Tem Coleman on her new position and great opportunity. She stated that she will be sorely missed and thanked her for her service that has benefited the community.

Ms. Moore provided an update to the Town Council and the public regarding its business retention efforts. She also commented on upcoming events provided by the Chamber of Commerce. She stated that the next luncheon will be the State of the Town event at the Apple Valley Conference Center.

#### COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Roelle congratulated Mayor Pro Tem Coleman.

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.

#### TOWN COUNCIL ANNOUNCEMENTS

**Suggested items for next agenda:**

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

**A. Regular Meeting – Tuesday, August 14, 2012**

**Closed Session at 5:00 p.m.**

**Regular Session at 6:30 p.m.**

#### TOWN COUNCIL CONSENT AGENDA

##### **MOTION**

Motion by Council Member Roelle seconded by Mayor Pro Tem Coleman, to approve and adopt the Consent Calendar items numbered 2 - 4, respectfully.

Brad Miller, Town Engineer, briefed the Town Council on Item Number 4 and the funding that would be used for the project.

David Mueller, highdesertpolitics.org, questioned information contained in the report as reported by Dokken Engineering.

Vote: Motion carried 5-0-0-0

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

Absent: None.

2. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – July 10, 2012**
  - B. **Emergency Special Meeting – July 12, 2012**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

3. **Adopt Ordinance No. 434 – An Ordinance of the Town of Apple Valley Amending the Zoning Map by Changing the Zoning Designations from R-E to R-SF for the Proposed Subdivision Located South of Sitting Bull Road and East of Apple Valley Road; APNs 3087-161-05 and 09.**

**Recommendation:**

Adopt Ordinance No. 434

4. **Yucca Loma Bridge Contract Amendment # 8 Of The Yucca Loma Bridge Contract Agreement, In The Amount Of \$422,400.00, For Additional Design, Right-Of-Way Services And Construction Support.**

**Recommendation:**

Approve the Yucca Loma Bridge Project Contract Amendment # 8 with Dokken Engineering, the project's design contractor, in the Not-to-Exceed amount of \$422,400.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

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| <b>PUBLIC HEARINGS</b> |
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5. **Resolution 2012-42, to Record Delinquent Animal Control Fees, Utility Fees and Costs and Code Enforcement Fees 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 7:53 p.m.

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

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:54

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Emick, to adopt Resolution No. 2012-42, 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; Nassif; Roelle; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

6. **Lighting And Landscape Assessment District #1 - Engineer's Annual Report And Levy Of Assessment For Fy 2012-2013**

Mayor Stanton opened the public hearing at 7:55 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:56.

**MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, adopt Resolution No. 2012-43, "A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2012-2013".

Vote: Motion carried 5-0-0-0

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

Absent: None.

**LEGISLATIVE MATTERS**

**7. Council Member Representation on Various Boards, Committees and Commissions Vacated Upon Resignation of Mayor Pro Tem Coleman**

Discussion ensued regarding whether or not action should be taken on this item at this time or after the official resignation date of Mayor Pro Tem Coleman. Also discussed was the need to agendaize selection of Mayor Pro Tem at the next meeting.

Bob Sagona, Apple Valley, recommended that a special meeting be conducted for the purpose of discussing whether or not the Town Council wishes to appoint all those positions to include the Town Council vacancy brought upon by the resignation of Mayor Pro Tem Coleman.

Discussion ensued regarding the need to fill the vacancies on the committees and commissions.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Stanton, to continue this item to the next meeting to include an item regarding the selection of Mayor Pro Tem.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**8. Leave Time Overview**

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

Mayor Stanton would like a future item on unfunded liability as it relates to retirement.

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

**9. Discussion Regarding Appointment to Fill the Vacancy on the Town Council Upon the Resignation of Mayor Pro Tem Coleman**

Carl Tate, Apple Valley, commented on his experience in government. He believed with his years of experience as well as his contacts, that he would be able to step into this position.

Mark Shoup, Apple Valley, believed that the Council should set a date for a Special Meeting to select an appointment to fulfill the vacancy. He commented on previous history where the next vote getter in line from the most recent election was awarded the appointment.

David Mueller, highdesertpolitics.org, stated that there was a runner up in the last election who was Mr. Bob Sagona. He believed that he should be appointed to fulfill the unexpired term of Mayor Pro Tem Coleman.

Mr. Bob Sagona, Apple Valley, stated that he would be delighted to serve the remaining term of Mayor Pro Tem Coleman.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, to continue this item to the next regular scheduled meeting of August 14, 2012.

**10. Town Board, Committee and Commission Appointments Made by Mayor Pro Tem Coleman**

John Brown, Town Attorney, stated that it would be his recommendation that Mayor Pro Tem Coleman's appointees remain.

Mark Shoup, Apple Valley, believed that the best way to protect the interest of the Town is to appoint someone to fill the vacant Council seat who is willing to keep in place the current appointees so that the actions that they take can't be questioned.

Bob Sagona, Apple Valley, said if he is appointed he will keep the appointments as nominated by Mayor Pro Tem Coleman.

That the Town Council approve the continued service of Mayor Pro Tem Coleman's appointments to various Town Boards, Committee's and Commissions until the vacancy has been filled at the General Municipal Election on November 6, 2012.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, to continue this item to the next regular scheduled meeting of August 14, 2012.

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

Frank Robinson, Town Manager, stated that staff is currently working on future agenda items for discussion that include the Spay and Neuter ordinance and bath salts ordinance. He also commented on serving on a special committee for Victor Valley College where he will assist the college in dealing with the issues of accreditation. He wanted to share with the Council and public the real facts of the accreditation issue. He stated that there is a lot of misinformation in the paper and as public servants one can appreciate how misinformation gets out in the community. He stated that the college continues to be accredited right now and has not lost anything. He also stated that every unit is transferable now and in the future. He explained that a year ago the college was placed on a two-year probation. He stated that the commission acknowledged that there has been great progress made to maintain its accreditation and are working diligently to complete all recommendations that must be done in order to

meet these challenges. He stated that part of their problem has been the ability to document their improvements. He also stated that there has been an overwhelming response by students and parents to support the Victor Valley College.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**ADJOURNMENT**

Motion by Mayor Stanton, seconded by Council Member Roelle, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:44 p.m.

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Mayor

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Town Clerk