

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

**REGULAR MEETING
MINUTES – August 14, 2012**

CALL TO ORDER:

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 6:34 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Emick; Council Member Nassif; Council Member Roelle; Mayor Stanton.

Absent: None

PUBLIC COMMENTS

None.

CLOSED SESSION

1. Closed Session

None.

INVOCATION:

The Invocation was led by Pastor Nate, Apple Valley Baptist Church

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Councilman Roelle.

2. Selection of Mayor Pro Tempore

Motion

Motion by Councilman Nassif, seconded by Councilman Roelle, and unanimously carried, to nominate Curt Emick as Mayor Pro Tem.

PRESENTATIONS:

Military Banner Presentation – Eric Reyes

Recognition of Service - Art Bishop – Apple Valley Fire Protection District

Employee of the Quarter – Jennifer Heim, Executive Assistant to Town Manager

PUBLIC COMMENTS

Sharon Holland, Apple Valley, commented on the Property Business Improvement District Assessment.

Carl Coleman, Apple Valley, presented a proposal for a Integrated Watershed Management Plan. He commented on the discussions that took place during the Blue Ribbon Water Committee regarding this issue and recommended that this item be agendized for review.

Chuck and Pat Hanson, Apple Valley, commented on the upcoming Tour de Apple Valley Ride on Saturday, October 20, 2012. Ms. Hanson announced that they have become a 501c(3) and commented on the rewards for early registration.

Wilson So, Apple Valley, clarified that he did not sign any petitions relating to the Sitting Bull Project discussed at the Apple Valley Town Council Meeting in April.

Kay Hagle-Romo, Apple Valley, introduced herself as a resident of South Apple Valley resident. She respectfully requested that south Apple Valley be allocated funding for the improvement of the area.

Tom Piper, Apple Valley, commented on issues that he believes should be addressed by the Town Council such as the Apple Valley Golf Course and water rights.

David Mueller, highdesertpolitics.org, commented on the need for the Town of Apple Valley to be more inclusive and service the entire community.

Charles Collarini, Apple Valley, commented on a violation that he received from Code Enforcement. He also recommended that Bob Sagona be appointed to fill the vacancy left by Ginger Coleman.

Richard Rorex, Apple Valley, spoke on the need for the Town to retain its capital assets.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Roelle commended staff on the excellent work being done at the parks despite the reduction that the employees had to sustain.

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

Mayor Pro Tem Emick commented on committees and events that he attended.

Mayor Stanton commented on committees and events that she attended. She also commented on the final Concert in the Park for this season and stated that the Town Council and community used this opportunity to thank the sponsors who made hosting these events to the public possible. She also commented on the most recent Coffee with the Mayor held in Jess Ranch – Aspen Community Center. She announced that the State of the Town Address would be held tomorrow at 11:30 a.m. in the Conference Center.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Councilman Roelle would like to agendize an item on a future agenda to discuss the flood issues.

Mayor Stanton requested a resolution be prepared stating that the Town of Apple Valley would continue to adhere to the requirements of the Brown Act. She promised the public that the Town Council would honor all provisions of the Brown Act.

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

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

TOWN COUNCIL CONSENT AGENDA

Mayor Stanton stated 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. She also stated that Item Number 11 has been amended to include non-substantive changes to identified code sections listed in Resolution No. 2012-06 and also include a footnote to Page 1 of the ROPS regarding Court Case No. 34-2012-00127355.

David Mueller, highdesertpolitics.org, commented on the funding being spent to continue operation of the Apple Valley Golf Course as listed in the Treasurer's Report. He also commented on the Emergency Meeting held by the Town regarding a \$1 million claim against the Town. He spoke of the need for the Town to be more transparent about these issues.

Lawrence McCarthy, Apple Valley, questioned the cost for tree work in the Town of Apple Valley as referenced on the Commercial Warrants.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Nassif, to approve and adopt the Consent Calendar items numbered 2 – 11, as recommended.

Vote: Motion carried 4-0-0-0

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

Absent: None.

Council Member Nassif abstained from voting on Agenda Item Number 4.

- 3. Approval of Minutes of the Town Council**
A. Regular Meeting – July 24, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. June 2012 Commercial Warrants Schedule

Recommendation:

That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

5. Payroll/Benefits Warrants Schedule – Month of June 2012

Recommendation:

That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

6. Treasurer’s Report – Month of June 2012 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Club Fund

Recommendation:

That the Town Council Receive and File for the June 2012 Treasurer’s Report.

7. A Resolution of the Town Council of the Town of Apple Valley Approving the Submittal of the Town of Apple Valley 2011 General Plan Annual Report to the Governor’s Office of Planning and Research and the State Department of Housing and Community Development.

Recommendation:

That the Town Council Adopt Resolution No. 2012-44, a Resolution of the Town Council of the Town of Apple Valley Approving the Submittal of the Town of Apple Valley 2011 General Plan Annual Report to the Governor’s Office of Planning and Research and the State Department of Housing and Community Development.

8. Bid Documents for Civic Center Park Restroom Project # PR 2012-05

Recommendation:

That the Town Council

- 1) Approve the bid documents for the installation of a restroom in Civic Center Park – PR 2012-05
- 2) Authorize staff to solicit bids for the construction project

9. Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner, November 22, 2012, at the James Wood Community Center

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the facility Rental Fee of \$121.88.

10. PetSmart Charities Targeted Spay/Neuter Grant Agreement

Recommendation:

Authorize staff to execute the PetSmart Charities Targeted Spay/Neuter Grant Agreement.

SUCCESSOR AGENCY

11. Adoption of Resolution No. 2012-06 Approving Recognized Obligations Payment Schedule (ROPS) No.3

Recommendation:

That the Town Council as the Successor Agency to the dissolved Apple Valley Redevelopment Agency adopt the attached SA Resolution No. 2012-06 approving Recognized Obligation Payment Schedule (ROPS) No. 3.

PUBLIC HEARINGS

12. Apple Valley Village Property and Business Improvement District (“Village PBID”): Town Ballot, Levy of Assessments and Public Hearing on Renewal/Boundary Modification

Councilman Nassif stated that he has a potential conflict of interest as a business owner in the Village area and therefore excused himself from discussion of this item.

COUNCILMAN NASSIF WAS EXCUSED FROM THE DAIS AT 7:40 P.M.

Mayor Stanton opened the public hearing at 7:41 p.m.

Orlando Acevedo, Economic Development Manager, presented the staff report as filed with the Town Clerk. He stated that there are 294 parcels with 169 votes. He clarified that boundary lines in the area were changed to remove various parcels, including the parcel owned by the Holland Family.

Sharon Holland, Apple Valley, commented on the property that she owns in the Village PBID.

David Mueller, highdesertpolitics.org, stated that he does not own property in the village area; however as a resident of the Town of Apple Valley, he believes that he should be given the right to vote on this issue since the Town owns property in the area as a taxpayer.

Kim Scully, Apple Valley, stated that she believes the PBID Assessment is illegal. She respectfully requested this item not be approved.

Gary Stater, Apple Valley, questioned how the votes are weighted. He asked how the votes are tallied and whether or not the Town of Apple Valley should have a vote.

Larry Cusack, Chairman, Property Business Improvement District (PBID), commented on the history of the PBID Assessment and the improvements that have been done in the district with the funding.

Richard Cambridge, Apple Valley, also spoke on the history of the PBID.

Art Bishop, President, Mojave Water Agency, commented on the improvements that have been done in the PBID area that have brought new business to the village.

Dan Lapka, Lawn Master, requested to know where the Town’s Industrial Park is located. He stated that the Town is drawing lines around various projects.

Lance Angulo, Apple Valley, read statements into the record on behalf of the Holland Family regarding the violation of the PBID Assessment.

Ed Henning, Environmental Consultant, explained how Proposition 218 applies to this item and how the votes are weighted.

Discussion ensued regarding whether or not the Town of Apple Valley has the right to be removed from the assessment.

John Brown, Town Attorney, explained that legal alternatives available to the Town Council are not voting, voting no or to not pay the assessments.

Mayor Stanton closed the public hearing at 8:35 p.m.

MOTION

Motion by Mayor Pro Tem Emick to approve the ballot of the Town of Apple Valley voting in support of the renewal/boundary modification of the Apple Valley Village Property and Business Improvement District ("Village PBID"), as owner of certain properties located in the proposed PBID, and authorize the Town Manager to sign on behalf of the Town.

There was no second to the motion.

Mr. Brown clarified that due to the lack of a second, the Town Manager is not authorized to sign the ballot on behalf of the Town and therefore the Town will not be voting on this matter.

RECESSED MEETING

Mayor Stanton recessed the meeting of the Apple Valley Town Council at 8:40 p.m. in order to allow staff time to begin tabulating the ballots. She announced that the counting process was open to the public.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

COUNCILMAN NASSIF RETURNED TO THE DAIS AT 8:48 P.M.

RECONVENED MEETING

Mayor Stanton reconvened the meeting of the Apple Valley Town Council at 8:48 p.m.

BUSINESS OF THE COUNCIL

13. Official Designation of Bianca Johnson as "Miss Apple Valley CA USA 2013"

Bianca Johnson respectfully requested the use of Miss Apple Valley CA USA for an upcoming pageant.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Councilman Nassif, and unanimously carried, to:

1. Officially designate Bianca Johnson as "Miss Apple Valley CA USA 2013."
2. Direct staff to develop a set of approval standards for the authorization and official designation of a pageant contestant or other type of event participant as a representative of the Town of Apple Valley for the duration of a specified event or time period.

Vote: Motion carried 4-0-0-0

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

Absent: None.

14. Spay/Neuter Program

Gina Schwin-Whiteside, Animal Services Manager, presented the staff report as filed with the Town Clerk. She recommended a volunteer incentive program on this issue be conducted on a trial basis

Discussion ensued regarding Ordinances adopted by other communities regarding mandatory spay/neuter programs.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, and unanimously carried, to implement the volunteer program as outlined by staff.

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

MOTION

Motion by Council Member Nassif, seconded by Council Member Roelle, and unanimously carried, to make the following appointments:

Victor Valley Transit Authority Alternate	Mayor Pro Tem Emick
San Bernardino Associated Governments Alternate	Mayor Pro Tem Emick
LOCC/Mountain Desert Division Alternate	Mayor Stanton
Town Personnel Committee Member	Mayor Stanton
Local Preference Ad Hoc Committee Member	Councilman Nassif

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

David Mueller, highdesertpolitics.org, stated that he would like to see Mr. Bob Sagona assume the position.

Millie Huntley, Apple Valley, believed that the Town of Apple Valley should fill the vacancy and have a full five member Council until the Municipal Election.

Christina Burton, Apple Valley, recommended that Bob Sagona fill the vacant seat of Ginger Coleman.

Bob Sagona, Apple Valley, stated that he would be honored and pleased to accept an appointment to the Apple Valley Town Council.

Councilman Roelle believed that Mr. Sagona would be the best person since he was the top vote getter in the last municipal election.

Councilman Nassif stated that although he believed Mr. Sagona would be the best person for the position, he felt that the position should be left vacant since we are in the middle of an election season and the election is less than three months away.

Discussion ensued regarding the need to fill the vacancy on the Town Council.

MOTION

Motion by Council Member Motion Roelle, seconded by Mayor Stanton, to appoint Mr. Bob Sagona to the Town Council Council until December 11, 2012.

Vote: Motion failed 2-2-0-0

Yes: Councilmember's Roelle; Mayor Stanton. Noes: Councilmember Nassif; Mayor Pro Tem Emick. Absent: None

17. Town Board, Committee and Commission Appointments Made by Former Mayor Pro Tem Coleman

Bob Sagona, Apple Valley, stated that if the Town Council chooses to leave the position vacant, leaving those positions in place could possibly constitute a violation.

Jackie Moore, Apple Valley, spoke of her disappointment in the Town Council.

Millie Huntley, Apple Valley, also expressed concern in the actions of the Town Council at the meeting. She did not believe the Town Council was acting on behalf of the people.

Richard Cambridge, Apple Valley, expressed concern regarding the lack of the respect being shown at the meeting.

Janice Moore, Apple Valley, believed that the Town Council could remain a four member team.

Kim Scully, Apple Valley, expressed concern regarding the actions taken at the Town Council Meeting.

John Brown, Town Attorney, spoke of the process that the Town Council uses to fill vacancies explaining that many of the appointments are coterminal with the appointing Council Member. However, he also stated that they could continue until a successor is appointed.

Discussion ensued regarding whether or not to allow the appointees to remain until the next election.

MOTION

Motion by Council Member Roelle, seconded by Mayor Stanton, to find and determine that the appointed member of each of the committee and commissions is coterminal with the Council Member that appointed them and that their terms be terminated and not extended.

Vote: Motion carried 4-0-0-0

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

Absent: None.

12. Apple Valley Village Property and Business Improvement District ("Village PBID"): Town Ballot, Levy of Assessments and Public Hearing on Renewal/Boundary Modification

Councilman Nassif restated that he has a potential conflict of interest as a business owner in the Village area and therefore excused himself from discussion of this item.

COUNCILMAN NASSIF WAS EXCUSED FROM THE DAIS AT 10:15 P.M.

Orlando Acevedo, Economic Development Manager, announced the tally of the votes. He stated that the total value of votes cast were \$108,659 with a value of \$58,578 voting yes for a total of 53.91 percent. He stated that this was in the affirmative to renew the assessment.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Roelle, to adopt Resolution 2012-45 renewing and modifying the boundaries of the Village PBID and levying assessments in the Village PBID for FYs 2012-13 to 2017-18

Vote: Motion carried 3-0-0-1

Yes: Councilmember Roelle; Mayor Pro Tem Emick; Mayor Stanton.

Absent: Councilmember Nassif.

COUNCILMAN NASSIF WAS RETURNED TO THE DAIS AT 10:17 P.M.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that the 11th Shock Class conducted by the Police Activities League began and the first day of class is August 20. In addition, he stated that they also offer tutoring class. He also recognized the hard work and dedication of the Apple Valley Sheriff's Department.

Gina Schwin-Whiteside, Animal Services Manager, announced that the Pet Fair would be held at Civic Center Park on Saturday, September 8, 2012. She stated that the wolves from the Twilight series would be in attendance.

Lori Lamson, Director of Community Development, announced that the US Fish and Wildlife Service announced that Apple Valley was awarded a grant for \$813,750 for the planning preparation of the Town's Multi-Species Habitat Conservation Plan (MSHCP). She stated that this grant would enable the Town to continue with the ongoing progress to complete the plan within the next 3 years.

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 10:30 p.m.

Mayor

Town Clerk