

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

**REGULAR MEETING
MINUTES – August 28, 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; Mayor Stanton. Absent: Council Member Roelle.

PUBLIC COMMENTS

None.

CLOSED SESSION

1. Closed Session

None.

INVOCATION:

The Invocation was led by Pastor Royce Bessera, Church for Whosoever

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Councilman Nassif

PRESENTATIONS: None

Mayor Stanton announced at the request of staff that agenda items numbered 14 and 15 be continued to a future meeting.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, that agenda items numbered 14 and 15 be continued to a future meeting.

Vote: Motion carried 3-0-0-1

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

Absent: Councilmember Roelle.

PUBLIC COMMENTS

Chuck and Pat Hanson, Apple Valley, commented on the Tour de Apple Valley Ride on October 20, 2012. They announced that sponsors are needed for the event and encouraged individuals to participate in this great event. They commented on the history of this event.

Richard Rorex, Apple Valley, requested a list of the redevelopment projects that were in process prior to the RDA Dissolution.

Tom Piper, Apple Valley, commented on declining statistics in Apple Valley.

Al Rice, Apple Valley, read a statement into the record regarding the events that took place at a previous Council Meeting and the changes that he has seen at meetings within the past few months. He commented on recommended changes that he believes would improve the meeting as well as Town business.

Millie Huntley, Apple Valley, commented on attending an event at the Apple Valley Golf Course. She also commented on the condition of the Golf Course that she believed has not been cleaned and is in need of repair.

Sandy McKay, Apple Valley, spoke on Medical Marijuana collectives in the Town. She respectfully requested the Town support allowing its residents to obtain the help that they need.

Kerry Cannon, Apple Valley, commented on Mom's for Marijuana. She believed that medical Marijuana provided the community a better way of life. She asked that collectives not be banned but regulated.

Carrie Erskine, Apple Valley, stated that as a Medical Marijuana Collective, they have been fined several times by Code Enforcement. She explained that the fines are being submitted to the landlord. She believed that they are law abiding citizens and asked that the fines be eliminated.

Susan Wella, Apple Valley, commented on the high cost of swim fees at Civic Center pool. She expressed concern regarding the pool hours as she believed it is closed too often.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Janice Moore, CEO and President, Chamber of Commerce, provided an update to the Town of Apple Valley on its classes for the community as well as its Business Retention Updates in the community. She announced that the next Chamber Luncheon will be held Wednesday, September 19, 2012 at the Apple Valley Golf Course.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Mayor Pro Tem Emick thanked the Chamber of Commerce for the successful Night of the Copa Event.

Councilman Nassif stated that he attended the Grand Opening of the Apple Valley Christian School in Hesperia until they can find a new location in Apple Valley, CA. He also commented on the State of the Town Address and the excellent attendance for this event. He also commented on the fee increase for the aquatic center.

Ralph Wright, Parks and Recreation Manager, stated that the increase was recommended by the Ad Hoc Committee; however, staff is continually reviewing its fee structure.

Mayor Stanton commented on the presentation of the State of the Town Address. She thanked the Town Council and especially Kathie Martin for her hard work on this presentation to ensure the success of the event. She also thanked the Chamber of Commerce for hosting this event. She also commented on the Oversight Board and issues that this board is working with regarding the dissolution of the Redevelopment Agencies. She also thanked resident Mary Hughes for hosting an event in her home encouraging neighbors and residents to attend Council Meetings. She too expressed concern regarding the swim fees.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Mayor Stanton asked for an item legalizing fireworks in the Town of Apple Valley. She believed it was an opportunity for non-profits to raise funds.

She also recommended a report be given regarding the status of the Golf Course.

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

- A. Regular Meeting – Tuesday, September 25, 2012 – Council Chambers**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Al Rice, Apple Valley, commented on the difficulty in locating the Parcel Map in the agenda on Item Number 5.

Mayor Stanton asked for clarification on Item #4. She asked Ms. Whiteside to provide a synopsis of this item for the benefit of the public.

Gina Schwin-Whiteside, Animal Services Manager, provided an update for the benefit of the public on the agreement for transfer/release of animals.

Mayor Stanton asked in the future if a snapshot of an area can be enlarged for easier reading.

Mayor Stanton also commented on Item Number 7 which she believes shows transparency. She stated that the Town of Apple Valley will continue to honor all provisions of the Brown Act despite the States effort to reduce costs by removing portions of the Act.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Nassif, to approve and adopt the Consent Calendar items numbered 2 – 12, as recommended.

Vote: Motion carried 3-0-0-1

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

Absent: Councilmember Roelle.

**2. Approval of Minutes of the Town Council
A. Regular Meeting – August 14, 2012**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Agreement Between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool

Recommendation:

Approve the updated Swimming Pool Use Agreement between the Town and the Apple Valley Unified School District (AVUSD).

4. Cooperative Agreement for Transfer/Release of Shelter Animals

Recommendation:

1. Direct staff to implement the proposed "Cooperative Agreement for Transfer/Release of Shelter Animals" allowing Animal Rescue Organizations to pull unaltered animals from the Town's Municipal Shelter at the rate of \$5.00. This provision is allowed for Rescues that comply with the provisions of the agreement and reporting requirements in compliance with State Law.
2. Direct staff to implement a reduced fee of \$30/cats and \$65/dogs for Animal Rescue Organizations that chose to pull animals from the Town's Municipal Shelter after they have been spayed/neutered, rabies vaccinated and microchipped. This fee does not include a one-year license for dogs.
3. Direct staff to bring back revisions to the animal fostering program: Shelter Animal Volunteer Exchange (SAVE) Home program.

5. Accept Final Map for Parcel Map No. 19260

Recommendation:

Approve the final map for Parcel Map No. 19260.

6. Award Contract for the Central Road Overlay Project 2012-08 – Bear Valley Road to Poppy Road

Recommendation:

Award a contract to Sully-Miller Contracting Co. in the amount of \$237,000.00 for the Central Road Overlay Project 2012-08 – Bear Valley Road to Poppy Road, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

7. Adoption of Resolution Number 2012-46 - A Resolution Reaffirming the Town's Commitment to Open Government and Compliance with the Ralph M. Brown Act

Recommendation:

Adopt Resolution No. 2012-46 reaffirming the Town's commitment to open government and compliance with the Ralph M. Brown Act.

8. Public Hearing for a Proposed Second Amendment to the Five Year Consolidated Plan - Fourth Year Action Plan for FY 2010 - 2011 – Establishing Date and Time Certain

Recommendation:

That the Town Council establish September 25, 2012 at 6:30 p.m., as the date and time certain for the purpose of conducting the public hearing necessary to provide Amendment #2 to the Five-Year Consolidated Plan – Fourth Year Action Plan for Fiscal Year 2010-2011.

9. Extension To The Waste Delivery Agreement Between The Town of Apple Valley and the County of San Bernardino.

Recommendation

That the Town Council approve the fifth amendment to the Waste Delivery Agreement (WDA) between the Town of Apple Valley and the County of San Bernardino to extend the term of the agreement until June 30, 2016.

10. Initiation of a Development Code Amendment Regarding Modification of Trash Enclosures to Conform To AB 341 Requirements.

Recommendation

Initiate a Development Code Amendment and forward this issue to the Planning Commission for a recommendation by the Planning Commission that will be returned to the Council for consideration.

11. Declare Surplus and Authorize Disposal of Computer Equipment

Recommendation:

Approve and declare the list of surplus computer equipment as surplus, authorizing Information Systems to dispose of said items through the Town of Apple Valley Household Hazardous Waste Program.

12. Happy Trail Villas Certificate of Completion

Recommendation:

1. Approve the Certificate of Completion.
2. Direct the Town Clerk to file the Certificate of Completion with the County Recorder's office.

PUBLIC HEARINGS

13. Conduit Financing for the High Desert “Partnership for Academic Excellence” Foundation to Finance or Refinance the Acquisition, Construction Rehabilitation, Improvement and Equipping of Certain Real Property and Improvements.

Mayor Stanton opened the public hearing at 7:35 p.m.

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk. He explained that the hearing is a requirement of the Tax Equity Facility Responsibility Act (TEFRA) and mandated by the internal revenue code by certain schools and colleges in order to issue tax exempt financing.

Rick Piercy, President, Lewis Center, provided additional information to the Town Council regarding the proposed project at the Lewis Center to build a Gymnasium and field.

Al Rice, Apple Valley, expressed concern regarding the agenda report for this item. He believed that the packet was inaccurate and required clarification.

Kay Hagle-Romo, Apple Valley, commented on the Lewis Center which she believed is only open to a select group of students. She believed that funding should be allocated to a school that provides the greatest good to the greatest number of students.

Bernadette McNulty, Apple Valley, stated that she supported the Lewis Center and the service that they provide to the community. She believed that a gymnasium was needed and recommended the bonding be approved.

Mr. Puckett answered questions and concerns from the public regarding the proposed financing for this item.

Ben Barker, CFA, clarified that the bond is a private loan and does not come from the Town. He explained that because there are taxes involved, there is a need to have a public hearing.

Mayor Pro Tem Emick commented on his support for the Lewis Center and its Master Plan.

Mr. Piercy clarified that the Lewis Center is a public charter school with no entrance requirements. He also commented on the local workers who will be hired to work on this project as part of the bid requirements.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:48 p.m.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Nassif, to:
That the Town Council:

1. Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the "Code").
2. Adopt the Resolution Number 2012-47 and Resolution Number 2012-48 approving the issuance of the Bonds by the CMFA for the benefit of High Desert "Partnership in Academic Excellence" Foundation, Incorporated, a California non-profit corporation, or a subsidiary or affiliate thereof (the "Borrower"), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The resolution will also authorize the Mayor or designee thereof to execute the Joint Exercise of Powers Agreement with the CMFA.

Vote: Motion carried 3-0-0-1

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

Absent: Councilmember Roelle.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Agreement to Provide Sheltering Services for the County of San Bernardino

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

15. Vision 2020 Priorities

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

16. Civic Center Dog Park Update

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

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

17. Discussion of Cancellation of Town Council Meeting of September 11, 2012

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

MOTION

Motion by Mayor Pro Tem Emick, seconded by Councilman Nassif, to cancel the Town Council meeting of September 11, 2012.

Vote: Motion carried 3-0-0-1

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

Absent: Councilmember Roelle.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the significant storm clean up that was handled by the Public Works staff. He commended the Public Work staff for their commitment and dedication to a job well done. He also commended Cooley Construction for their hard work during the storm clean up.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Stanton, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:13 p.m.

Mayor

Town Clerk