

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

**REGULAR MEETING
MINUTES – January 22, 2013**

CALL TO ORDER:

Mayor Emick called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:04 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Cusack; Nassif; Stanton; Mayor Pro Tem Bishop; Mayor Emick. Absent: None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION

Motion by Council Member Stanton, seconded by Council Member Cusack, and unanimously carried, to adjourn to Closed Session at 5:05 p.m. to discuss the following:

1. Closed Session

- A. Negotiations with Real Property Negotiator – Parcel Number(s) 3087-382-15; 3087-382-16; 3087-382-17. Negotiating Parties: Lee & Associates or Designee. Town Negotiator(s): Town Manager, Assistant Town Manager, Finance Director or Designee. Negotiations involve both price and terms of payment.
- B. Personnel Matters – Government Code Section 54957/Public Employee Discipline/Dismissal/Release.

Upon returning from Closed Session at 6:17 p.m., Mayor Emick announced that there was no reportable action taken.

Mayor Emick recessed the meeting of the Apple Valley Town Council until 6:30 p.m.

TOWN COUNCIL REGULAR SESSION

Mayor Emick called to order the regular session of the Apple Valley Town Council at 6:31 p.m.

OPENING CEREMONIES

INVOCATION:

The invocation was given by Carol Vonhelf, Apple Valley Christian Care Center.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Cusack.

PRESENTATION:

Certificates of Appointment – Town of Apple Valley Committee/Commissions

Apple Valley Ranchos Water Recap 2012 and Preview 2013 – Mr. Scott Weldy

PUBLIC COMMENTS

Tom Piper, Apple Valley, commented on the lack of individuals that attend Town Council Meetings. He recommended having an outdoor Council Meeting and inviting students to participate in the meeting process.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Janice Moore, CEO, Apple Valley Chamber of Commerce, commented on meeting with all regional Chamber organizations to address each member's goals and concerns. She believes that this collaborate effort will help each organization enhance their services to the community. She commented on Chamber Luncheons and the involvement of the First District Supervisor's office at each luncheon.

Ms. Moore spoke of the growth of the Apple Valley Chamber of Commerce to 18 Board Members. She also spoke of the marketing efforts of the Chamber in the Town of Apple Valley.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Cusack commented on his attendance in Sacramento at the new Mayor and Council Member Academy and the networking opportunity that it presented all members.

Council Member Nassif commented on committee meetings that he attended. He also discussed recommendations that were made at his Policy Committee Meetings in Sacramento.

Council Member Stanton congratulated Ms. Regina Witherspoon-Bell on her appointment to the office of the First District. She commented on committee meetings that she attended and discussions that took place at her Policy Committee Meetings in Sacramento.

Mayor Pro Tem Bishop thanked Council and staff for their support and attendance at the new Mayor and Council Conference in Sacramento. He also commented on meetings that he attended.

Mayor Emick spoke of partnerships in the community that he hopes to enhance this coming year. He also commented on meetings that he attended. Mayor Emick also announced that the high desert Mayor's have agreed to resume "Mayor's Meetings" beginning Friday, January 25, 2013.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

A. Regular Meeting – Tuesday, February 12, 2013 – Council Chambers

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 2-9

Vote: Motion carried 5-0-0-0

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

Absent: None.

2. Approval of Minutes of the Town Council

A. Regular Meeting – January 8, 2013

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Adopt Ordinance No. 445 - "An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 12.20., Entitled "Special Speed Limits" of Title 12 of the Town of Apple Valley Municipal Code"

Recommendation:

Adopt Ordinance No. 445

4. CLAIMANT – Cheryl Hill-Kelly

Recommendation:

Reject the claim from Cheryl Hill-Kelly

5. Land Acquisition Utilizing Neighborhood Stabilization Program (NSP) Funds to Purchase Parcel Number 3087-481-05

Recommendation:

Find that it is in the public interest to acquire the property and authorize the Town Manager to purchase this lot at a cost not to exceed \$650,000.00 using NSP3 grant funds.

6. A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual

Recommendation:

That the Town Council adopt the attached resolution No. 2013-06, A Resolution of the Town Council of The Town of Apple Valley Amending the Personnel Policies and Procedures, Section 16.6 for the Town of Apple Valley.

7. Advertising Policy for Town Publications

Recommendation:

That the Town Council approve a policy to allow advertising in the Our Town newsletter and to designate that funds from the advertising be earmarked for cost recovery for special events.

8. **A Resolution Setting The Time and Place for a Public Hearing on Trash User Fee Increases In An Amount of Between \$0.42-\$1.42 Per Month, Or, 5.57% - 7.62% and Providing Direction to Staff to Proceed With The Special Notice Proceeding as Required By Law**

Recommendation:

That the Town Council adopt Resolution 2013-04 stating its intention to hold a Public Hearing on March 12, 2013 to increase trash user fees based on the attached schedule and direct staff to proceed with the special notice as required by law.

9. **A Resolution Setting The Time and Place for a Public Hearing on Sewer User Charge Increases In An Amount of Three Dollars And Seventy Three Cents (\$3.73) Per Equivalent Dwelling Unit Per Month and Providing Direction to Staff to Proceed With The Special Notice Proceeding As Required By Law**

Recommendation:

That the Town Council adopt Resolution 2013-05 stating its intention to hold a Public Hearing on March 12, 2013 to increase sewer user charges and direct staff to proceed with the special notice as required by law.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. **Municipal Code Amendment of Title 6 to Allow Temporary Use of Trash Bins on Single Family Residential Properties**

Jim Andersen, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Bishop questioned the number of homes that have bins within Apple Valley.

Mr. Andersen stated that there are approximately 1100 residents who currently have trash bins.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, and unanimously carried to:

1. Find that the proposed adoption of Ordinance No. 446 is not subject to and is Exempt from CEQA, based upon findings under CEQA Guidelines, Section 15061 Sub (b)(3) that can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.

2. Move to waive the reading of Ordinance No. 446 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 446

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to:

3. Move to Introduce Ordinance No. 446 amending Chapter 6.20.160 Placement of Trash Bins Screened.
4. Direct Staff to File a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, provided a quick update to the Town Council and the public regarding the dissolution of Redevelopment that was discussed at the league meeting in Sacramento and ways to possibly reinstate some revenue tools. He also announced that crime in the Town of Apple Valley has significantly reduced from last year, including traffic accidents. He thanked the Town of Apple Valley Police Department for their hard work in the community.

Mr. Robinson announced the planning of a trip for the Town Council to Washington, D.C. within the next few months. He provided a brief itinerary of the meetings that will take place during the visit.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Mayor Pro Tem Bishop, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:02 p.m.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk