

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

**REGULAR MEETING
MINUTES – July 8, 2014**

CALL TO ORDER:

Mayor Bishop called to order the regular session of the Apple Valley Town Council at 6:35 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop

Absent: None.

OPENING CEREMONIES

Mayor Bishop, on behalf of the Town Council, expressed condolences to Pastor Johnson, in the recent passing of her husband.

INVOCATION: Pastor Danotra Johnson, Victory in Jesus

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mr. Rick Dansey

PRESENTATIONS:

1. Employee of the Quarter – James Stastny, Custodian
2. Music Man Sponsor Recognition, Kathie Martin
3. Special Leadership Recognition presented to Town Manager Frank Robinson.

PUBLIC COMMENTS

Sandra Smith, Apple Valley, spoke on the Presidential Memorandum for creating a federal strategy to promote pollinators. She requested an amendment be made to the code as it relates to the protection of honey bees, in order to be in compliance with her understanding of the Presidential Memorandum.

Valerie Infante, Apple Valley, respectfully requested consideration by the Town Council to place an item on a future agenda to discuss the promotion of bees. She commented on the concerns surrounding allergies that come from bees. She believed the public has been misinformed and it has created fear. She also commented on the need to educate the public on bees.

Shawn Lovato, Apple Valley, spoke against bees in smaller lots. He stated that his children are allergic to bees. He felt this is a matter of public safety for his family.

Carla McClain, Apple Valley, spoke in support of bee keeping for the Infante family. She commented on the research done by the Infante family. She stated that she too has children that are allergic to bees; however, she does not believe it is a good reason to be against pollinators. She also stated that she would like to see the Infante family able to keep at least one bee hive on their property.

Gary Mills, Apple Valley, completed a speaker card in support of bee keeping.

Thomas Beck, Apple Valley, stated that he was in support of bees and would like to have the opportunity to have a bee hive on his property.

Dale Wilcox, Apple Valley, believes that there was some mis-information provided to the Infante family on the process to place an item on the agenda. He also commented on the benefit of Africanized bees.

Marty Avila, Apple Valley, spoke in support of bees. He provided paper work from neighbors that are in support of the bee hive that he keeps on his property.

Bill McClain, spoke in favor of Ms. Infante's character. He stated that she has been very helpful by providing information as it relates to proper health and care that comes from bees.

Ranelle Storer, Apple Valley, spoke in support of bees in the neighborhood.

Paul Storer, Apple Valley, spoke in support of bee hives. He believed it was good for the environment.

Cyndee Lovato, Apple Valley, commented on the reasons why she believes bee hives should be allowed in 2.5 acres. She also spoke about her son who is severely allergic to bees. She stated that although she supports the Infante family, she would not like to take any chances with her son's health by living next to a property with bee hives.

James Lindorfer, Apple Valley, stated that he is in support of bees and bee hives in residential areas.

Shaun Lovato, Apple Valley, stated that he is in support of bee hives even though he is severely allergic to bees.

Joanna Madrigal, Apple Valley, did not wish to speak; however, she requested that her support of bee hives be noted.

Sean Tesch, Apple Valley, believes it is unfair to prohibit bee hives due to the fact that some individuals suffer from allergies.

John Brown, Town Attorney, commented on the Brown Act. He explained the process in which the Council can add an item to the agenda in accordance to the law. He continued his comments by providing information to the public regarding the process for amendments to Town codes, changes by staff, changes by Council, Initiative Measures and the Referendum processes. He also commented on planning and zoning laws that regulate uses on private properties.

Francelia Alcantar, Apple Valley, expressed concern regarding the recent shooting in Apple Valley. She questioned why the Los Angeles Sheriff's Department was involved instead of the San Bernardino Sheriff's Department. She felt the Los Angeles Sheriff's Department put the public in danger. She also commented on the treatment her husband received from the LASD. She questioned the relationship between the Council and Sheriff's Department.

Neil Radimaker, Apple Valley, commented on the shooting in Apple Valley by the Los Angeles Sheriff's Department.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Emick commented on committee meetings and events that he attended.

Council Member Stanton commented on committee meetings and events that she attended.

Council Member Nassif commented on committee meetings and events he attended.

Mayor Pro Tem Cusack commented on committee meetings and events that he attended.

Mayor Bishop commented on committee meetings and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

A. Regular Meeting – Tuesday, July 22, 2014 at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Mayor Bishop announced that Council Member Nassif has a remote interest in specific warrants on tonight's commercial warrants dealing with NAPA Auto Parts for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore, he will be abstaining from voting on the Warrants for NAPA Auto Parts listed under Agenda Item Number 2. He stated that Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's commercial warrants dealing with Apple Valley Communication for the Town of Apple Valley as owner of Apple Valley Communications. Therefore, he too will be abstaining from voting on warrants for Apple Valley Communications listed under Agenda Item Number 2.

Lawrence McCarthy, Apple Valley, commented on the fee increase. He stated that the City of Fullerton recently raised their rates; however, they provide more services for less money. He would like to see the Council direct staff to research how the City of Fullerton is able to operate this way prior to moving forward with the amendment to the franchise agreement with Burrtec.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Cusack, to approve the Consent Calendar items numbered 1 - 8, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

1. **Approval of Minutes of the Town Council**
A. Regular Meeting – June 24, 2014
Recommendation:
That the Town Council approve the subject minutes as part of the consent agenda.
2. **May 2014 - Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.
3. **May 2014 - Payroll/Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.
4. **Treasurer's Report – May 2014 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**
Recommendation:
That the Town Council receive and file the May 2014 Treasurer's Report.
5. **Application to San Bernardino Associated Governments (SANBAG) for Local Transportation Funds – Article 8 – Other Purpose Claim**
Recommendation:
Authorize the Assistant Town Manager – Finance & Administration, to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$532,178 for Fiscal Year 2013-14.
6. **Award Contract for Traffic Signal Maintenance**
Recommendation:
That the Mayor and Town Council accept the bid submitted by Siemens, Inc. for the Town's Traffic Signal Maintenance Contract, FY 2014-15, and award a contract for the project to Siemens Industry, Inc. subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
7. **Fee Waiver Request for American Cancer Society Relay for Life**
Recommendation:
That the Town Council waive fees associated with the use of Civic Center Park by the American Cancer Society for the Apple Valley Relay for Life.

8. Amendment to the Exclusive Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc.

Recommendation:

That the Town Council approve the Amendment to the Exclusive Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc., including modifications to include an amendment to Exhibit C to add the Animal Shelter to Town facilities and other administrative changes to franchise fees and contract length.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Authorize Staff to Prepare a Request for Proposal (RFP) for Appraisal Services for the Potential Acquisition of a Water Company and other Town Related Services as Needed

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Council Member Nassif asked a series of questions regarding the appraisal evaluation process. He commented on the events taking place in Montana, where they too are looking at purchasing part of the Carlise Group and questioned whether or not this would factor into the cost. He stated that although we are only preparing an RFP, he would like staff to come back to the Council with more information.

Mr. Puckett reminded the Town Council that the action before them was simply to prepare a Request for Proposal for submittal to hire an appraiser.

John Brown, Town Attorney, provided comments to the Town Council and the public regarding the history of the water provider for the Town of Apple Valley.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to authorize staff to prepare a Request for Proposal (RFP) for appraisal services.

Vote: Motion carried 5-0-0-0

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

Absent: None.

10. A Discussion of the Recently Adopted Development Code Amendment to Title 9 “Development Code” of The Town Of Apple Valley Municipal Code amending various Sections within Chapter 9.74, "Signs and Advertising Displays"

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding whether or not existing signs should be grandfathered rather than requiring business owners to remove and/or replace existing signs. Also, discussed was how Council should address those individuals who have already complied with the change.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to conduct a survey regarding painted signs and that the remainder of the code adopted by the Town Council on December 10, 2013, be enforced.

Mayor Bishop recommended that an informational notice be sent to the Victorville Realtor's Association.

Vote: Motion carried 5-0-0-0

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

Absent: None.

11. Animal Services Update

Gina Schwin-Whiteside, Animal Services Manager, presented the staff report and PowerPoint presentation, as filed with the Town Clerk.

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

12. Discussion regarding Modification to the Development Code Regulation for Fencing to allow Chain Link around Vacant Parcels and Undeveloped Properties

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Ms. Lamson clarified that this would be limited to vacant parcels and industrial buildings.

Council Member Nassif expressed concern regarding the blighted look that some chain link fencing have within the community.

Dennis Cron, Assistant Town Manager, provided clarification to the Town Council regarding the initiation of this issue.

Council Member Stanton made a motion to send this to planning to craft a code amendment that would allow a property owner to fence its property in a way that is not detrimental looking to the Town.

Motion died due to the lack of a second.

Discussion ensued regarding the enforcement of the code as it applies to fencing on parcels.

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that due to an overwhelming response from the Public Utility Commission Hearings, the Town has decided to conduct a community satisfaction survey that will measure the attitude and opinions of the community regarding the water company.

Kathie Martin, Apple Valley, thanked the Town Council for their support with the Freedom Festival. She also thanked the numerous Town departments which play a huge part of the success of the event.

Mr. Robinson commented on the Department of Transportation, Highway Trust Fund. He explained that the funding for this federal fund is set to expire in August and that States will be hit with a 28% cut in infrastructure funding later this summer unless Congress acts swiftly. He also commented on Mayor Bishop being featured in the leagues Western Cities Magazine.

Mr. Robinson announced future agenda items for Council's consideration will include the cancellation or rescheduling of the Town Council meeting of September 9, as the meeting immediately follows the League of California Cities Conference from September 2 – September 5, 2014. In addition to the cancellation or rescheduling of the September 9 meeting, Council will need to reschedule the meeting of November 11, 2014, which conflicts with the Veteran's Day holiday.

Mr. Robinson thanked everyone for the recognition. He believed this signifies the goal of the Town Council and those he works with.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

13. Closed Session

Mayor Bishop announced that there was no need to take action on Item 13B.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to adjourn to Closed Session at 10:02 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation: Title: Town Manager

~~B. Conference with Legal Counsel — Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one case): Town of Apple Valley vs. Ana J. Matosantos, Director of the Department of Finance.~~

Vote: Motion carried 5-0-0-0

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

Absent: None.

Upon returning from Closed Session at 10:51 p.m., Mayor Bishop announced that the review was favorable. He stated that there will be a future item added to the next agenda regarding the Town Manager's contributions.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 10:52 p.m.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk