

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

**REGULAR MEETING
MINUTES – February 22, 2011**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council at 6:33 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Council Member Coleman; Boardmember/Council Member Emick; Board Member/Council Member Roelle; Vice Chair/Mayor Pro Tem Stanton; Chair/Mayor Nassif. Absent: None.

OPENING CEREMONIES

INVOCATION:

The invocation was led by Pastor Patrick D. Foy, United in Christ Baptist Church

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Council Member Roelle

SPECIAL ANNOUNCEMENTS:

None.

CLOSED SESSION

With the consensus of the Town Council, Mayor Nassif announced that Closed Session would be moved to the end of the meeting.

PRESENTATIONS

- 1. Park and Recreation Certificates – Alicia Dannelley, Recreation Assistant**
- 2. Healthy Apple Valley – Lena Quinonez, Recreation Supervisor**

PUBLIC COMMENTS

David Christman, Apple Valley, commented on the increasing cost of water rates in the Town of Apple Valley. He also requested that the public be kept informed of the water issues being discussed.

Bob Sagona, Apple Valley, commented on the withdrawal of the Wal-Mart application from the Town of Apple Valley. He also commented on the project now being part of an initiative measure and the signatures that are being gathered for a petition.

David Mueller, highdesertpolitics.org, questioned various check registers that were listed on the last agenda. He questioned clarification of those payments.

Bernadette McNulty, Apple Valley, thanked the Town for hiring the firm of Best, Best and Krieger, who are knowledgeable in all aspects of legal matters and are assisting the Town in objecting to the rate increase by Ranchos Water. She commented on her attendance at the special work shop where Best, Best and Krieger provided information on how to file a complaint. She expressed concern regarding what Apple Valley Ranchos wants to do with the rate increase and the takeover of the Park Water Company by the Carlisle Group. She respectfully requested the Town Council's support to allow access to Best, Best and Krieger for additional assistance to file complaints.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Jim Gutierrez, Chairman, Apple Valley Chamber of Commerce, provided an update to the Town Council on its monthly meetings and upcoming meetings that will be discussed including the negative impact on the loss of redevelopment funding to schools. He invited the Town Council to attend new member's orientation. In closing, he reported the loss of Penny Wansten who passed away Saturday evening. He announced there will be celebration of her life on Thursday, February 24th at Sunset Hills Memorial Park.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Emick commented on meetings that he has attended this past week. He also thanked staff for the PowerPoint that the Council received regarding the redevelopment funds.

Council Member Coleman stated that tomorrow she will be attending the SCAG subcommittee meeting.

Council Member Roelle thanked Captain Belknap and the Apple Valley Police Department for the quick work in capturing a rapist in the Town of Apple Valley shortly after the assault. He also commended Brad Miller, Town Engineer, for his hard work on the Yucca Loma Bridge project and announced that there was a groundbreaking event for this project that was held today.

Mayor Pro Tem Stanton commented on her attendance at various meetings including the Victor Valley Waste Water Reclamation Authority. She commented on her attendance at a "green" workshop and learning about recycling and composting. She spoke of the Jail and Bail and commended the organizers for the great event. She announced the "Furball" Fundraiser Event that will be held March 11, 2011 at 6:00 p.m. and encouraged everyone to attend.

Mayor Nassif commented on funding issues dealing with the Victor Valley Waste Water Reclamation Authority and surrounding communities. He also commented on his attendance at the Mojave Desert Solid Waste Joint Powers Authority. He spoke of the new Playground Equipment at Civic Center Park and thanked all those in attendance at the groundbreaking.

Captain Bart Belknap, Apple Valley Police Department, announced that the Jail and Bail fundraiser event raised close to \$10,000 for the Police Activities League Program.

Mayor Nassif commented on the loss of Penny Wansten and spoke of her involvement in the community. He also commented on the loss of Lloyd Klitenberg and spoke of the many years he attended Town Council meetings.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Roelle requested an update regarding the Wal-Mart issues at a future meeting. He requested to know if the report is in conflict with our development standards in regards to a specific plan. He would also like an update regarding the Request for Proposal for team building that was brought up at the last meeting.

John Brown, Town Attorney, apologized in the delay for bringing back the item related to team building for the Town of Apple Valley. He stated that the item would be presented to the Town Council in the near future.

Council Member Emick commented on Apple Valley being a premier shopping community; however, he expressed concern regarding solicitors in front of our stores. He would like staff to review legal options to prevent solicitors from sitting in front of stores.

Mayor Pro Tem Stanton expressed concern regarding Wal-Mart as well and agreed to agendize it. She would like to agendize for discussion the Country Club profit and loss. She would also like to agendize the possibility of holding an agenda briefing prior to the Town Council meetings. She would also like a study on group homes in our area for a future meeting.

Frank Robinson, Town Manager, explained that a monthly profit and loss statement represents a closing of the books for the previous month. He stated that beginning March 8, 2011 a monthly profit and loss statement will be clearly identified in the Treasurer's Report section of the agenda.

Mayor Nassif agreed with Mayor Pro Tem Stanton that an agenda briefing prior to the Town Council meetings would be beneficial. He also commented on the number of group homes in Apple Valley and would like to see the issue brought back to the state.

Mayor Nassif would like to agendize an item on the next agenda of March 8, 2011, to form a Blue Ribbon Citizen's Committee to advise the Council regarding the water issues with Apple Valley Ranchos and the options for advisement to the Town Council.

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

A. Regular Meeting – Tuesday, March 8, 2011, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Nassif announced that it was brought to the attention of the Town that there is a need to take action on an item that arose after the posting of the agenda. Based on this information the Council will need to add an additional item Number 5a – Service Master Emergency and Restoration Payments.

He explained that this item is for payments for the emergency clean up of the Town Hall Annex after the building flooding. The Town's insurance authority will reimburse the Town in full for these expenses.

MOTION

Motion by Council Member Emick, seconded by Council Member Coleman, and unanimously carried, that there is a need to take action on an item that arose after the posting of the agenda and to add this item to the agenda as item Number 5a – Service Master Emergency and Restoration Payments

Mayor Pro Tem Stanton requested that Agenda Item Number 4 regarding the Sewer Master Plan Update be removed from the Consent Calendar for discussion.

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, and unanimously carried, to approve and adopt the Consent Calendar item numbered 2, 3, 5 and 5a, and that item number 4 be pulled for discussion.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Abstain: None. Absent: None.

2. **Approval of Minutes of the Town Council**
 - A. **Special Meeting – February 8, 2011**
 - B. **Regular Meeting – February 8, 2011**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. **Termination of Local Emergency, Resolution No. 2011-07**

Recommendation:

Approve the Termination of Local Emergency, Resolution No. 2011-07, A Resolution of the Town of Apple Valley, Proclaiming the Termination of a Local Emergency.

5. **An Amendment to Resolution No. 2011-03 of the Town of Apple Valley, California, Determining the Amount of Property Tax Revenues to be Transferred as a Result of the Pending Reorganization to Include the Annexation to the Town of Apple Valley from County Service Area 70 as Described in LAFCO No. 3163**

Recommendation:

Approve Amended Resolution No. 2011-03 of the Town of Apple Valley determining the amount of property tax revenues to be transferred as a result of the pending reorganization to include the annexation to the Town of Apple Valley from County Service Area 70 as described in LAFCO No. 3163.

- 5A. **Service Master Emergency and Restoration Payments**

Recommendation:

Approve the payment of the Service Master invoices

PULLED FROM CONSENT CALENDAR

4. Sewer Master Plan Update

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Coleman, to authorize staff to develop and circulate a Request for Qualifications (RFQ) as it relates to the Sewer Master Plan Update. Funding has been allocated from the Wastewater Fund and verified by the Finance Director.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

PUBLIC HEARINGS

None.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

6. Five Year Consolidated Plan Amendment, To Include Neighborhood Stabilization Program 3 (NSP-3) Funds

Emily Wong, Assistant Director of Economic Development, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Stanton asked a series of questions regarding senior housing projects.

David Mueller, highdesertpolitics.org, questioned the use of NSP-3 funds by the Town of Apple Valley. He briefed the Town Council on what he believed the legal uses of NSP-3 funds would be per the State of California.

Discussion ensued regarding the appropriate use for this funding, including the rehabilitation of existing blight.

Ms. Wong clarified if there are several rental projects that are feasible for acquisition and rehab, funds could be transferred from the other two activities; however, she recommended keeping it fluid for the next few months.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to approve the proposed amendment to its 2010-2011 Action Plan to incorporate the Neighborhood Stabilization Program 3 and prioritize in the order of Acquisition/Rehabilitation for Multi-Residential Uses, Down Payment Assistance for Single Family Residence, and Acquisition/New Construction for Multi- Residential Uses and authorize and direct the Town Manager to execute any necessary contract related documents on behalf of the Town.

Vote: Motion carried 4-1-0-0

Yes: Councilmembers Coleman; Emick; Mayor Pro Tem Stanton; Mayor Nassif. Noes: Council Member Roelle. Abstain: None. Absent: None.

7. Requests for Qualifications (RFQ) – Development of Affordable Rental Housing

Emily Wong, Assistant Director of Economic Development, presented the staff report as filed with the Town Clerk.

Questions were asked by the Council regarding the acquisition of rehabilitation housing.

MOTION

Motion by Mayor Pro Tem Stanton seconded by Council Member Coleman, that the Town Council and Redevelopment Agency approve the Request for Qualifications (RFQ) for the development of affordable housing and authorize the release of said RFQ.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Abstain: None. Absent: None.

8. Introduce Ordinance No. 418 - An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Chapter 11.68 Use Of Park And Recreation Facilities Of The Apple Valley Municipal Code.

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

William Furmage, Apple Valley, commended the Town on the work being done at the skate park. He also stated that he would be willing to work with parents to make sure the rules are followed at the skate park. Mr. Furmage respectfully requested that additional lighting be added to the park to allow for use in the late evening hours, as well as benches for seating and picnic tables.

MOTION

Motion by Council Member Roelle seconded by Mayor Pro Stanton, to waive the reading of Ordinance No. 418 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 418.

MOTION

Motion by Council Member Roelle seconded by Mayor Pro Stanton, to introduce Ordinance No. 418, amending Chapter 11.68 Use of Park and Recreation Facilities of the Apple Valley Municipal Code.

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif.

Abstain: None. Absent: None.

9. Discuss Topics for Citizen Satisfaction Survey

Kathie Martin, Marketing and Public Affairs Officer, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Stanton requested additional time to review this item. She expressed concern regarding the amount of funding that would be spent on this project when it could be used for other needs within the Town.

Frank Robinson, Town Manager, stated that this is a budgeted item and invited the Town Council to submit any questions to staff that they would like submitted to the public for review.

This was an informational item only.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the benefits of the Redevelopment Agency and redevelopment funds to the Town of Apple Valley.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Roelle, seconded by Council Member Coleman, and unanimously carried, to adjourn to Closed Session at 9:09 p.m., to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9) Name of case: Application of Western Water Holdings, LLC, PWC Merger Sub, Inc., Park Water Company (U 134 W), and Apple Valley Ranchos Water Company ((U-346-W) for Authority for Western Water Holdings, LLC to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company

Upon returning from Closed Session at 10:19 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Councilmember Emick, seconded by Councilmember Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:20 p.m. in memory of Ms. Penny Wansten.

Town Clerk

Mayor