

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

**REGULAR MEETING
MINUTES – October 11, 2011**

CALL TO ORDER:

Mayor Nassif called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

None.

OPENING CEREMONIES

INVOCATION: Pastor Doris Eddy, Apple Valley Faith Center

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Stanton

PRESENTATIONS:

Military Banner Presentation – Beau Humphrey

Employee of the Quarter – Anne Bearden, Code Enforcement Technician

Employee of the Quarter – Ben Rodriguez, Information System Technician

Proclamation – Domestic Violence Awareness Month – Margaret Diaz and Anita Gomez

Proclamation – November 5th as Roy Rogers Day in commemoration of his Centennial Birthday

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, commented on an article in the local paper regarding reducing the level of services in the Parks and Recreation Department. He expressed concern regarding reducing these services when the Town has continued funding the Apple Valley Golf Course.

Chuck Hanson, Apple Valley, reminded the Town Council and the public of the 4th Tour de Apple Valley event to be held on October 22, 2011.

Milt Holland, Apple Valley, expressed concern regarding the increase in taxes in the Village area. He respectfully requested that the Town pay a fee in the amount of \$40,000 to be paid toward the disestablishment of the Apple Valley Village Property Business Improvement District.

Al Rice, Apple Valley, commented on potential code violations in his neighborhood with overgrown vegetation and weeds. He welcomed enforcement by the Apple Valley Code Enforcement Department.

Carl Coleman, High Desert Professional Services Association, expressed concern regarding the need for local preference when awarding contracts in the Town of Apple Valley. He also commented on the pre qualification process for the Apple Valley Wal Mart project. He felt that the Council should know if any contractors from Apple Valley will be able to work on the Wal Mart project.

Marilyn Stewart, Apple Valley, expressed concern regarding graffiti in the Town. She respectfully requested that the graffiti removal program be more proactive.

David Mueller, highdesertpolitics.org, commented on the Happy Trail Villa project and the amount of funding authorized for that project several years ago. He believed that some type of action should take place at the site.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Coleman stated that she attended various meetings including LAFCO, the Park and Recreation Ad Hoc Committee meeting, the San Bernardino Association of Governments (SANBAG) Board meeting, the Southern California Association of Governments (SCAG) meeting, and a Chamber Mix. She also commented on statements made by Mr. Coleman regarding contracting services. She recommended that the Town's facilities be made available for training to get pre qualified for projects for those local contractors that are in need of work.

Council Member Roelle responded to statements made by the public regarding graffiti in the community. He recommended that the public report graffiti to the Code Enforcement Department for action.

Council Member Emick commented on his attendance at the Victor Valley Economic Development Authority (VVEDA) meeting, his visit at the Wal-Mart Distribution Center, the Apple Valley Golf Course Ribbon Cutting, and the mixer for the new CEO of St. Mary's Hospital. He also commented on his attendance at the Apple Valley Golf Tournament, Victor Valley College 50th Anniversary celebration, the Apple Valley Fire District Health Fair, and the Hispanic Chamber Breakfast meeting.

Mayor Pro Tem Stanton stated that she attended a two-day workshop for Redevelopment and the Victor Valley Transit Authority (VVTA) meeting. She also stated that she sang at the Apple Valley Air Show. She commented on seeing children using the Skate Park with their safety gear. She also responded to statements made by the public regarding the weeds and graffiti and stated that those areas of concern would be addressed as well as the concern expressed regarding the need for local jobs.

Mayor Nassif commented on his attendance at the Victor Valley 50th Anniversary celebration. He also commented on attending the "Walk to School Day" event and the grand opening at the Apple Valley Golf Course where the Town of Apple Valley won the Victorville trophy. He also commented on his attendance at the Victor Valley Waste Water Reclamation Authority (VWVRA) where the board authorized a study to look at the value of building sub-regional facilities.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Roelle reminded staff that he requested an item be presented at a future meeting regarding a possible Landscape Ordinance that would include single family housing as well as commercial. He also asked for an update on the Happy Trails Villas project.

Council Member Coleman requested that an informational item be prepared for a future agenda to discuss working with developers to use local preference as well as the use of Town facilities for training. She requested staff be more pro-active in that area.

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, provided information regarding the prequalification requirements of Wal-Mart and the training sessions held to provide this information to the public.

Mayor Pro Tem Stanton asked for an update regarding the landscape along Apple Valley Road.

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

A. Regular Meeting – Tuesday, October 25, 2011 – Council Chambers

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

David Mueller, highdesertpolitics.org, asked questions regarding Agenda Item #3 – Treasurer's Report. He questioned the amounts listed within the report and how those funds were spent.

Marc Puckett, Director of Finance, responded to the statements made by Mr. Mueller regarding funds managed by Desert Community Bank as well as explaining why there is a lack of charges listed for various months.

Bob Sagona, Apple Valley, recommended that the Town Council table agenda item number 9 regarding mileage for Town Council Members.

Mayor Nassif announced that he had a remote interest in certain warrants on the commercial warrants for the Town of Apple Valley as the owner of NAPA Auto Parts and that he had a conflict of interest on item number 6. Therefore he stated that he will be abstaining from voting on agenda items number 4 and 6.

Council Member Roelle stated that he would be voting no on Agenda Item No. 9.

MOTION

Motion by Council Member Coleman seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2 through 10, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Council Member Roelle voted no on agenda item number 9.

Mayor Nassif abstained from voting on agenda items numbered 4 and 6.

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – September 27, 2011**
Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Treasurer’s Report – Month of August 2011 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**
Recommendation:
Receive and file.
4. **Commercial Warrants Schedule – Month of August 2011**
Recommendation:
Receive, ratify, and file the commercial warrants as presented.
5. **Payroll/Benefits Warrants Schedule – Month of August 2011**
Recommendation:
Receive, ratify, and file the payroll/benefits warrants as presented.
6. **Annual Agreed-Upon Procedures Report of the Apple Valley Village Property and Business Improvement District (“PBID”) Association**
Recommendation:
That the Town Council receive and file the FY2010-11 Annual Agreed Upon Procedures Report of the Apple Valley Village Property and Business Improvement District Association.
7. **Fee Waiver Request for an Amendment to a Conditional Use Permit for the Church for Whosoever (18628 Seneca Road)**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose and is consistent with similar applications of the Development Code, approve the waiver of amendment to the Conditional Use Permit for the Church for Whosoever.
8. **Yucca Loma Bridge Contract Amendment #7, Of The Yucca Loma Bridge Contract Agreement In The Amount Of \$149,650.00, For Additional Services Necessary To Obtain Approval Of A Conversion Proposal For State Park Land Affected By The Project**
Recommendation:
Approve the Yucca Loma Bridge Project Contract Amendment # 7 with Dokken Engineering, the design contractor, in the amount of \$149,650.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
9. **Mileage Allowance for Council Members**
Recommendation:
Adopt Resolution 2011-46 establishing a mileage reimbursement rate for Town Council members.
10. **Agreement Authorizing the Purchase of an Easement for the Sale of the Cell Site Located At 14955 Dale Evans Parkway (Flag Pole)**
Recommendation:
 1. Adopt attached Resolution 2011-47 authorizing the sale of the cell tower easement.

2. Authorize the Town Manager to sign the closing documents for the sale of an easement at the cellular site at 14955 Dale Evans Parkway within the base of the existing flag pole.

PUBLIC HEARINGS

11. **A Resolution of the Town Council Establishing Trash User Fees Effective December 1, 2011**

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

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk. He stated that all property owners subject to the fee increase were notified. He explained that should the Town not adopt the resolution for the fee increase, the Town would have to subsidize the increase through the General Fund.

David Mueller, highdesertpolitics.org, commented that he did a post regarding this issue on his website for public information. He also directed the public to view a previous Council Meeting where the Town Council received funding for recycling. He believed that those funds should be used to cover the increase.

Bob Sagona, Apple Valley, questioned the number of protest forms returned as undeliverable. He expressed concern regarding raising fees during a time of recession for the public.

David Braish, Apple Valley, spoke in opposition of the fee increase due to the economic times.

Bill McCloud, Apple Valley, expressed concern regarding being charged for fees when a home is vacant for an excessive amount of time.

Chris Nolan, Apple Valley, provided suggestions to the Town Council regarding alternative ways to charge for trash service.

Milt Holland, Apple Valley, agreed that Proposition 218 is constitutional and therefore he believed that the Town had no alternative but to pass the resolution or pay the cost on behalf of the homeowners.

Heinz Wolff, Apple Valley, commented on attending previous meetings regarding trash service. He spoke in opposition of the rate increase.

Isabell Moore, Apple Valley, spoke in opposition of the fee increase and requested that the item not be approved.

Mr. Puckett provided additional comments to the Town Council and the public regarding the proposed fee increase.

Mayor Pro Tem Stanton recommended that we table this item until additional information could be obtained regarding the proposed increase by Burrtec.

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, provided information to the Town Council regarding the on-going discussions with Burrtec regarding its contract services.

John Brown, Town Attorney, provided a legal clarification as to what the Town's alternatives are with respect to Burrtec's decision to implement a rate increase.

Richard Nunez, Burrtec, commented on the discussions that have occurred between staff and Burrtec regarding additional duties that Burrtec may possibly assume as well as service enhancements. He respectfully withdrew the proposed fee increase and will continue working with staff on the duties and services that Burrtec could possibly assist the Town in providing.

The Town Council members each thanked Mr. Nunez for his understanding and efforts.

Mayor Nassif closed the public hearing at 8:31 p.m.

After closing the public hearing, it was determined that a majority protest did exist.

Mr. Brown recommended that this item be tabled in the event future discussion of this matter should arise. He also addressed questions by the public regarding whether or not any members of the Council would have a conflict of interest from this particular franchise agreement. He stated that because neither the Mayor nor any of the Council Members have a personal economic interest in Burrtec, they are not disqualified and are permitted to vote.

MOTION

Motion by Council Member Emick, seconded by Council Member Coleman, and unanimously carried, to table this item.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

12. Request for Proposals (RFP) For Contracted Landscape Maintenance Services for the Town's Park System

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

Al Rice, Apple Valley, provided input to the Town Council regarding job opportunities by requiring the contractors to hire and train youth to fulfill these positions.

MOTION

Motion by Council Member Roelle, seconded by Mayor Pro Tem Stanton, and unanimously carried, to:

1. Direct Staff to issue the RFP for contracted Park's landscape services.
2. Upon closing of the submittal deadline, review proposals and bring the results back to the Town Council for further direction.

13. Fund Balance Policy for the General Fund

Marc Puckett, Director of Finance, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Coleman, seconded by Council Member Emick, to adopt Fund Balance Policy for the General Fund approving the reclassification of the various components of fund balance as defined in Governmental Accounting Standards Board (GASB) Statement Number 54.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, informed the Town Council that the Governor signed Assembly Bill 1236 which prohibits the Town to require other businesses to use electronic verification systems.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Coleman, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:25 p.m.

Mayor

Town Clerk