

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

**REGULAR MEETING
MINUTES – March 27, 2012**

CALL TO ORDER:

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:00 p.m.

Roll call was taken with the following members present:

Roll Call

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

PUBLIC COMMENTS

None.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, to adjourn to Closed Session at 5:02 p.m. to discuss the following:

- A. Public Employee Discipline/Dismissal/Release

Upon returning from Closed Session at 6:03 p.m., Mayor Stanton announced that there was no reportable action taken.

TOWN COUNCIL REGULAR SESSION

CALL TO ORDER:

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

Roll call was taken with the following members present:

Roll Call

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

OPENING CEREMONIES

INVOCATION: The invocation was led by Pastor Doris Eddy, Apple Valley Faith Center

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

PRESENTATIONS:

Presentation to Mr. Michael Carrier from the Office of Supervisor Brad Mitzelfelt

Presentation to Mr. Michael Carrier from the Town of Apple Valley

Mr. Satchell, Apple Valley, shared with the Council and audience the heroic actions by Mr. Michael Carrier that helped save his life.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, commented on the water rights for the Apple Valley Golf Course.

ANNOUNCEMENTS

Mayor Stanton announced that Agenda Item Number 8 regarding the Parks Contract will be tabled for 30 days.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Andy Tricinella, Chairman, Apple Valley Chamber of Commerce, commented on upcoming events provided by the Apple Valley Chamber of Commerce.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Nassif commented on committees and events that he attended.

Council Member Roelle commented on committees and events that he attended.

Council Member Emick commented on committees and events that he attended.

Mayor Pro Tem Coleman commented on committees and events that she attended.

Mayor Stanton commented on committees and events that she attended. She announced the next Coffee with the Mayor will be April 19, 2012 at Johnnie D's Restaurant on Bear Valley Road.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Coleman would like to agendize a future item to discuss water rights for Town facilities. She would also like to agendize an item on funding for maintenance of new Town facilities.

Mayor Stanton requested staff come back to the Council to discuss the street signs in the Town of Apple Valley.

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

A. Special Meeting – Friday, April 6, 2012 at the Apple Valley Inn

B. Regular Meeting – Tuesday, April 10, 2012

Closed Session at 5:00 p.m.

Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

David Mueller, highdesertpolitics.org, asked questions regarding payments made to Happy Trails Villas and Landmark Golf listed in the Town of Apple Valley Treasurer's Report, Agenda Item Number 5.

MOTION

Motion by Councilman Nassif, seconded by Council Member Emick, to approve and adopt the Consent Calendar items numbered 2, 3, 4 and 6, as recommended, and that Item Number 5 be pulled from the Consent Calendar.

Vote: Motion carried 5-0-0-0

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

Absent: None.

2. Approval of Minutes of the Town Council

A. Regular Meeting – March 13, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Amendment To The Joint Powers Agreement For The Victor Valley Transit Authority

Recommendation:

That the Town Council approve the Amendment to the Joint Powers Agreement for the Victor Valley Transit Authority which allows for the functions of the Treasurer and Auditor/Controller to be conducted "in house".

4. **Adopt Resolution No. 2012-11, Adopting A Countywide Vision For Our Future**
Recommendation:
That the Town Council adopt Resolution No. 2012-11, Adopting a Countywide Vision for our Future.
6. **Agreement Authorizing the Purchase of an Easement for the Sale of the Cell Site Located at 14955 Dale Evans Parkway (Flag Pole)**
Recommendation:
- A. Adopt attached Resolution Number 2012-15 authorizing the sale of a cell tower easement at the cellular site at 14955 Dale Evans Parkway.
 - B. 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.

PULLED FROM CONSENT

5. **Treasurer's Report – Month of January 2012 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**

Marc Puckett, Director of Finance, provided clarification regarding the comments and concerns expressed by Mr. Mueller.

Council Member Roelle recommended, with the consensus of the Town Council, that a staff report be prepared on this issue to provide additional clarification to the public.

MOTION

Motion by Council Member Nassif, seconded by Council Member Roelle, to receive and file the January 2012 Treasurer's Report.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

7. **Appeal (No. 2012-01) Of The Planning Commission's Denial Of General Plan Amendment No. 2010-02, A Request For Approval Of A General Plan Amendment To Change The Current Land Use Designation Of (R-E) Residential Estate (1 Du Per 1 To 2.5 Gross Acres) To (R-Sf) Residential Single-Family (1 Du Per 0.4 To 0.9 Net Acres), Denial Of Zone Change No. 2010-02 From The Current Zoning Designation (R-E) Residential Estate (1 Du Per 1 To 2.5 Gross Acres) To (R-Sf) Residential Single-Family (1 Du Per 0.4 To 0.9 Net Acres) Zoning Designation, And Denial Of Tentative Tract Map No. 18763, A Request To Subdivide The Approximately 135 Acres Into 168 Single-Family Lots And Ten (10) Acre Park/Retention Basin.**

Mayor Stanton opened the public hearing at 7:12 p.m.

Carol Miller, Senior Planner, presented the staff report as filed with the Town Clerk.

Chris Morgan, United Engineering Group "Applicant" submitted a PowerPoint presentation of the proposed project and zoning designations. He also discussed the donation of park land, sidewalks and trails.

Council Member Emick asked questions regarding the design of the flow line for water within the project.

Lori Lamson, Acting Director of Community Development, provided clarification regarding this project and its compliance with the Town of Apple Valley's circulation element.

Council Member Roelle questioned the mixtures of zoning within the project.

Mayor Pro Tem Coleman questioned whether or not the bridge was considered when designing this project. She also commented on the review of the General Plan Advisory Committee.

Brad Miller, Town Engineer, explained that Yucca Loma Bridge was not taken into consideration when this project was presented; however, he believed the bridge would improve the traffic flow for the project.

Council Member Nassif wanted to know if additional improvements are being considered to help the traffic flow on Sitting Bull Road.

Mayor Stanton asked questions regarding reduced lot sizes for the proposed homes in the project.

David Mueller, highdesertpolitics.org, commented on the discussions that took place regarding this project at the Planning Commission meeting.

Christina Lopez Burton, Apple Valley, commented on the signs that were to be placed at the project site informing the public of the proposed project. She believed the Developer did not want to pay for the signs. She also expressed concern regarding funding she believes the Council has spent frivolously.

Michael Wolff, Apple Valley, commented on the donations of land made by the Developer. He stated that he was in favor of the project.

Bonnie Rouch, Apple Valley, expressed appreciation of her home along with the spacious lots and beautiful views the Town of Apple Valley provides. She commented on the vacant homes in her neighborhood that are not selling. She also expressed concern regarding the drainage issues.

Millie Huntley, Apple Valley, distributed a folder to each Council Member listing bank owned homes, homes in auction and homes in pre-foreclosure. She also provided accident reports on Sitting Bull Road for the past four years. In addition, she provided a petition with over 1,000 signatures of residents from the Town of Apple Valley who are opposed to this development.

Dawn Harrison, Apple Valley, commented on discussions held with the Applicant. She expressed concern regarding the equestrian area and requested it be removed from the project.

Ida Hinterberg, Apple Valley, expressed concern regarding the number of vacant homes in her tract. She recommended that the Town hire local developers who are familiar with the beauty of the area.

Dan Feldman, Apple Valley, raised concern regarding the proposed project being built when there is a lack of infrastructure.

Bob Sagona, Apple Valley, expressed concern regarding the proposed project. He believed there should be no rush to approve the project since the developer has no plans to build at this time.

Georgette Phillips, Apple Valley, urged the Council to reconsider this item. She expressed concern regarding traffic.

Dr. Devineni, Apple Valley, stated that he resides on Sitting Bull Road. He expressed concern regarding traffic and traffic accidents in the area. He commented on the cost of homes being sold at a price less than valued.

Dr. Syed Raza, Apple Valley, also expressed concern regarding the surplus of homes in the area. He spoke of the need to make Sitting Bull Road safe for the community before building new development in the area.

Based on the comments made by the speakers, the Town Manager indicated that he would be speaking with the Sheriff's Department to increase enforcement on Sitting Bull Road.

Mr. Morgan responded to each of the speakers' comments regarding this project.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 8:53 p.m.

Mayor Pro Tem Coleman asked questions of Mr. Morgan regarding the lot size and location of the larger lots.

Lengthy discussion ensued regarding the proposed project.

Carol Miller, Senior Planner, respectfully requested to insert the word "Table" under Section 2 should Council's recommendation be to deny the General Plan and Zone Change.

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, to deny the appeal and add the language "Tract Map 8763".

- A. Find that, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15270 (a), a project which is denied is Exempt from CEQA.
- B. Find that, the facts presented within the staff report for the Council hearing of March 27, 2012, including the comments of the public and Planning Commissioners as reflected in the Planning Commission Meetings minutes of January 18, 2012 to deny Appeal No. 2012-01.
- C. Deny General Plan Amendment No. 2010-02, Zone Change No. 2010-02 and Tentative Tract Map No. 18763

Vote: Motion 2-3-0-0

Yes: Councilmember's Nassif; Mayor Pro Tem Coleman

Noes: Councilmember's Emick; Roelle; Mayor Stanton

Absent: None

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

8. Contracting of 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.

It was the consensus of the Town Council that this item be tabled.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, informed the Town Council that the Assembly passed a bill, AB 1585 that will spend 1.4 billion in redevelopment funds for housing and those funds will be transferred to the local housing agencies. The funds will have to be spent on affordable housing with 80% of the money earmarked within the next two years and all funds must be expended within four years. He also stated that the Oversight Board held its first meeting where a Chair and Vice- Chair were selected. The first item of discussion was the ROPS. The Board's next meeting will be held April 16, 2012 at 4:00 p.m.

Mr. Robinson also commented that CAL-EMA awarded the Town of Apple Valley a grant in the amount of \$249,798 that will assist in funding a gang prevention officer for the next two years. He also commented on the League's Economic Development Task Force and discussions are taking place regarding ongoing funding issues as well as the possibility of economic development through tax increments.

In addition, Mr. Robinson announced that Marc Puckett, Finance Director had just received notification that he had been selected Chair of the Desert Mountain Chapter of California Society of Municipal Finance. Also, Mr. Puckett was informed that California's State Controller

has accepted an invitation to come to the Town of Apple Valley's Conference Center for a luncheon to be held on April 12, 2012 to discuss the dissolution of RDA's among other topics.

ADJOURNMENT

Motion by Councilmember Roelle; seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:15 p.m.

Mayor

Town Clerk