

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

**REGULAR MEETING  
MINUTES – October 23, 2012**

**CALL TO ORDER:**

Mayor Pro Tem Emick 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 Nassif; Council Member Roelle; Mayor Pro Tem Emick. Absent: Mayor Stanton.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**1. Closed Session**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, and unanimously carried, to adjourn to Closed Session at 5:04 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 564957/Public Employee Performance Evaluation: Title: Town Clerk
- B. Conference With Legal Counsel – Anticipated Litigation – Significant Exposure To Litigation Pursuant To Subdivision (b) Of Section 54956.9 (one or more potential cases)

Upon returning from Closed Session at 5:12 p.m., Mayor Pro Tem Emick announced that there was no reportable action taken.

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

**TOWN COUNCIL REGULAR SESSION**

Mayor Pro Tem Emick called to order the regular session of the Apple Valley Town Council at 6:30 p.m.

**OPENING CEREMONIES**

**INVOCATION:**

The Invocation was led by Pastor Nate, Apple Valley Baptist Church.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Council Member Nassif

**PRESENTATIONS:**

Victor Valley Water Reclamation Authority (VWRA) Presentation on Natural Gas - Gilbert Perez, Director of Operations

**PUBLIC COMMENTS**

Chuck and Pat Hanson, Apple Valley, commented on the Tour de Apple Valley Bike Ride and thanked the Town Council and the public for their participation.

Jan Schommer, Apple Valley, expressed concern regarding an artificial light on her neighbors property that she believes is a hazard to residents. She also believes that it is bad for wildlife and plants.

Tom Piper, Apple Valley, commented on the use of the Fire Department in Apple Valley. He also commented on issues surrounding the Property Business Improvement District, the Blue Ribbon Water Report.

Manjila Patel, Apple Valley, introduced herself to the Town of Apple Valley. She commented on an engineering business she owned in the community.

**APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Janice Moore, Chamber of Commerce, provided an update to the Apple Valley Town Council and the public on opportunities that the Chamber provides to the community, including webinars. Ms. Moore commented on the many organizations that use the Chamber facility for their meetings and business events. She announced that on Thursday, November 15, the Chamber would hold a meet the new policy makers social and the public is invited to attend.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Roelle commented on provisions in the Town's Municipal Code regarding lighting that may assist the speaker who had concerns regarding artificial lighting. He stated that someone from staff would contact her to address this issue. He also commented on his attendance at the Tour de Apple Valley Bike Ride.

Council Member Nassif also commented on the Town's policy regarding lighting. He spoke of his attendance at the Bike Ride, Chili Cook-off and High Desert Opportunity. He also commented on committees and events that he attended.

Mayor Pro Tem Emick commented on committees 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, November 13, 2012 – Council Chambers**  
**Closed Session at 5:00 p.m.**  
**Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

Kathie Martin, Marketing and Public Affairs Officer, presented the new business portal located on the Town of Apple Valley website.

**MOTION**

Motion by Mayor Pro Tem Emick, seconded by Council Member Roelle, to approve and adopt the Consent Calendar items numbered 2 – 6, as recommended.

Vote: Motion carried 3-0-0-1

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

Absent: Mayor Stanton.

**2. Approval of Minutes of the Town Council**

**A. Regular Meeting – October 9, 2012**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Measure I, Five (5) Year Plan**

**Recommendation:**

1. That the Town Council Approve FY 2012/2013 through 2017/2018 Measure I, 5-year plan
2. Adopt Resolution No. 2012-50, "A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Five Year Capital Improvement Program"

**4. Adopt Ordinance No. 437 – An Ordinance of the Town Council of the Town of Apple Valley Amending Title 3, "Revenue and Finance Code", Chapter 3.12 "Purchases", of the Town of Apple Valley Municipal Code.**

**Recommendation:**

That the Town Council adopt Ordinance No. 437.

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

**Recommendation:**

That the Town Council Receive and File the September 2012 Treasurer's Report.

**6. Extention To The Waste Delivery Agreement Between The Town Of Apple Valley And The County Of San Bernardino.**

**Recommendation:**

That the Town Council approve the fifth amendment to the Waste Delivery Agreement (WDA) between the Town of Apple Valley and the County of San Bernardino to extend the term of the agreement until June 30, 2016.

**PUBLIC HEARINGS**

**7. General Plan Amendment No. 2012-02: A request to consider a change zone from Public Facilities (P-F) to General Commercial (C-G) for APN 3112-731-22, from Public Facilities (P-F) to Medium Density Residential (R-M) for APN 3087-351-23, from General Commercial (C-G) to Public Facilities (P-F) for APN 3112-731-18, from Medium Density Residential (R-M) to Service Commercial (C-S) for APN(s) 3087-351-09,10,11,27 thru 29, and from Medium Density Residential (R-M) to Public Facilities (P-F) for APN 3087-351-08.**

**Zone Change No. 2012-01: A request to consider a change zone from Public Facilities (P-F) to General Commercial (C-G) for APNs 3112-731-22, from Public Facilities (P-F) to Multi-Family Residential (R-M) for APN 3087-351-23, from General Commercial (C-G) to Public Facilities (P-F) for APN 3112-731-18, from Multi-Family Residential (R-M) to Service Commercial (C-S) for APN(s) 3087-351-09,10,11,27 thru 29, and from Multi-Family Residential (R-M) to Public Facilities (P-F) for APN 3087-351-08.**

**Development Code Amendment No. 2012-03: A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Sections 9.35.030-A.D.6 & 7 and 9.57.030-A.F.6 relating to government facilities and allowing an office in conjunction with a public utility installation.**

Mayor Pro Tem Emick opened the public hearing at 7:18 p.m.

Lori Lamson, Director of Community Development, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the types of facilities that would be impacted by the proposed amendments.

Art Bishop, President, Mojave Water Agency, stated that the agency supports the proposed zone change as listed in the staff report.

There being no additional requests to speak, Mayor Pro Tem Emick closed the public hearing at 7:22 p.m.

**MOTION**

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

1. **Determine that**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA for General Plan Amendment No. 2012-02 and Zone Change No. 2012-01, and
2. **Determine that**, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for

causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review for Development Code Amendment No. 2012-03.

3. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for September 5, 2012, support the required Findings for approval of the proposed General Plan Amendment, Zone Change and Development Code Amendment and adopt the Findings.
4. **Adopt** Town Council Resolution No. 2012-51, approving General Plan Amendment No. 2012-02;
5. **Move** to waive the reading of Ordinance No.439 and Ordinance No. 440 in their entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinances 439 and 440.

**MOTION**

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

6. **Introduce** Ordinance No.439, approving Zone Change No. 2012-01; and
7. **Introduce** Ordinance No. 440, approving Development Code Amendment No. 2012-03.
8. **Direct** staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 3-0-0-1

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

Absent: Mayor Stanton.

**8. Introduce Ordinance No. 438 – 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; Adding Section 11.68.075 Dog Park Regulations**

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

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Nassif, and unanimously carried, to move to waive the reading of Ordinance No. 438 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinances 438.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Nassif, to introduce Ordinance No. 438 Amending Chapter 11.68 Use of Park and Recreation Facilities of the Apple Valley Municipal Code.

Vote: Motion carried 3-0-0-1

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

Absent: Mayor Stanton.

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**9. Establishment of Consolidated Plan/Second Year Action Plan Priorities for 2013-2014**

Chris Moore, Housing Specialist III, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Nassif, to approve the following list of Community Development Block Grant and HOME priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee in making funding recommendations to the Town Council for the 2013-2014 Action Plan.

1. Preserve the Existing Housing Stock (Single-Family Housing Rehabilitation)
2. Increase Affordable Homeownership Opportunities (Down Payment Assistance)
3. Address Public Service Needs
4. Affirmatively Further Fair Housing to Ensure Equal Access to Housing Lower Income, Ethnic Minorities and Special Needs Groups (Fair Housing/Landlord-Tenant Mediation Programs)
5. Create safer, more attractive and more accessible neighborhoods and stimulate economic growth through the improvement of infrastructure
6. Expand the economic base and promote greater employment opportunities for residents
7. Provision of Public Facilities and Park Improvements

Vote: Motion carried 3-0-0-1

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

Absent: Mayor Stanton.

**10. Yucca Loma Bridge/Yates Road Update**

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

The Town Council thanked Mr. Miller for his support on this project.

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

**11. Municipal Shelter Saturday Opening Update**

Gina Schwin-Whiteside, Animal Services Manager, presented the staff report as filed with the Town Clerk. Ms. Whiteside discussed the statistics with the shelter being open on Saturdays. She stated that there has been no significant increase in service with the shelter being open on this day.

Discussion ensued regarding the amount of adoptions and viewing traffic that occur at the shelter on various days of the work week including Saturdays.

Council Member Roelle indicated that Mayor Stanton requested this item and recommended it be continued to the next meeting.

Council Member Nassif concurred with the request of Council Member Roelle. He recommended that suggestions be presented when the item is brought back.

It was the consensus of the Town Council to continue this item to a future meeting.

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

Frank Robinson, Town Manager, commended the Local Preference Ad Hoc Committee on their hard work in preparing the ordinance and developing the local preference model.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**ADJOURNMENT**

Motion by Mayor Pro Tem Emick, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:00 p.m.

\_\_\_\_\_  
Curt Emick, Mayor Pro Tem

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk