

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – February 26, 2008**

CLOSED SESSION

1. Closed Session

None.

OPENING CEREMONIES

CALL TO ORDER:

Mayor Jasper called to order the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilman Allan; Councilman Nassif; Mayor Pro Tem Sagona; Mayor Jasper.

Absent/Excused: Councilman Roelle

OPENING CEREMONIES

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

PRESENTATIONS:

Target Donation Presentation – Stephanie Kasper

Debbie Trudeau, Chairperson, Historical Advisory Committee - Council Murals Committee

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

William Furmage, Apple Valley, spoke regarding the need for a BMX Park in Apple Valley for the children.

Yuri Rivera, spoke on behalf of the Mountain Vista Advocates. She asked the Council for their input on programs for the youth and adults in the high desert. She spoke of the programs already conducted at the organization and stated that the advocates are always willing to accept donations for the organization. She stated that if they have any questions, please contact her at (760) 242-7163.

John Hill, Apple Valley, stated that he is a local artist who has met with previously with Town staff regarding completing art work for Civic Center Park. He wanted to inform the Council that he is available if they would like to pursue arts at the park.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Nassif commented on having arts in the community. He stated that at the Mountain Desert Solid Waste Management Meeting a discussion was held regarding the landfill and the need to close it soon and proceed with Phase 2 which will take approximately five (5) years to complete. He noted that there is new technology in place that they will be looking at that can recycle 100% of solid waste.

Councilman Allan commented on his attendance at press conference regarding a proposal for a Safe Communities Bill.

Mayor Pro Tem Sagona spoke of visiting Children's Orchards in the Ralph's Shopping Center.

Mayor Jasper spoke of the Town Council Workshop that was very successful. He also stated that Victor Valley Transit Authority just reviewed its mid-year budget and increased it by \$411.00.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Allan recommended a future item be agendized to discuss water in the North Apple Valley Specific Plan.

Councilman Nassif reminded the Council that Mayor Jasper and Councilman Allan were appointed to meet on this issue with the fire district and the water agency.

Kenneth J. Henderson, Director of Economic and Community Development, explained that a letter is being sent to the fire district asking them to designate two board members to meet with the two Council Members on this issue.

Councilman Allan agreed to meet with the subcommittee before agendizing this item for discussion with the Town Council.

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

A. Regular Meeting – Tuesday, March 11, 2008, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Richard Bounce, Apple Valley, thanked the Town Council for their support of Agenda Item #9, regarding the Relay for Life.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 – 12, respectfully.

Vote: Motion carried 4-0-0-1

Yes: Councilman Allan; Councilman Nassif; Mayor Pro Tem Sagona; Mayor Jasper. Absent: Councilman Roelle.

2. **Approval of Minutes of the Town Council**
A. Regular Meeting – February 12, 2008
Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Claimant – Patricia Fierros**
Recommendation:
Reject the claim of Patricia Fierros
4. **Claimant – Alona Marie Hunt**
Recommendation:
Reject the claim of Alona Marie Hunt
5. **Treasurer’s Report – Month of December 2007**
Recommendation:
Receive and file.
6. **Annual Report of Financial Transactions of Community Redevelopment Agencies Project Area Report.**
Recommendation:
Receive and file the Annual Report of Financial Transactions of the Apple Valley Redevelopment Agency, Project Area #2, and acknowledge, ratify and approve the filing submitted to the State Controller.
7. **Release of Securities for Tract Map 16395 – 1 & 2**
Recommendation:
Find that the construction of various improvements required for Tract Map 16395 – 1 & 2 are complete, and approve the 50% reduction of the performance securities.
8. **Release of Securities for Tract Map 15811**
Recommendation:
Find that the construction of various improvements required for Tract Map 15811 are complete, and approve the 50% reduction of the performance securities.
9. **Fee Waiver Request for the American Cancer Society Relay for Life on May 3 and 4, 2008.**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$2790 and Special Event Permit fee of \$48 for the American Cancer Society, totaling \$2838.
10. **Authorize Submission of a Grant Application to the U.S. Environmental Protection Agency for a ‘Community Action for a Renewed Environment’ (Care) Grant.**
Recommendation:
Authorize submission of a grant application to the US EPA CARE program to establish a community focus group for environmental concerns.
11. **A Resolution of the Town Council of the Town of Apple Valley Amending the Employee Classification Plan**

Recommendation:

Adopt Resolution Number 2008-07, Amending the Employee Classification Plan.

12. Town-Wide Grant Activity Report

Recommendation:

Information only.

PUBLIC HEARINGS

13. A Request Shall Be Presented To The Town Council To Amend Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of The Code As They Relate To The Regulations For Developing Guest Quarters Within Single-Family Residential Zoning Districts.

Mayor Jasper opened the public hearing at 7:01 p.m.

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

Ms. Lamson stated that this ordinance separates second dwelling units from guest quarters.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:07 p.m.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 376 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 376.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to:

5. **Introduce** Ordinance No. 376, amending Section 9.08.01 “Definitions” and Table 9.28.030-A “Permitted Uses” within Section 9.28.030 of the Code as they relate to the regulations for guest quarters developed within single-family residential districts; and,
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 4-0-0-1.

Yes: Councilman Allan; Councilman Nassif; Mayor Pro Tem Sagona; Mayor Jasper. Absent: Councilman Roelle.

14. **A Request Shall Be Presented To The Town Council To Amend Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of The Code As They Relate To Giving The Authority To The Economic And Community Development Director To Review And Approve Development Permits For Commercial, Office And Industrial Development (Industrial Projects Outside The North Apple Valley Industrial Specific Plan) For Projects Less Than 50,000 Square Feet In Size Within Code Section 9.17 “Development Permits”.**

Mayor Jasper opened the public hearing at 7:09 p.m.

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

Mayor Jasper closed the public hearing at 7:10 p.m.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 377 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 377.

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to:

5. **Introduce** Ordinance No. 377, amending various sections of the Code as they relate to giving the authority to the Economic and Community Development Director to review and approve Development Permits for commercial, office and industrial development (industrial projects outside the North Apple Valley Industrial Specific Plan) for projects less than 50,000 square feet in size within Code Section 9.17 “Development Permits”.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0.

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

MOTION

Mayor Pro Tem Sagona made a motion, seconded by Councilman Allan, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:11 p.m.

Town Clerk

Mayor