

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – May 13, 2008**

OPENING CEREMONIES

CALL TO ORDER:

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

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, to adjourn to Closed Session at 6:34 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- B. Negotiations with Real Property Negotiator – Parcel Number: 3087-391-04 located at 13450 Nomwaket Road, Apple Valley; Negotiating Parties: Borges, Edward G and Jean C.; Town Negotiator(s)--Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- C. Negotiations with Real Property Negotiator – Parcel Number: 3087-391-01 & 02 located at Powhatan and Quinnault Roads, Apple Valley; Negotiating Parties: Carl Jones; Town Negotiator(s) – Town Manager or Finance Director or Designee. Negotiations involve both price and terms."

Upon returning from Closed Session at 7:25 p.m., Mayor Jasper announced the following:

On Agenda Item 1B: The Town Council unanimously approved an Agreement with Jean C. Borges and Edward G. Borges and Parks Diversified, L.P., under which the Town is purchasing from them a 4.53 Acre property, improved with an industrial building and other improvements, located at 13450 Nomwaket Road in Apple Valley, for the total purchase price of \$1,550,000. The property is intended to house the Town's public works facilities. The approval of the agreement also includes provisions finding the purchase is exempt from CEQA and is consistent with the Town's General Plan. A copy of the Agreement will be available for inspection in the Town administrative offices.

On Agenda Item 1C: The Town Council unanimously approved an agreement with Quinnault Business Center, LLC, under which the Town is purchasing unimproved property located at Powhatan and Quinnault Roads, Apple Valley, identified as APNs 3087-391-01, and 02, for the total purchase price of \$865,000. The property is intended to house the Town's animal control facilities. The approval of this agreement also includes provisions finding the purchase is exempt from CEQA, and is consistent with the Town's General Plan. A copy of the agreement is available for inspection in the town administrative offices.

PLEDGE OF ALLEGIANCE: Linda McCreadie

INVOCATION: Judy Morris, Moses House Ministries

PRESENTATIONS: None.

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, commented on the bike ride that was held yesterday in honor of National Bike Month. He thanked Councilman Roelle for participating in the event.

Pat Hanson, Apple Valley, also thanked Councilman Roelle for his participation in the annual bike ride.

Richard Rorex, Apple Valley, expressed concern regarding the conduct at Council meetings.

Donald Zehm, Apple Valley, spoke in favor of the windmills being placed on the BLM Land. He also expressed concern regarding water needs for the new development in Apple Valley.

Lester Milroy III, Apple Valley, commented on the proposed windmill project in the county. He spoke on the benefit of the project to the Town.

John Helash, Apple Valley, expressed concern regarding the lack of street paving on Rimrock Road. He stated that the slurry seal wears off and he would like to see the streets paved.

William Furmage, Apple Valley, commented on the damage to sprinkler heads in the parks by kids and golf carts.

E. T. Snell, Editor, expressed concern regarding mental health issues within the Victor Valley.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan apologized to the Hanson's for missing the bike ride. He explained the problems that he was having with his bike that prevented him from participating in the event this year. He also commented on visiting the San Bernardino County Museum to view the new edition.

Councilman Roelle responded to the statements made by the public regarding the proposed wind turbines. He explained why he was opposed to the project. He commented on the bicycle ride and stated that there were approximately 75 riders at the event. He stated that he attended the subregional meeting last week with SANBAG where they discussed funding for roads in the high desert.

Councilman Nassif commented on the success of the Desert Mountain Division League of California Cities meeting that was held on Friday at the Apple Valley Inn. He also commented on the discussions taking place at the State regarding the booking fees. He explained that if the State chooses to keep the booking fees, the Town may lose approximately \$200,000. He also briefly discussed AB2593, the new AB2570 regarding the restriction of sex offenders.

Councilman Nassif also commented on the large amount of theft that has been taking place throughout California of brass and copper. He stated that SB691 would hold recyclers accountable for purchasing the stolen goods and the league is requesting letters of support for this bill.

Mayor Pro Tem Sagona stated that he attended the scoping briefing at Granite Hills High School on the wind turbine project that would generate electricity for approximately 70,000 residents.

Mayor Jasper spoke of the numerous ribbon cuttings that he has attended over the last few weeks.

TOWN COUNCIL ANNOUNCEMENTS

Suggested Items for Next Agenda:

Councilman Roelle requested an item be placed on the next agenda supporting the re-entry facility in the Town of Apple Valley.

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

A. Regular Meeting – Tuesday, May 27, 2008, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Chuck Hanson, Apple Valley, expressed concern regarding Agenda Item 14 for the Town Hall Expansion and Animal Control Facility. He stated that he was not in support of the expansion to Town Hall.

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, to approve and adopt the Consent Calendar items numbered 2 – 15.

Vote: Motion carried 5-0-0-0

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

2. Approval of Minutes of the Town Council

A. Special Meeting – April 21, 2008

B. Special Meeting – April 22, 2008

C. Regular Meeting – April 22, 2008

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Treasurer's Report – February 2008

Recommendation:

Receive and file.

4. Treasurer's Report – March 2008

Recommendation:

Receive and file.

5. Commercial Warrant Schedule

Recommendation:

That the Town Council of the Town of Apple Valley receive, file and ratify the commercial warrants as presented.

6. Payroll Warrant Schedule

Recommendation:

That the Town Council of the Town of Apple Valley receive, file and ratify the payroll warrant schedule as presented.

7. Measure I Victor Valley and Mountains Subarea Boundary Change

Recommendation:

Adopt Resolution No. 2008-17, a Resolution of the Town Council of the Town of Apple Valley, adopting the revised Measure I Victor Valley and Mountains Subarea Boundaries.

8. Disposal of Surplus Equipment and Supplies Pursuant to the Town Code Section 3.12.320

Recommendation:

Authorize Finance Director/Purchasing Agent to organize and have a sale of surplus equipment and supplies subject to the Town Manager's approval.

9. Amendment to the Professional Services Contract for the Preparation of an Update to the General Plan, Annexation Plan For Service and a CEQA-Compliant Environmental Impact Report for the General Plan and Annexation.

Recommendation:

Award the amended professional services contract in the additional amount of \$7,600.00 to Terra Nova Planning and Research, Inc., for professional services for the preparation of an update to the General Plan, Annexation Plan for Service and a CEQA-compliant Environmental Impact Report and Specific Plan, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

10. Application to San Bernardino Associated Governments for Local Transportation Funds – Article 8 – Other Purpose Claim

Recommendation:

Authorize the Finance Director to apply for remaining Local Transportation Funds – Article 8 – Other Purpose Claim in the amount of \$1,322,880.

11. Award Contract for the Town of Apple Valley Slurry Seal 2008; Project Number 2008-05.

Recommendation:

Award a contract to Valley Slurry Seal Co. for the Town of Apple Valley Slurry Seal 2008, Project Number 2008-05, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

12. **Award Contract for the Kiowa Road Improvements: Yucca Loma Road to Sitting Bull Road, Project Number 2008-06**
Recommendation:
Award a contract to Sully-Miller Contracting Co. for the Kiowa Road Improvements Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
13. **Review and Approve Construction Specifications for the Safe Routes to School Symeron Road Improvement Project, and Authorize Staff to Proceed with Advertisement for this Project.**
Recommendation:
Review and approve specifications for the Safe Routes to School Symeron Road Improvement Project and direct staff to proceed with the project.
14. **Award Of Professional Services Agreement For Construction Management Services To Eberhardt Construction, Inc., For The Town Hall Expansion And Animal Control Facility.**
Recommendation:
That the Town Council authorize staff to award a Professional Services Agreement to Eberhardt Construction for Construction Management services for the Town Hall Expansion and Animal Control Facility and authorize appropriate staff to execute the Agreement attached to this report.
15. **A Resolution Setting the Time and Place for a Public Hearing on Trash User Fees Increase in an Amount of Between 2.95% and 3.05% and Direction to Staff to Proceed with the Special Notice Proceeding as Required by Law**
Recommendation:
Town Council adopt Resolution No. 2008-18 stating its intention to hold a Public Hearing to increase trash user fees based on the attached schedule and direct staff to proceed with the special notice as required by law.

PUBLIC HEARINGS

16. **Final Public Hearing - Consolidated Plan Second-Year Action Plan for the Community Development Block Grant (CDBG), the Home Investment Partnerships (Home) Programs and the American Dream Down Payment Initiative (ADDI) Program FY 2008-2009.**

Councilman Allan stated that he had a potential conflict of interest with this item and excused himself from discussion.

COUNCILMAN ALLAN WAS EXCUSED FROM THE DAIS AT 8:14 P.M.

Mayor Jasper opened the public hearing at 8:15 p.m.

Emily Wong, Economic Development Manager, presented the staff report as filed with the Town Clerk. She noted that staff expected to receive approximately \$630,000 for CDBG allocation; \$260,027 for the Town's portion for the HOME Program and \$4,001 for the ADDI Program.

Rob Barbeiri, Chairman, Community Development Citizen's Advisory Committee, introduced the members of the Committee. He spoke on the work that the committee conducted and thanked staff for their assistance.

Kate McBean, Children's Center, Apple Valley Library, commented on the services that they provide to the community. She thanked the Town Council for their funding assistance.

Judy Morris, Moses House Ministries, thanked the Town Council for considering their services for funding. She spoke of the services that they provide to the community.

Julie Dobrick, St. John of God/Samaritan's Helping Hand, thanked the Town Council for their support. She spoke of the services that they provide in assisting the community with utility payment assistance.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 8:25 p.m.

MOTION

Motion by Councilman Roelle, seconded by Councilman Nassif, to approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2008/2009 CDBG, HOME and American Dream Downpayment Initiative (ADDI) programs as part of the Town's Second-Year Action Plan, which is an integral component of the Consolidated Plan and approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town for submission to HUD.

Vote: Motion carried 4-0-0-1

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

COUNCILMAN ALLAN RETURNED FROM THE DAIS AT 8:27 P.M.

17. **Specific Plan No. 2005-001, Amendment No.2: To Adopt an Amendment to the North Apple Valley Industrial Specific Plan that Amends Section III Table III-1 (Allowable Uses) to Delete Outdoor Manufacturing as a Permitted Use in the I-SP Land Use District, Add Aviation Related Land Uses to The Industrial – Airport (SP I-A) Land Use District and to Allow Government Facilities in all Land Use Districts. Amend Section III Table III-2 (Development Standards) to Reduce the Setback Requirements for that Segment of Papago Road Between Dale Evans Parkway And Dakota Road And Amend The Maximum Building Height for Airport Influence Area Overlay A-2 Consistent with The Development Code Building Height Standards. Amend Sections IV A.3 and A.4 Regarding the High Desert Corridor and Exhibit IV-2 to Reflect Current General Plan Roadway Cross Street Standards.**

Mayor Jasper opened the public hearing at 8:26 p.m.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to continue the public hearing to the meeting of May 27, 2008.

LEGISLATIVE MATTERS

18. Vacancy on the Town of Apple Valley Community Development Citizens Advisory Committee

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Allan, and unanimously carried, to appoint Darryl Evey to the Town of Apple Valley Community Development Citizens Advisory Committee.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

19. Military Banner Program

Kathie Martin, Public Information Officer, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Sagona commented on a Service flag that could be used.

Jane McGregor, Apple Valley, spoke in support of the Military Banner Program. She presented a flag for the Council to view as an example of what could be used in the Town.

Linda Lucas, Apple Valley, spoke in support of this program. She would like to see a similar program as the City of Victorville.

Linda McCreadie, Apple Valley, stated that she too is in favor of the program similar to what is used in the City of Victorville.

Richard Palacios, Founder of the Victorville Military Banner Program, informed the Town Council on how the program works in the City of Victorville. He stated that he would be willing to assist the Town in establishing a similar program in Apple Valley.

Lester Milroy III, Apple Valley, thanked the Town Council for considering this program.

Councilman Roelle stated that he would like to see the names of the servicemen on each of the flags.

Councilman Nassif also agreed to put names on the flags.

Mayor Jasper recommended, with the consensus of the Town Council, that the Public Information Officer meet with the individuals that spoke on this project and formulate a program for the Town of Apple Valley.

20. Fee Waiver or Reduction Request for the Thunderbird Square Dance Club for June 14, 2008.

Kathie Martin, Public Information Officer, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Nassif, seconded by Councilman Allan, to approve a fee waiver for the Thunderbird Square Dance Club for June 14, 2008.

Vote: Motion carried 5-0-0-0

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

21. Finalize Recommendations from the Park and Recreation Analysis

Patty Saady, Deputy Town Manager, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Roelle, seconded by Councilman Allan, to proceed with the implementation of all Category A Recommendations contained in the Park and Recreation Analysis with the three exceptions listed in the report.

Vote: Motion carried 5-0-0-0

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

22. Introduce Ordinance No. 382 – An Ordinance of the Town Council of the Town of Apple Valley Amending Chapter 2.60 (Personnel) of Title 2 of the Town of Apple Valley Municipal Code by Amending 2.60.070 Relating to Compensation of all Town Employees

Susan Ward, Administrative Services Manager, presented the staff report as filed with the Town Clerk.

Jim Cox, Interim Town Manager, provided clarification to the Town Council regarding the need to amend this ordinance to allow staff to survey cities that are more compatible with the positions at the Town of Apple Valley.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to waive the reading of Ordinance No. 382 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 382.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to Introduce Ordinance No. 382 amending Chapter 2.60 (Personnel) of Title 2 of the Town of Apple Valley Municipal Code by Amending Section 2.60.070 Relating to Compensation of Town Employees.

23. Establishment of a Reporting Procedure for Absences from a Regular or Special Meeting of a Board, Committee or Commission

Jim Cox, Interim Town Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding appropriate excuses for absenteeism from meetings.

It was the consensus of the Town Council to modify the policy to read as follows:

It is the policy of the Town Council to require any member of any board, committee or commission to either (1) advise the board, commission or committee at the meeting prior to a scheduled absence in order for the absence to be excused; or (2) notify the Chairperson of any absence prior any regular or special meeting of the board, committee or commission. The absence will be recorded in the official minutes of the regular or special meeting specifying whether said absence is excused or unexcused.

If any member of any board, committee or commission has three consecutive unexcused absences or misses twenty five percent (25%) of the duly scheduled meetings of the board, committee or commission within any fiscal year, the Chairperson of the board, committee or commission shall provide a formal request to the Town Council to designate the position vacant and the position shall be filled in accordance with the procedures for any other vacancy.

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, and unanimously carried, that the revised policy listed above be approved.

TOWN MANAGER'S COMMENTS

Jim Cox, Interim Town Manager, commented on the numerous groundbreaking that the Town Council has been invited to and/or attend. He noted that staff also attends groundbreakings and in the absence of the Town Council, represents the Town of Apple Valley. He thanked them for their commitment.

ADJOURNMENT

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:17 p.m.

Town Clerk

Mayor