

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – May 27, 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

None.

INVOCATION: Rick Kvalheim

PLEDGE OF ALLEGIANCE: The pledge was led by Mayor Jasper.

PRESENTATIONS: Kirk Johnson – Employee of the Quarter Sheriff's Department - Presentation California Department of Corrections and Rehabilitation Re-Entry Facility in the Town of Apple Valley

PUBLIC COMMENTS

Simone Kvalheim, Apple Valley, commented on the Third Annual Race Unity Day event.

Lester Milroy III, Apple Valley, spoke on the articles that have been in the paper in support of wind turbines and going green. He respectfully requested that the Town Council revisit this item.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan agreed with the statements made by the public regarding the wind turbines. He spoke of the ability to use the sun and wind to generate solar energy.

Mayor Pro Tem Sagona stated that he attended the 9th Annual Memorial Day celebration at Sunset Hills and the success of the event. He also agreed with the comments regarding solar energy and recommended staff review the possibilities of offering incentives for alternative energy uses.

Mayor Jasper thanked Mayor Pro Tem Sagona for attending the Memorial Day event. He commented on the numerous events he attended over the past few weeks including the International Conference of Shopping Centers. He also thanked the Town's Public Information Officer, Kathie Martin, for her hard work organizing the Town Hall tour for the Apple Valley Christian School.

TOWN COUNCIL ANNOUNCEMENTS

Suggested Items for Next Agenda:

Councilman Roelle recommended an item be placed on the next agenda opposing the 22% water increase from Rancho Water District.

Councilman Roelle also recommended an item be placed on the next agenda offering support to the Equine Extravaganza event that would take place in September.

Mayor Pro Tem Sagona recommended an item be placed on a future agenda regarding positions of the Equestrian Advisory Committee.

Councilman Nassif recommended an item be placed on a future agenda regarding an incentive program for the use of solar energy.

Mayor Jasper recommended a future item be placed on the agenda providing a cost analysis for the Town's Commissions/Committees.

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

A. Regular Meeting – Tuesday, June 10, 2008, 6:30 p.m. – Council Chambers

Mayor Jasper noted that the second meeting in November would be Veteran's Day. He recommended, with the consensus of the Town Council that one Council Meeting be held in November on November 18, 2008.

CONSENT AGENDA

Lawrence McCarthy, Apple Valley, commented on Agenda Item Number 17 regarding the Town Hall Expansion Rough Grading Project. He questioned the status of the project.

MOTION

Motion by Councilman Roelle, seconded by Councilman Allan, to approve and adopt the Consent Calendar items numbered 2 – 19.

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 – May 13, 2008**
 - B. **Regular Meeting – May 13, 2008**

Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Claimant – Nick Aguilera**

Recommendation:
Reject the claim of Nick Aguilera
4. **Claimant – Southern California Edison**

Recommendation:
Reject the claim of Southern California Edison
5. **Claimant – Aspen Pipeline Inc.**

Recommendation:
Reject the claim of Aspen Pipeline
6. **Claimant – Cooley Construction Inc.**

Recommendation:
Reject the claim of Cooley Construction
7. **Treasurer’s Report – Month of April 2008**

Recommendation:
Receive and file.
8. **Commercial Warrant Schedule**

Recommendation
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.
9. **Payroll Warrants Schedule**

Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the payroll warrant schedule as presented.
10. **Investment Policy**

Recommendation:
Adopt Resolution No. 2008-19, establishing the Town of Apple Valley Investment Policy for fiscal year 2008-2009.
11. **Adopt a Cat Month Awareness Campaign**

Recommendation:

 1. Direct staff to implement Adopt-A Cat Month during the Month of June.
 2. Direct staff to offer microchipping of cats at a discounted rate of \$10.00 for the month of June.

- 12. Adopt 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**
Recommendation:
Adopt Ordinance No. 382.
- 13. Award Contract for the Maintenance of Landscaping at Various Locations**
Recommendation:
Accept the bid submitted by Lawnmaster for the Town's Landscape Maintenance Services Contract, FY 2008-2010, and award a contract for the project to Lawnmaster subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 14. Award Contract for Street Maintenance Services at Various Locations**
Recommendation:
Accept the bid submitted by Cooley Construction for the Town's Street Maintenance Services Contract, FY 2008-2010, and award a contract for the project to Cooley Construction subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 15. Award Contract for Street Striping Services at Various Locations**
Recommendation:
Accept the bid submitted by Sudhakar Co. Intl. for the Town's Street Striping Services Contract, FY 2008-2010, and award a contract for the project to Sudhakar Co. Intl. subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 16. Award Contract for the Maintenance of Traffic Signals at Various Locations**
Recommendation:
Approve the contract with Republic Electric for the Traffic Signal Maintenance FY 2008-2010 project subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 17. Award Contract for Town Hall Expansion Rough Grading Project**
Recommendation:
Award a contract to Cooley Construction Inc., for the Town Hall Expansion Rough Grading Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
- 18. The Town of Apple Valley AB939 Waste Diversion Status; Staff Recommendation for Certification of New Base Year**
Recommendation:
Authorize staff to submit a request for Certification of a New Base year to the California Integrated Waste Management Board

19. **A Resolution of the Town Council of the Town of Apple Valley, San Bernardino County, California, Supporting a California Department of Corrections and Rehabilitation Re-Entry Facility in the Town of Apple Valley**

Recommendation:

Adopt Resolution Number 2008-22, A Resolution of the Town Council of the Town of Apple Valley, San Bernardino County, California, Supporting a California Department of Corrections and Rehabilitation Re-Entry Facility in the Town of Apple Valley

PUBLIC HEARINGS

(CONTINUED FROM MAY 13, 2008)

20. **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 re-opened the public hearing at 7:19 pm

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

There being no requests to speak, Mayor Jasper closed the public hearing at 7:20 p.m.

MOTION

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

1. **Determine** that, the amendment currently proposed is consistent with the adopted Specific Plan and does not constitute a change in build-out potential and conditions within the Specific Plan area have not changed. As such, the certified EIR (SCH #2006031112) analyzed the impacts of the project, and the proposed amendment does not require additional environmental review and is exempt from environmental review.
2. **Find** the facts presented within the staff report support the required Findings for approval of the proposed Specific Plan amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 381 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 381.

MOTION

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

- 4. **Introduce** Ordinance No. 381, approving Specific Plan No. 2005-001 Amendment No. 2, amending various sections of the North Apple Valley Industrial Specific Plan.
- 5. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 5-0-0-0

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

LEGISLATIVE MATTERS

21. A Resolution of the Town Council of the Town of Apple Valley, California, Amending Resolution 2007-31 Approving a Budget Appropriation and Adopting the Budget, Including the Operating and Capital Improvement Budget for Fiscal Year 2008-09

Bill Pattison, Finance Director, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to adopt Resolution No. 2008-20, approving a budget appropriation and adopting the budget, including the Operating and Capital Improvement Budget for Fiscal Year 2008-09.

Vote: Motion carried 5-0-0-0

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

22. Resolution Establishing the 2008-09 Fiscal Year Appropriation Limit

Bill Pattison, Finance Director, presented the staff report as filed with the Town Clerk.

Motion by Councilman Nassif, seconded by Councilman Allan, to adopt Resolution 2008-21, Establishing the 2008-09 Fiscal Year Appropriation Limit for the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

23. A Resolution Setting The Time And Place For A Public Hearing On Sewer User Fees Increase In An Amount Of One Dollar Ninety-Eight Cents (\$1.98) Per Equivalent Dwelling Unit Per Month And Directing Staff To Proceed With The Special Notice Proceeding As Required By Law

Bill Pattison, Finance Director, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, to adopt Resolution 2008-23, stating its intention to hold a Public Hearing to increase sewer user fees in an amount of \$1.98 per equivalent dwelling unit per month and direct staff to proceed with the special notice as required by law.

Vote: Motion carried 5-0-0-0

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

24. Fee Waiver Request for Race Unity Day, an Event Coordinated by the Local Spiritual Assembly of Bahai's of Apple Valley.

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

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, for good cause shown, and finding a waiver will serve a public purpose, approve the waiver of Special Event Permit Fee of \$48 and Facility Rental Fee of \$219.25.

Vote: Motion carried 5-0-0-0

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Jim Cox, Interim Town Manager, stated that an item arose after the posting of the agenda on a Closed Session Matter.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, that based upon finding a need to consider immediate action which came to the attention of the Town after the agenda was posted, Move to add Closed Session Agenda Item 1, A, entitled "CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of subdivision (b) of Section 54956.9.

CLOSED SESSION

Closed Session

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 7:35 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –
Initiation of litigation pursuant to subdivision (c) of subdivision (b) of Section 54956.9.

Upon returning from Closed Session at 7:54 p.m., Mayor Jasper announced that there was no reportable action taken.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

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 7:55 p.m.

Town Clerk

Mayor