

**TOWN OF APPLE VALLEY  
TOWN COUNCIL – REGULAR MEETING  
MINUTES – June 24, 2008**

**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; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper.

**CLOSED SESSION**

**1. Closed Session**

- A. Conference with Legal Counsel - Anticipated Litigation. Based on existing facts and circumstances, the Town Council is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c) (one potential case).

Mayor Jasper announced that Closed Session would be discussed at the end of the meeting.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Sagona

**PRESENTATIONS:** None.

**SPECIAL ANNOUNCEMENTS:** None.

**PUBLIC COMMENTS**

Betty Curry, Apple Valley, requested that street lights be placed in the residential areas on Dale Evans Parkway.

Cliff Earp, GPAC Chairman, thanked the Town Council for their appointments to the GPAC. He stated that a lot was accomplished and thanked staff for their input.

Lester Milroy III, Apple Valley, requested the Town Council support alternative energy.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilman Roelle announced that Supervisor Brad Mitzelfelt was appointed President of SANBAG.

Councilman Allan stated that he attended the VVEDA meeting and it passed its budget of over \$50 million. He also commented on the comments made during public comments regarding nuclear power and nuclear waste. He believed the Town should pursue alternative energy sources.

Mayor Pro Tem Sagona stated that the Victor Valley Waste Water Reclamation Authority (VWRA) passed a deficit budget on Wednesday. He said that he would meet with the Town Manager to arrange for a presentation to the Town Council from VWRA within the next 30 days.

Mayor Jasper announced that he will not be seeking re-election for another term as Town Council Member.

The Town Council thanked Mayor Jasper for his support and commitment to the Town and the Council since 1999.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

It was the consensus of the Town Council that an item be placed on a future agenda that would require banks to provide landscape maintenance to homes that have been foreclosed. The cities of Rancho Cucamonga, Upland and San Bernardino County have similar ordinances in place.

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

- A. Special Meeting – Tuesday, July 1, 2008 10:00 a.m. – Council Chambers**
- B. Regular Meeting – Tuesday, July 8, 2008, 6:30 p.m. – Council Chambers**

**CONSENT AGENDA**

Mayor Jasper requested that Agenda Item Number 5 be pulled from the Consent Calendar.

Mayor Jasper also announced that discussions/negotiations were currently taking place regarding agenda items numbered 16 and 17. He stated that staff recommended, and the Town Council agreed, that these items be continued to a future meeting.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, that items numbered 16 and 17 be continued, and that item number 5 be pulled for discussion.

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 – June 10, 2008**

**B. Regular Meeting – June 10, 2008**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 383, an Amendment To The Development Code As It Relates To Providing A General Clean Up Of The Development Code As It Pertains To Amending Chapters 9.16 “Conditional And Special Use Permits”, 9.26 “Enforcement”, 9.28 “Residential Districts”, 9.29 “Specific Use Regulations For Residential Districts”, 9.30 “Mobile Home Park Or Subdivision Standards”, 9.31 “Residential Design Standards”, 9.35 “Commercial And Office Districts”, 9.36 “Specific Use Regulations For Commercial And Office Districts”, 9.65 “Airport Overlay Districts”, 9.72 “Off-Street Parking And Loading Regulation” And 9.74 “Signs And Advertising Display”.**

**Recommendation:**

Adopt Ordinance No. 383.

**4. Adopt Resolution No. 2008-32 Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 4, 2008**

**Recommendation:**

Adopt Resolution No. 2008-32 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

**6. Commercial Warrants Schedule**

**Recommendation:**

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

**7. Payroll Warrants Schedule**

**Recommendation:**

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

8. **Approve and Adopt Resolution Number 2008-34, a Resolution of the Town Council of the Town of Apple Valley Revising our Capitalization Threshold Policy to Include an Appropriate Capitalization Threshold for Infrastructure Capital Assets**  
**Recommendation:**  
Approve and Adopt Resolution Number 2008-34 A Resolution of the Town Council of the Town of Apple Valley Amending our Capitalization Threshold for Capital Assets to include a \$100,000 limit for Infrastructure.
9. **Adopt Ordinance No. 384 – An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Chapter 11.68 Use Of Park And Recreation Facilities; And Repealing Section 11.70 Regulations For Use Of Skate Parks Of The Apple Valley Municipal Code**  
**Recommendation:**  
Adopt Ordinance No. 384.
10. **Accept the Final Map for Parcel 18336**  
**Recommendation:**  
Approve the final map for Parcel Map No. 18336
11. **Accept the Amending Map for Parcel Map No. 17684**  
**Recommendation:**  
Approve the amending map for Parcel Map No. 17684.
12. **Award of a Professional Services Agreement Between the Town of Apple Valley and McGregor Shott, Inc. for Marketing Services**  
**Recommendation:**  
That the Town Council approve a professional services contract with McGregor Shott, Inc. for marketing services for an amount not to exceed \$45,000.
13. **Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for FY 2008-2009**  
**Recommendation:**  
  1. Adopt Resolution No. 2008-35, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.
  2. Receive and approve the engineer's report as filed, or as amended.
  3. Adopt Resolution No.2008-36, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2008-2009.
14. **Military Banner Program**  
**Recommendation:**  
Approve implementation of Military Banner Recognition Program.

15. **A Resolution of the Town Council of the Town of Apple Valley Amending the Salary Schedule and the Employee Classification Plan for the Town of Apple Valley**

**Recommendation:**

Adopt Resolution No. 2008-26, a Resolution of the Town of Apple Valley amending the salary schedule and the employee classification plan for the Town of Apple Valley.

**CONTINUED TO FUTURE MEETING**

16. **A Resolution of the Town Council of the Town of Apple Valley Amending the Employee Benefit Plan**

**Recommendation:**

Adopt Resolution No. 2008-37, a Resolution of the Town Council of the Town of Apple Valley Amending the Employee Benefit Plan

**CONTINUED TO FUTURE MEETING**

17. **A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures of the Town of Apple Valley**

**Recommendation:**

Adopt Resolution No. 2008-38, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual.

**PULLED FOR DISCUSSION**

5. **Resolution No. 2008-33 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements for the General Municipal Election, November 4, 2008**

Mayor Jasper discussed the option of allowing 400 words for candidate statements instead of a candidate being limited to 200 words. He believed the option would allow the candidate an opportunity to get more viable information to the public.

**MOTION**

Motion by Councilman Nassif, seconded by Councilman Roelle, to adopt Resolution No. 2008-33 adopting regulations for candidates for elective officer pertaining to candidate's statements submitted to the voters at an election, November 4, 2008, as amended to allow 400 words per statement.

Vote: Motion carried 4-0-1-0

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

## PUBLIC HEARINGS

18. **General Plan Amendment No. 2004-002, Zone Change 2004-002, Specific Plan No. 2004-002 And Tentative Tract Map No. 16922. The Request is For A Specific Plan (“Deep Creek Estates”). The Proposal Changes Approximately Eighty (80) Gross Acres With A Current Residential Low Density (R-LD), One (1) Dwelling Unit Per 2.5 To 5.0 Gross Acre Land Use Designation To Specific Plan (S-P) For The Subject Area And A Request To Consider Changing The Zoning Designation From Residential Agriculture (R-A), One (1) Dwelling Unit Per 2.5 To 5.0 Gross Acre To Specific Plan (S-P) For The Subject Area. The Applicant Has Requested To Subdivide The Total Eighty (80) Gross Acre Site, Under Tentative Tract Map No. 16922, Into Eighty-Seven (87) Single Family Lots. All Lots Are Single-Family Residential And Will Range From 18,000 Square Feet To 57,748 Square Feet In Size. The Approximately Eighty (80)-Acre Site Is Generally Located On The Northwest Corner Of Tussing Ranch And Deep Creek Roads; APNs 0434-201-14 and -48.**

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

Mayor Jasper opened the public hearing at 7:07 p.m.

Dino DeFazio, Applicant, stated that he has complied with the request of staff and the Town Council. He respectfully requested the Town Council approve this project.

Richard Rorex, Apple Valley, expressed concern regarding this project. He believed that the condition of the economy did not warrant new homes. Ian Bryant, Apple Valley, requested that the General Plan update be complete prior to the approval of this item.

Joan Paustell, Apple Valley, expressed concern regarding the proposed project. She recommended that this item be denied as recommended by the Planning Commission.

Carl Coleman, Altec Engineering, responded to statements made by the public regarding this project. He believed that this was a viable project and recommended that it be approved.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 7:18 p.m.

Councilman Nassif questioned whether or not a full restroom facility and tot lot would be built as part of the park open space. He stated that he supports the project and believes it will enhance the community.

Kenneth Henderson, Director of Economic and Community Development, explained the approval process for this item when it was remanded back to the Planning Commission. He stated that the applicant has met all of the conditions required by staff and the Town Council.

Councilman Roelle expressed concern regarding the Town Council approving this project on less than one (1) acre lots in this area.

Mayor Pro Tem Sagona also agreed, stating that he could not support this item as presented.

### **MOTION**

Motion by Councilman Nassif, seconded by Councilman Allan, and unanimously carried, to:

1. **Determine**, in conformance with the requirements of the California Environmental Quality Act (CEQA), and the State Guidelines to Implement CEQA, that the Town Council:
  - a. **Adopt** the Mitigated Negative Declaration and Mitigation Monitoring Program for General Plan Amendment and Zone Change No. 2004-002, Specific Plan 2004-002 and Tentative Tract Map No. 16922 based upon finding that on the basis of the whole record before the Town Council (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis. The location and custodian of the documents or other material which constitute the record of proceedings upon which the Town's decision is based is the Economic and Community Development Department;
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for May 21, 2008, support the required Findings for approval of the proposed General Plan Amendment 2004-002, Specific Plan and Zoning Map amendment and Tentative Tract Map Number 16922 and adopt the Findings.
3. **Adopt** Town Council Resolution No. 2008-39, approving General Plan Amendment No. 2004-002, changing land use designations for parcels generally located on a site bordered on the north by Wren Road, on the south by Tussing Ranch Road and on the east by Deep Creek Road (APNs 0434-20-14 and -48);
4. **Move** to waive the reading of Ordinance No. 385 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 385.

### **MOTION**

Motion by Councilman Nassif, seconded by Councilman Allan, to:

5. **Introduce** Ordinance No. 385, approving Zone Change No. 2004-002 and Specific Plan No. 2004-002 (Deep Creek Estates); and
6. **Approve** Tentative Tract Map No. 16922 and the Conditions of Approval based on the positive findings within the Planning Commission staff report for May 21, 2008 and subject to the final adoption of Resolution No. 2008-39 and Ordinance No. 385, and said enactments becoming effective; and
7. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 3-2-0-0

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

**19. A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified User and Program Fees for Certain Park and Recreation Services**

Ralph Wright, Community Services Manager, presented the staff report as filed with the Town Clerk.

Mayor Jasper opened the public hearing at 7:43

There being no requests to speak, Mayor Jasper closed the public hearing at 7:44 p.m.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Roelle, to adopt Resolution 2008-28, a Resolution of the Town Council of the Town of Apple Valley, California, establishing specified Park and Recreation User and Program Fees for certain park and Recreation Services for 2008-2009 Fiscal Year.

Vote: Motion carried 5-0-0-0

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

**20. A Resolution of the Town Council of the Town of Apple Valley, California, Amending Specified User and Program Fees for Certain Park and Recreation Services as Described in the Park and Recreation Fund Analysis**

Ralph Wright, Community Services Manager, presented the staff report as filed with the Town Clerk.

Mayor Jasper opened the public hearing at 7:46 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:47 p.m.

**MOTION**

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to adopt Resolution 2008-29, a Resolution of the Town Council of the Town of Apple Valley, California, amending specified user and program fees for certain Park and Recreation services as described in the Park and Recreation Fund Analysis.

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**

**21. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services**

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

Discussion ensued regarding whether or not it was necessary to increase these fees at this time.

Mr. Pattison explained that these are user fees and are only increased based on actual cost of service.

Jim Cox, Interim Town Manager, stated that staff can monitor this item to determine if it results in a negative impact to the Town.

Cliff Earp, Apple Valley, questioned whether or not the increase in fees would result in double fees.

Mr. Pattison explained that there would be no double fees. He stated that all fees were separate.

Rick Cambridge, Apple Valley, recommended this item be continued due to the economy.

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, to adopt Resolution 2008-30, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services.

Vote: Motion carried 5-0-0-0

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

**22. A Resolution of the Town Council of the Town of Apple Valley, California, Amending Development Impact Fees as Specified to Recover the Costs to the Town for Future Construction of Public Infrastructure Facilities and Improvements**

Jim Cox, Interim Town Manager, announced that he received a phone call from Mr. Carlos Rodriguez, Building Industry Association, regarding this issue. Mr. Rodriguez respectfully asked that the Town Council table this item until additional discussions can be held on this item to discuss the recession.

Bill Pattison, Finance Director, presented the staff report as filed with the Town Clerk. He stated that staff would request that we not increase the DIF fees in light of current economic conditions.

Dino Defazio, Apple Valley, requested that the fees be lowered on a temporary basis.

**MOTION**

Motion by Councilman Nassif, seconded by Councilman Allan, not to raise the development impact fees at this time.

Vote: Motion carried 5-0-0-0

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

**23. Chamber Of Commerce Agreement for Business Retention Services**

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

Mayor Pro Tem Sagona questioned whether or not the Chamber was involved in Political Action Committees.

Doug Shumway, President, Chamber of Commerce, thanked Councilman Jasper for his hard work on the Town Council and with the Boy Scouts. Mr. Shumway spoke of the Chamber's commitment to work with the Town Council and the community and their desire to enhance business retention services in the Town.

Councilman Roelle questioned whether or not there were any board members who were also members of Political Action Committees within the Town.

Mr. Shumway explained that the Chamber of Commerce itself is not active in Political Action Committees.

Cliff Earp, Apple Valley, provided insight on Neighbors United and its service and commitment to the community. He stated that they support candidates and measures in Apple Valley. He explained that they are members of the Chamber of Commerce and receive the same benefits as any other chamber members.

**MOTION**

Motion by Councilman Roelle, seconded by Councilman Nassif, to approve the Agreement with the Chamber of Commerce for Business Retention Services.

Vote: Motion carried 5-0-0-0

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

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

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn to Closed Session at 8:40 p.m. to discuss the following:

**2. Closed Session**

- A. Conference with Legal Counsel - Anticipated Litigation. Based on existing facts and circumstances, the Town Council is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c) (one potential case).

Upon returning from Closed Session at 8:57 p.m., Mayor Jasper announced that there was no reportable action taken.

**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 8:58 p.m.

Town Clerk

Mayor

