

**TOWN OF APPLE VALLEY  
TOWN COUNCIL – REGULAR MEETING  
MINUTES – July 8, 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**

**INVOCATION:**

The invocation was led by Planning Commissioner Richard Allen.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Cliff Earp

**PRESENTATIONS:**

General Plan Advisory Committee Certificates were presented to the following individuals for their service to the committee:

**SPECIAL ANNOUNCEMENTS:**

None.

**PUBLIC COMMENTS**

Cliff Earp, Apple Valley, commented on the presentation at the last meeting regarding Victor Valley Wastewater Reclamation Authority (VWVRA). He presented the Town Council with a list of expenditures for VWVRA and read a statement that indicated that VWVRA was having significant cash flow problems. He recommended that the individuals of VWVRA be held accountable for their actions and requested the Town Council to review this matter as soon as possible.

Richard Rorex, Apple Valley, commented on statements made at the last meeting regarding the Chamber of Commerce.

Lawrence McCarthy, Apple Valley, expressed concern regarding the truck route on Apple Valley Road. He stated that the truckers are not adhering to the rules set for the hours of operation for the truck route. He asked the Town Council to look into this matter.

Pat Hanson, Apple Valley, commented on the amount of funds spent for the General Plan update.

Paul Hood, Apple Valley, expressed concern regarding the speaker system in the Town Council Chambers.

Cecil Zehner, Apple Valley, expressed concern regarding the condition of Viento Road. She requested the Town Council's assistance in repairing her road.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilman Nassif stated that he attended the housing committee meeting in Sacramento. He commented on legislation that is currently being discussed regarding housing. He also commented on statements made by the public regarding the finances of VVWRA. He is very concerned that Apple Valley may face some repercussions and requested a future agenda item on VVWRA for discussion.

Councilman Roelle commented on the concerns addressed regarding the truck routes. He recommended this complaint be forwarded to the Sheriff's Department.

Councilman Allan agreed with the comments made regarding VVWRA. He stated that he would like to agendize discussion on this issue, preferably the first meeting in August.

Mayor Pro Tem Sagona also expressed concern regarding the financial status of VVWRA. As representative, he stated that he would take these concerns to the General Manager. He agreed that there needs to be a presentation made to the Town Council on this issue.

Mayor Pro Tem Sagona requested an agenda item be prepared for the first meeting in August regarding alternate uses for the Town Hall annex.

Mayor Pro Tem Sagona commended the Council on the State of the Town address that would include comments from each of the Council Members. He questioned whether or not the schedule for presenting the State of the Town address to various entities should be modified.

Mayor Jasper believed that the schedule, as planned, should remain without change.

Mayor Jasper also expressed concern regarding the issues with VVWRA. He agreed that a presentation should be made to the Town Council and discussion should take place regarding representation on the VVWRA Board.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

It was the consensus of the Town Council, as previously noted, that items be prepared for the meeting of August 12 regarding the status of the Victor Valley Waste Water Reclamation Authority and additional uses for the Town Hall Annex.

**Time, Date & Place for Next Town Council Regular or Special Meeting:  
B. Regular Meeting – Tuesday, July 22, 2008, 6:30 p.m. – Council Chambers**

**CONSENT AGENDA**

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2 -6.

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. Regular Meeting – June 24, 2008**

**B. Special Meeting – July 1, 2008**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 385, An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Adopting A Mitigated Negative Declaration, Specific Plan No. 2004-002 (Deep Creek Estates) And Amending The Official Zoning Map By Changing The Zoning Designation From Residential Agriculture (R-A), One (1) Dwelling Per 2.5 To 5.0 Acre, Zone Designation To Specific Plan (S-P) Zone Designation Of An Eighty (80) Acre Parcel Generally Located At The Northwest Corner Of Tussing Ranch Road And Deep Creek Road; Section 7, Township 4 North, Range 3 West Of San Bernardino Meridian; APNs 0434-201-14 And -48.**

**Recommendation:**

Adopt Ordinance No. 385.

**4. Treasurer's Report – Month of May 2008**

**Recommendation:**

Receive and File

**5. Amendment to Agreement Between the Town of Apple Valley and Charles Abbott Associates for Building and Safety Services**

**Recommendation**

That the Town Council approve and adopt Amendment #1 to the existing Agreement for Building and Safety Services between the Town of Apple Valley and Charles Abbott Associates (CAA) and authorize its execution by the Town Manager and Town Attorney.

6. **Amendment to Agreement Between the Town of Apple Valley and Charles Abbott Associates for Engineering Services**

**Recommendation:**

That the Town Council approve and adopt Amendment #1 to the existing Agreement for Engineering Services between the Town of Apple Valley and Charles Abbott Associates (CAA) and authorize its execution by the Town Manager and Town Attorney.

**PUBLIC HEARINGS**

7. **A Resolution of the Town Council Authorizing a Cost of Living Increase on Trash/Recycling Service**

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

Mayor Jasper opened the public hearing at 7:23 p.m.

Frances Scott, Apple Valley, spoke against the fee increase for trash service. He commented on the condition of the trucks and the lack of enforcement on the utility trucks.

Kenneth Adler, Apple Valley, commented on the increase in fees for trash service. He recommended that the fees not be increased.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 7:26 p.m.

Councilman Roelle questioned the cost to the Town should the fee not be increased.

Mr. Pattison stated that the cost would be approximately \$300,000. He explained that the general fund would have to subsidize the increase if the Town did not approve this item.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to adopt Resolution 2008-40, revising the trash/recycling user fees 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.

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**8. Measure I -2010-2040 Expenditure Plan for the Victor Valley Subarea**

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

Richard Pedersen, Deputy Town Engineer, presented a powerpoint presentation showing the expenditure plan for the Victor Valley Subarea.

**MOTION**

Motion by Councilman Roelle, seconded by Councilman Allan, to approve the Expenditure Plan for the Victor Valley Subarea.

Vote: Motion carried 5-0-0-0

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

**9. Memorandum of Understanding Between the Town of Apple Valley and the County of San Bernardino Regarding Future Development Within the Town's Sphere of Influence**

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

Ms. Lamson answered questions of the Town Council regarding the approval process.

Carl Coleman, Apple Valley, expressed concern regarding not having the ability to review the MOU. He believed that the community should have some say in the wording of the MOU since the community would have to adhere to the rules when proposing a project in the Town's Sphere of Influence. He requested this item be continued for 60 days in order to allow community input.

Dino DeFazio, Apple Valley, stated that he does not object to the MOU, but he believes it is convoluted and needs additional information.

Mayor Jasper clarified that the MOU would give the Town the opportunity to add conditions to the approval process which could be beneficial to the community.

Mr. Cox also clarified that the MOU does not set standards.

**MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to authorize and direct the Mayor, Town Clerk and Town Attorney to execute the Memorandum of Understanding and direct staff to forward the agreement to the County Board of Supervisors for its signature.

Vote: Motion carried 5-0-0-0

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

**10. Selection of Town Council Voting Delegate and Voting Alternate to League of California Cities' 2008 Annual Conference**

**MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to select Councilman Scott Nassif as Voting Delegate and Mayor Tim Jasper as Voting Alternate for the 2008 League of California Cities' Annual Conference.

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, urged individuals who have complaints to speak with staff in order to give us an opportunity to resolve the issues. He stated that the sooner staff received the complaints, the sooner the issues can be resolved.

The Town Council thanked Mr. Cox for his service to the Town and the community as the Interim Town Manager.

**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 8:51 p.m.

Town Clerk

Mayor