

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – August 26, 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. Absent: None.

CLOSED SESSION

Mayor Jasper with the consensus of the Town Council recommended that Closed Session be discussed at the end of the meeting.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilman Scott Nassif.

PRESENTATIONS: None.

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

William Furnage, Apple Valley, commented on the need for bicycle lanes on Bear Valley Road from Kiowa Road to Apple Valley Road.

Pat Hanson, Apple Valley, announced the First Annual Bike Ride that would be held on Saturday, October 18, 2008 in the Town. She stated that they believed this event would attract many individuals within the community.

Chuck Hanson, Apple Valley, commented on his success riding bicycles within the community. He spoke of the health benefits and exercise received from bicycling. He also thanked the Police Activities League for their assistance with the annual ride.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Roelle commented on the success of the Mudfest Event held in Apple Valley by the Parks and Recreation Department.

Councilman Nassif thanked the Hanson's for their work on the bike ride. He also thanked Art Bishop for his assistance with them in coordinating this event. He stated that they anticipate over 500 riders for this event.

Mayor Pro Tem Sagona recommended that the route be published for the community's benefit.

Mayor Pro Tem Sagona stated that the Mojave Desert Air Quality Management District approved allocations from the Carl Moyer Program of \$13,323 for the City of Victorville and \$104,411 to Mitsubishi Cement. He spoke on the benefit of this program which provides funding for the incremental costs for cleaner vehicles and equipment.

Mayor Pro Tem Sagona also stated that the Victor Valley Wastewater Reclamation Authority approved the submittal of a Request for Proposal to deal with the odor issue at the south interceptor of Highway 18. He explained that this would be a joint RFP between VVWRA and the Town of Apple Valley.

Mayor Jasper stated that the ridership for the Victor Valley Transit Authority (VVTA) has increased 2% above last years figures.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Roelle, with the consensus of the Town Council, requested a report be prepared regarding the status of the administrative intervention for Ranchos Water.

**Time, Date & Place for Next Town Council Regular or Special Meeting:
A. Regular Meeting – Tuesday, September 9, 2008, 6:30 p.m. – Council Chambers**

CONSENT AGENDA

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 through 8, as recommended.

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 – August 12, 2008**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Claimant – Verizon

Recommendation:

Reject the claim of Verizon.

4. **Adopt Ordinance No. 386 of The Town Council of The Town of Apple Valley Amending Chapter 2.20 of Title 2 (Administration And Personnel) of The Town of Apple Valley Municipal Code Relating to the Parks And Recreation Commission Meetings – Rules Of Procedure**
Recommendation:
Adopt Ordinance No. 386.
5. **Treasurer’s Report - Month of July 2008**
Recommendation:
Receive and file.
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. **A Resolution Of The Town Council Of The Town Of Apple Valley Amending The Personnel Policies And Procedures And The Benefit Plan Of The Town Of Apple Valley**
Recommendation:
Adopt Resolution No. 2008-50, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures and the Benefit Plan of the Town of Apple Valley

PUBLIC HEARINGS

9. **Appeal (No. 2008-002) Of The Planning Commission’s Approval Of Tentative Tract Map No. 17180 Extension Of Time No. 1, A Request To Extend Tentative Tract Map No. 17180 For An Additional Three (3) Years, Specifically Condition Of Approval Nos. P13 And P14 Which Relate To Subdivision Walls. Tentative Tract Map No. 17180 Is A Request To Subdivide Three (3) Acres Into Six (6) Single Family Residential Lots.**

Mayor Jasper opened the public hearing at 6:53 p.m.

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

Councilman Roelle questioned whether or not this issue would come before the Town Council at a future time.

Ms. Lamson explained that the conditions would remain the same as they are currently listed.

William Grammenos, Apple Valley, expressed his concern regarding the lack of a requirement that would force the developer to place a retaining wall between the properties. He stated that if the owner is not required to place a retaining wall on

the property, that the individual owners of the property, once sold, would each place their own wall on the property resulting in various types of walls that would be visible on the side of his property.

Discussion ensued regarding the requirements as listed in the development code.

Mr. Grammenos reiterated that he would like continuity on the wall.

Craig Sanborn, Cubit Engineering, explained that the plan for this property was to create individual lots for sale. He stated that the planning condition pertaining to the wall has not changed.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 7:12 p.m.

MOTION

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

1. **Find** that pursuant to the California Environmental Quality Act (CEQA), Section 15315, the proposed request is Exempt from further environmental review.
2. **Move** to deny Appeal No. 2008-002 and uphold the Planning Commission's approval of Tentative Tract Map No. 17180 Extension of Time No. 1.

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

10. Initiation of Development Code Amendment as it relates to the Regulations for Wireless Telecommunication Towers and Antennas

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

Discussion ensued regarding the need to encourage unanimity amongst the wireless carriers.

MOTION

Motion by Councilman Nassif, seconded by Councilman Allan, and unanimously carried, to receive and file the report and to initiate a Development Code Amendment.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Bill Pattison, Finance Director, spoke on the Governor's new proposal to help balance the state budget by taking the RDA funds. He stated that this would be an acceptable option.

Frank Robinson, Town Manager, commented on the high foreclosure rate for homes during this economy. He noted that California was the state that was highest hit with a majority of those homes in San Bernardino County.

Mr. Robinson also commented on the issue of the arts that was brought up at the last meeting by a member of the public. He stated that he would be meeting with the Public Information Officer and that an item would be presented to the Town Council on this issue at a future meeting.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to adjourn to Closed Session at 7:28 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Parcel Number: 441-33-01 located at the northwest corner of Dale Evans Parkway and Thunderbird, Apple Valley; Negotiating Parties: Quan and Pellissier; Town Negotiator(s)--Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- B. Conference with Legal Counsel – Initiation of Litigation pursuant to subdivision (c) of the Government Code Section 54956.9 (one or more potential cases).
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.

Upon returning from Closed Session at 9:40 p.m., Mayor Jasper announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:28 p.m.

Town Clerk

Mayor