

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – September 9, 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.

INVOCATION: Pastor Chris Gillespe, Apple Valley Baptist Church

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilman Rick Roelle.

PRESENTATIONS: American Cancer Society – Relay for Life – Presentation to the Town Council
Apple Valley Junior Lifeguards – Certificates of Appreciation

SPECIAL ANNOUNCEMENTS: None.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 6:42 p.m. to discuss the following:

- A. Conference with Legal Counsel – Initiation of Litigation pursuant to subdivision (c) of the Government Code Section 54956.9 (one or more potential cases).
- B. Negotiations with Real Property Negotiator – Property located at 15200 Rancherias Road, Apple Valley; Negotiating Parties: Lana Dugan; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.

Councilman Allan announced that he had a potential conflict of interest with Item 1B and stated that he would not be participating in discussions of that item.

Upon returning from Closed Session at 7:50 p.m., Mayor Jasper announced that there was no reportable action taken.

PUBLIC COMMENTS

Mark Drummond, Apple Valley, expressed concern regarding the actions of the Town Council regarding the proposed re-organization.

Chuck Hanson, Apple Valley, expressed concern regarding the Town Council recessing into Closed Session during the regular meeting. He recommended that Closed Session be discussed at the end of each meeting.

Mayor Jasper apologized to the public regarding the need for the Town Council to meet in Closed Session at the beginning of the meeting. He stated that whenever possible, the Town Council does elect to discuss Closed Session at the end of each meeting.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan stated that last Tuesday he attended the Board Meeting at the San Bernardino County Museum. He recommended that the citizens visit the museum as soon as the exhibits open.

Councilman Roelle stated that he attended the Lyons Club Installation Dinner. He also noted that the San Bernardino Associated Governments (SANBAG) is moving forward with its strategic plan.

Mayor Jasper commented on a plan for the Green Riverside Action Plan given by SCAG. High Desert Corridor Joint Powers Authority will be held on Thursday.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Allan stated that Victor Valley Community College would have a bond measure on the November ballot for the expansion of the college and for a training facility for fire and police. He recommended, with the consensus of the Town Council, to place a resolution of support for the bond measure on the next Town Council agenda. He recommended that a representative from the college be present to give a presentation on this issue.

Mayor Pro Tem Sagona questioned whether or not a presentation on Measure N should be given at the next meeting for the benefit of the Town Manager. It was the consensus of the Town Council that a presentation on Measure N was not needed at this time. Councilman Roelle questioned the status of an ordinance that would require foreclosed homes to be maintained by the banks/mortgage companies that are in possession of the homes.

Frank Robinson, Town Manager, stated that staff will conduct research on this issue and provide information to the Town Council on its findings.

**Time, Date & Place for Next Town Council Regular or Special Meeting:
A. Regular Meeting – Tuesday, September 23, 2008, 6:30 p.m. – Council Chambers**

CONSENT AGENDA

MOTION

Motion by Councilman Nassif, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 through 6, as recommended.

VOTE ON ITEM 2B

Vote: Motion carried 4-0-1-0

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

Abstain: Councilman Allan

VOTE ON REMAINING ITEMS

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 26, 2008**
 - B. **Special Meeting – August 29, 2008**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. **Treasurer's Report - Month of July 2008**

Recommendation:

Receive and file.

4. **Confirm Annual Support of the Today's Woman Expo 2008**

Recommendation:

Finding that this event meets the criteria established by the Council for community support, approve a donation of \$1000 to the Today's Woman Expo 2008.

5. **Public Hearing No. 1 (Consolidated Plan – Third Year Action Plan) – Establishing Date and Time Certain**

Recommendation:

That the Town Council establish October 14, 2008 at 6:30 p.m., as the date and time certain for the purpose of conducting the first of two Community Development Block Grant Program and HOME Investment Partnerships program public hearings necessary to develop the Town's Consolidated Plan – Third Year Action Plan.

6. Review, Approve Construction Plans for the Apple Valley Animal Shelter Facility, and Authorize Staff to Proceed with Advertisement for this Project Recommendation:

Review and approve construction plans for Apple Valley Animal Shelter Facility and direct staff to proceed with the project.

PUBLIC HEARINGS

7. Appeal (No. 2008-001) Of The Planning Commission's Denial Of Conditional Use Permit No. 2008-001 And Deviation Permit No. 2008-002, A Request To Construct A Sixty (60)-Foot Tall Wireless Telecommunication Monopole Designed As A Broadleaf Tree Within A 630 Square Foot Fenced Lease Area. The Project Also Included A Request For Approval Of A Deviation Permit To Encroach Up To Approximately 820 Feet Into The Required 1,000-Foot Separation Requirement Between The Monopole And Residential Land Use, To Allow A Twenty (20)-Foot Side Yard Setback Where A Forty-Five (45)-Foot Setback For The Antenna Is Required And To Allow A Sixty (60)-Foot Tall Monopole Where A Maximum Height Of Fifty (50) Feet Is Allowed.

Mayor Jasper opened the public hearing at 8:11 p.m.

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

Ms. Miller stated that if the pole was reduced in height, it would meet the requirements of the Development Code for height; however the separation requirement would not be met.

Lucia Ortega, Reliant Land Services, respectfully requested that the Town Council approve the project proposed by T-Mobile. She stated that they offer flexibility with the design of the pole. She requested the Council approve a site and height deviation for their project.

Alonzo Lugo, T-Mobile, presented a quick time video that showed an aerial of the proposed site and explained why this location was chosen.

Jane Norine, Reliant Land Services, spoke on the benefits of T-Mobile services to the community. She stated that T-Mobile needs this site to provide coverage to the community.

Linda Paul, Real Estate and Zoning Manager, T-Mobile, reiterated the need for the site in order to provide optimum service to the community.

Richard Cambridge, Apple Valley, asked the Town Council to look at the aesthetic value of the area. He believed the tree may not be the best for that area and maybe another site would be more feasible.

Councilman Allan explained that even with this site, there would be a lot of Apple Valley that would not receive coverage. He said that this site would only serve a small portion of Apple Valley.

Kenneth Henderson, Director of Economic and Community Development, stated that the Planning Commission is currently reviewing the ordinance that deals with telecommunications. He recommended that the Planning Commission complete its work on the ordinance before a decision on this issue is made. He stated that the Planning Commission needs to finish re-evaluating its sites and then this item could be brought back to them at that time.

Councilman Nassif commented on the maps within the staff report which showed that a lot of the Town is not covered as stated by Councilman Allan. He stated that he supports the applicants request to approve the project, but he recommends a regular antenna instead of a mono-tree.

Lori Lamson, Assistant Director of Community Development, believed that the Planning Commission will have completed its review of the cell tower ordinance by the end of the year. She noted that it would be a good idea to include the users in the review process. She also noted in relation to this item that the Town has recently purchased two parcels of land near the proposed site for Animal Control and Public Works facilities. She believed that alternate sites for the tower may be available at these sites.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to refer this item back to the Planning Commission - without prejudice.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

8. Enactment of Resolution and Ordinance Relating to Reorganization of Town Management

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Sagona questioned the status of the Classification survey. He questioned whether or not a classification study should be completed prior to the reorganization plan.

Lawrence McCarthy, Apple Valley, commented on the average cost of workers in the United States, including benefits. He believed that the salary and benefits for the newly created position may be excessive compared to the average.

Richard Rorex, Apple Valley, questioned whether or not the Town Council would oversee the at-will positions.

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, to adopt Resolution Number 2008-51, a Resolution of the Town Council of the Town of Apple Valley Amending the Salary Schedules and the Employee Classification Plan

Councilman Roelle explained that approval of this item would result in a savings to the Town of approximately \$270,000 per year. He stated that it would also streamline the administrative process.

Councilman Nassif agreed and stated that he believed the proposed reorganization was appropriate.

Vote: Motion carried 5-0-0-0

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

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, and unanimously carried, to waive reading of Ordinance No. 387 and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 387.

Motion by Councilman Roelle, seconded by Councilman Nassif, to introduce Ordinance No. 387, an Ordinance of the Town of Apple Valley Amending Chapter 2.60 of the Town of Apple Valley Municipal Code and Designating Certain Assistant Town Manager And Department Head Positions to Serve at the Will and Pleasure of the Town Manager

Vote: Motion carried 5-0-0-0

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

9. A Review of Ordinance No. 367 – Pertaining to Regulations for Snipe Signs in the Public Right-of-Way and Limiting the Use of Human Operated Signs

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

Gina Schwin-Whiteside, Municipal Services Director, provided insight to the Town Council regarding enforcement of this program.

Councilman Roelle recommended that a Development Code Amendment be initiated to ban snipe signs from entrances of emergency operations such as fire, police and emergency rooms.

John Brown, Town Attorney, recommended that the Town Council be careful regarding the use of free speech . He explained that wording could be changed in the code to eliminate safety issues.

It was the consensus of the Town Council that this item be forwarded to the Planning Commission and that a Development Code Amendment be initiated.

10. Water Rate Increase Protest/Intervention Update

Dennis Cron, Public Services Manager, presented the staff report as filed with the Town Clerk.

It was the consensus of the Town Council to authorize the Town Attorney to move forward on this issue.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, introduced student Andre Orta from the Lewis Center. He explained that Andre was one of four (4) students that would be attending the League of California Cities Conference representing the Town of Apple Valley.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

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 9:40 p.m.

Town Clerk

Mayor