

**TOWN OF APPLE VALLEY
TOWN COUNCIL –REGULAR MEETING
MINUTES – January 13, 2009**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Roelle 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; Councilwoman Coleman; Councilman Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to discuss Closed Session at the end of the meeting.

- 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 and Assistant Town Managers/Economic and Community Development/Municipal Operations and Contract Services or Designee. Negotiations involve both price and terms.
- B. Conference with Legal Counsel – Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley vs. High Desert Community Foundation Inc., San Bernardino Superior Court Case No. CIVSS 806940.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- D. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).

OPENING CEREMONIES

INVOCATION:

The invocation was given by Mr. Dick Allen.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor Pro Tem Scott Nassif

PRESENTATIONS:

Certificate of Appreciation – Richard “Dick” Allen
Certificate of Appreciation – Larry Cusack
Certificate of Appreciation - Kate O’Rourke (Not Present)
Certificate of Appointment – Raghada Khoury
Certificate of Appointment – Larry Cusack
Certificate of Appointment – Johan Graham

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Scott Weldy, General Manager, Apple Valley Ranchos Water Company, spoke on the proposed rate schedule for water service.

Lawrence McCarthy, Apple Valley, expressed concern regarding the proposed speed limits on Item Number 4 regarding Special Speed Limits on Apple Valley Road.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan explained the necessity to set various speed limits on Town roads. He also stated that he attended the San Bernardino County Museum Meeting and congratulated the Victor Valley Wastewater Reclamation Authority and its employees on being named Plant of the Year.

Councilwoman Coleman commented on her attendance at a special Victor Valley Transit Authority meeting to award a contract. She also commented on her visit to the Woodlands, Texas to tour their facilities.

Councilman Sagona thanked Mr. Dick Allen for his service to the Town of Apple Valley.

Mayor Pro Tem Nassif spoke of his attendance at the Disaster Awareness Council and the discussions that took place regarding the recent snow storm. He also spoke of the trip to the Woodlands, Texas and their public safety training facilities.

Mayor Roelle commented on discussions that were held at SANBAG regarding the lack of funding for roads using Proposition 1B funds. He also spoke of the stimulus project proposed by President-Elect Obama.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Nassif recommended that a future discussion be held regarding Wind Turbines. He suggested the issue be discussed at the Town Council Workshop.

Mayor Pro Tem Nassif also recommended a future discussion be held regarding the Town's Nexus Study and the need to revisit the fees due to the economy.

Mayor Roelle recommended a future discussion be held regarding recreation trails in industrial areas.

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

A. Regular Meeting – Tuesday, January 27, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Paul Hood, Apple Valley, commented on Agenda Item 13 regarding the reconstruction of roads in Apple Valley.

MOTION

Motion by Councilman Sagona, seconded by Councilman Allan, to approve and adopt the Consent Calendar items numbered 2 – 17.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

**2. Approval of Minutes of the Town Council
A. Regular Meeting – December 9, 2008**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. A Resolution of the Town Council of the Town of Apple Valley Designating an Authorized Signatory for all California Integrated Waste Management Board Grant Documents on behalf of the Town of Apple Valley.

Recommendation:

Adopt Resolution No. 2009-01, A resolution authorizing submittal of applications for all appropriate grants under the California Oil Recycling Enhancement Act and all available Household Hazardous Waste Grants and designating the Town Manager as authorized signatory on behalf of the Town.

4. Adopt Ordinance No. 392 "An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Amending Chapter 12.20., Entitled "Special Speed Limits" Of Title 12 Of The Town Of Apple Valley Municipal Code" (Speed Limit On Apple Valley Road Between Bear Valley Road And Pimlico Road; Speed Limit On Apple Valley Road Between Pimlico Road And Yucca Loma Road; Speed Limit On Apple Valley Road Between Yucca Loma Road And Highway 18; Speed Limit On Bear Valley Road Between The Western Town Limits And The Lowe's Entrance Signal; Speed Limit In The Spring Valley Lake Equestrian Area; Speed Limit On Mondamon Road Between Highway 18 And Apple Valley Road; Speed Limit On Powhatan Road Between Navajo Road And Central Road; Speed Limit On Dale Evans Parkway Between Highway 18 And Thunderbird Road; Speed Limit On Tomahawk Road Between Rancherias Road And Mandan Road)

Recommendation:

Adopt Ordinance No. 392.

5. Claimant – Jennifer Jones

Recommendation:

Reject the claim of Jennifer Jones.

6. Claimant – Darnell Washington

Recommendation:

Reject the claim of Darnell Washington

7. Claimant – Skyler Washington

Recommendation:

Reject the claim of Skyler Washington

8. Claimant – Jerome Washington

Recommendation:

Reject the claim of Jerome Washington

9. **Claimant – Jeremy Washington**
Recommendation:
Reject the claim of Jeremy Washington
10. **Claimant – Jaylen Washington**
Recommendation:
Reject the claim of Jaylen Washington
11. **Request for Proposals (RFP) – State Legislative Lobbying Services**
Recommendation:
Approve the proposed Request for Proposal (RFP) and direct the Town Manager to solicit proposals from experienced and qualified firms.
12. **Review and Approve Construction Specifications for the Traffic Signal Modification at Apple Valley Road and Pimlico Road, Project No. 2009-01, and Authorize Staff to Proceed with Advertisement for this Project.**
Recommendation:
Review and approve specifications for the Traffic Signal Modification at Apple Valley Road and Pimlico Road, Project No. 2009-01, and direct staff to proceed with the project.
13. **Award Contract for the Reconstruction of Various Town Roads 2008 - 2009, Project Number 2008-10**
Recommendation:
Award a contract to Sully-Miller Contracting Co., for the Reconstruction of Various Town Roads 2008 - 2009 Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
14. **Award Contract for the Town of Apple Valley Graffiti Removal Program**
Recommendation:
 1. Award a contract to Battista's Custom Painting for the Graffiti Removal Program, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
 2. Award a two year contract to Battista's Custom painting with in increase in pay beginning twelve months from the date the contract is signed. The recommended increase will be \$70.00 per location or .30 cents per square foot on areas over two-hundred twenty-five (225) square feet.
15. **Award Earthwork Contract for the Construction of the Apple Valley Municipal Services Animal Shelter**
Recommendation:
Award the Apple Valley Municipal Animal Shelter Facility earthwork bid to Carniello Enterprises for the amount of \$140,633.00 and authorize staff to enter into contract with Carniello Enterprises subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
16. **A Resolution of the Town Council of the Town of Apple Valley Amending the Employee Classification Plan**
Recommendation:
Adopt Resolution No. 2009-02, amending the Employee Classification Plan.

17. Renewal of Professional Services Agreement for the Construction Management of the Residential Rehabilitation Loan Program (RRLP)

Recommendation:

That the Town Council approve an agreement between the Town of Apple Valley and Willdan in an amount not-to-exceed \$45,000, for professional services relating to administering the Residential Rehabilitation Loan Program; and authorize the Town Manager to execute the agreement on behalf of the Town.

PUBLIC HEARINGS

18. A Request To Consider An Amendment To Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of Chapter 9.77 As They Relate To The Regulations For Wireless Telecommunication Towers And Antennas

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

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

Alonzo Lugo, T-Mobile, expressed concern regarding the proposed ordinance for adoption as it related to aesthetics and height. He informed the Town Council that T-Mobile would be willing to allow joint use of its sites for emergencies.

Ken Henderson, Assistant Town Manager, Economic and Community Development, provided the Town Council with a background on this issue and the need to revisit the telecommunication ordinance.

There being no additional requests to speak, Mayor Roelle closed the public hearing at 7:36 p.m.

Discussion ensued regarding the recommendations by Verizon submitted by letter and distributed to staff, the Town Council and the public.

MOTION

Motion by Councilman Sagona, seconded by Mayor Pro Tem Nassif, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 393 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 393.

MOTION

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

5. **Introduce** Ordinance No. 393, amending Chapter 9.77 as it relates to modifying the requirements for wireless telecommunication towers and antennas.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

LEGISLATIVE MATTERS

19. **Vacancy on the Historical Advisory Committee due to Reorganization of the Town Council**

MOTION

Motion by Mayor Roelle, seconded by Mayor Pro Tem Nassif to nominate Richard Rorex to the Town of Apple Valley Historical Advisory Committee.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

20. **Feasibility of BMX Bike use at the Three Diamond Skate Park**

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

Discussion ensued regarding the cost to build a new park versus retrofitting the existing skate park.

William Furmage, Apple Valley, read an email that he received regarding bicycle parks. He encouraged the Town Council to provide a bicycle park for the community.

Chris Furmage, Apple Valley, recommended the Town Council approve building a bicycle park in Apple Valley.

Chuck Hanson, Apple Valley, spoke in favor of a proposed bicycle park.

Pat Hanson, Apple Valley, expressed concern regarding the confiscating of bicycles at the skate park.

Windi and Brandon Olson, Apple Valley, spoke on the need for a BMX Skate park and recommended alternate uses in the current facility.

Blake Lentine, Apple Valley, would like a solution to this problem so that he can ride his bike. He recommended forming a committee to discuss this issue.

Richard Lentine, Apple Valley, believed the PowerPoint presented on this issue was one sided and recommended more statistical information be provided.

William Molyneux, Apple Valley, expressed concern regarding the lack of approved areas for bicycles in the Town limits.

Lester Milroy, Apple Valley, applauded the Town Council for considering this issue to determine whether or not it would be feasible to build a park at this time.

Jennifer Cisneros, Apple Valley, expressed concern regarding bikes not being allowed in the park and not having a place for children to ride.

Thomas Griffiths, Apple Valley, expressed concern regarding the amount of harassment that bicyclists receive in the Town.

Mayor Pro Tem Nassif, with the consensus of the Town Council, recommended that an Ad Hoc Committee be formed to include him and Councilwoman Coleman to discuss this issue and provide a recommendation to the Town Council within 60 days. He also recommended that funding sources such as grants and redevelopment funds be considered.

21. Consideration of a Resolution of the Town Council of the Town of Apple Valley to Establish a Policy for Selection of a Council Member to Serve as Mayor and Mayor Pro-Tempore

Mayor Pro Tem Nassif presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Sagona, seconded by Mayor Pro Tem Nassif, to authorize staff to prepare a resolution for Town Council adoption which formalizes a Policy for selection of a Council Member to serve as Mayor and Mayor Pro-Tempore

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

22. Civic Center Park Update

Frank Robinson, Town Manager, presented a PowerPoint presentation for the Town Council review and recommended various upgrades to Civic Center Park using Economic Development Initiative funds.

It was the consensus of the Town Council to move forward with this issue as presented.

TOWN MANAGER COMMENTS

Brad Miller, Town Engineer, informed the Town Council that bids for Town-wide paving projects came in under bid by over \$200,000. He stated that this will allow the Town to pave additional roads which will greatly benefit the community.

Frank Robinson, Town Manager commented on the Town Council Workshop tentatively scheduled for February 26 and 27. He stated that due to scheduling conflicts staff will confer with the Town Council to develop a time schedule for the meetings.

CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn to Closed Session at 8:58 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 and Assistant Town Managers/Economic and Community Development/Municipal Operations and Contract Services or Designee. Negotiations involve both price and terms.
- B. Conference with Legal Counsel – Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley vs. High Desert Community Foundation Inc., San Bernardino Superior Court Case No. CIVSS 806940.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- D. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).

Upon returning from Closed Session at 9:50 p.m. Mayor Roelle announced the following:

Regarding Item 1C - Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager, the Mayor called for a motion:

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve a 5% salary increase to the Town Manager effective January 10, 2009.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

Mayor Roelle also announced that the Town Council has authorized staff to support the City of Irvine in its Amicus Brief v. Southern California Association of Governments.

ADJOURNMENT

Motion by Mayor Pro Tem Nassif seconded by Councilman Allan, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:50 p.m.

Town Clerk

Mayor