

**TOWN OF APPLE VALLEY  
TOWN COUNCIL –REGULAR MEETING  
MINUTES – February 10, 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.

**INVOCATION:** Pastor Doris Eddy, Valley Christian Fellowship

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Roelle

Mayor Roelle announced that staff is recommending that an additional closed session be added to our agenda because we need to give direction tonight on a matter of pending litigation which arose subsequent to the posting of the agenda. That matter is as follows:

Conference with Legal Counsel-Anticipated Litigation under Government Code Section 54956.9(c) – Deep Creek Agricultural Association vs. Town of Apple Valley, HDC Group LLC, San Bernardino Superior Court Case No. CIVSS 709146.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilman Sagona, that the immediate need to add an item to the agenda occurred after the posting of the agenda. Move to add item 1D - Conference with Legal Counsel-Anticipated Litigation under Government Code Section 54956.9(c) – Deep Creek Agricultural Association vs. Town of Apple Valley, HDC Group LLC, San Bernardino Superior Court Case No. CIVSS 709146.

Vote: Motion carried 5-0-0-0

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

**CLOSED SESSION**

**1. Closed Session**

**MOTION**

Motion by Councilman Allan, seconded by Councilwoman Coleman, and unanimously carried, to adjourn to Closed Session at 6:35 p.m. to discuss the following:

- D. Conference with Legal Counsel-Anticipated Litigation under Government Code Section 54956.9(c) – Deep Creek Agricultural Association vs. Town of Apple Valley, HDC Group LLC, San Bernardino Superior Court Case No. CIVSS 709146.

Upon returning from Closed Session at 6:45 p.m., Mayor Roelle announced that no reportable action was taken. He also announced, with the consensus of the Town Council, that the remaining Closed Session items would be discussed at the end of the meeting.

#### OPENING CEREMONIES

**PRESENTATIONS:** Verizon Presentation – Award of a Grant to the Apple Valley Chamber of Commerce for Internet Safety

#### PUBLIC COMMENTS

Andy Silva, representing Supervisor Brad Mitzelfelt, provided an update to the Town Council regarding a new program that the County is providing regarding the rehabilitation and selling of foreclosed property. He stated that they have also provided the high desert with additional CERT trailers for Emergency Disaster Programs.

Eric Rivera, Apple Valley, expressed concern regarding the loss of jobs to the Real Estate professionals due to banks working with title companies and other businesses outside of San Bernardino County. He respectfully requested that the Town Council support local businesses in the high desert to provide these services.

Tim Courtney, Apple Valley, stated that 17 escrow and title companies had closed at a loss of 275 jobs to the high desert.

Katie Manning, Apple Valley, commented on the recent Our Town Newsletter distributed by the Town. She also expressed concern regarding the need to support our local businesses.

Chuck Hanson, Apple Valley, reminded the Town Council to support Bike Month in the month of May. He requested the Council's support for this cause scheduled for Monday May 4, 2009.

William Furmage, Apple Valley, recommended that the Park and Recreation Commission enforce the skatepark instead of Code Enforcement.

Dr. Richard Perry, Apple Valley, urged the Town Council to pave his road which is in dire need of repair. He explained that until our roads are improved the Town may suffer from lack of development.

Wolf Pines, Apple Valley, expressed concern regarding mandatory trash collection in the Town of Apple Valley.

#### COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at the Mountain Desert Division League of California Cities and its vote for support of the Twentynine Palms Marine Base expansion. She also commented on her trip to Sacramento with Mayor Pro Tem Nassif who testified at a hearing regarding the economic condition of the state and its impact on local government.

Councilman Sagona commented on his attendance at a dinner at the Victor Valley College celebrating Black History Month. He also congratulated them on regaining their accreditation.

Councilman Allan stated that he attended the Black History Program at the Victor Valley College and presented a proclamation on behalf of the Town Council. He also commented on statements made by the public regarding mandatory trash collection and the reasoning for this enforcement by the Town.

Mayor Pro Tem Nassif stated that he attended the Black History Celebration at the Church for Whosoever where he too presented a proclamation. He also commented on his attendance at the Mountain Desert Division League of California Cities and the recommendations that were discussed. He also commented on his participation at the meeting in Sacramento where he testified regarding the impact to local cities as a result of the State not passing its budget.

Mayor Roelle thanked Mayor Pro Tem Nassif for his hard work and dedication on his various committees.

### TOWN COUNCIL ANNOUNCEMENTS

#### **Suggested items for next agenda:**

Councilman Sagona would like a future item be prepared for the next agenda regarding nominating a successor to SANBAG.

Mayor Pro Tem Nassif requested to add to an already existing Item regarding the fee structure for Conditional Use Permits and their limitations, and to further discuss granting extensions for these types of permits.

Mayor Roelle requested an update to his request regarding the status of foreclosed properties in Apple Valley

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

- A. Regular Meeting – Tuesday, February 24, 2009, 6:30 p.m. – Council Chambers**
- B. Special Meeting – Wednesday, February 25, 2009, 6:30 p.m. – Joint Town Council/Planning Workshop**

### CONSENT AGENDA

#### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 14.

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 – January 27, 2009**

#### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Commercial Warrants Schedule – October 2008**

**Recommendation:**

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

**4. Commercial Warrants Schedule – November 2008**

**Recommendation:**

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

**5. Commercial Warrants Schedule– December 2008**

**Recommendation:**

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

**6. Payroll Warrants Schedule – October 2008**

**Recommendation:**

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

**7. Payroll Warrants Schedule – November 2008**

**Recommendation:**

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

**8. Payroll Warrants Schedule – December 2008**

**Recommendation:**

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

**9. Treasurer’s Report – Month of November 2008**

**Recommendation:**

Receive and file.

**10. Treasurer’s Report – Month of December 2008**

**Recommendation:**

Receive and file.

**11. A Resolution Of The Town Council Of The Town Of Apple Valley Approving The Submittal Of The Town Of Apple Valley General Plan Annual Report To The Governor’s Office Of Planning And Research And The State Department Of Housing And Community Development.**

**Recommendation:**

Adopt Resolution No. 2009-04, a Resolution of the Town Council of the Town of Apple Valley Approving the submittal of the Town of Apple Valley General Plan Annual Report to the Governor’s Office of Planning and Research and the State Department of Housing and Community Development.

**12. Ordinances and Resolution to Set Aside and Repeal Approvals Related to the Mansion Project and the Associated Mitigated Negative Declaration**

**Recommendation:**

Introduce and adopt Ordinance Nos. 394 and 395 and adopt Resolution No. 2009-03.

**13. Release of Securities for Parcel Map No. 17684**

**Recommendation:**

Find that the construction of various improvements required for Parcel Map17684 is complete, and approve the 50% reduction of the performance securities.

**14. Award Bid for Animal Control Vehicle Included in the 2008-09 Vehicle Purchase Program**

**Recommendation:**

Approve the purchase of the new vehicle from Fairview Ford Sales with a drop shipment to Deerskin for installation of the six chassis mount animal control unit.

**PUBLIC HEARINGS**

**15. Adopt Resolution No. 2009-05, to Record Delinquent Utility Fees and Costs and Code Enforcement Fees Against Real Property Located in the Town of Apple Valley and Directing that said Assessments Constitute a Lien Upon Said Properties**

Bill Pattison, Assistant Town Manager, Finance and Administration, presented the staff report as filed with the Town Clerk.

Mayor Roelle opened the public hearing at 7:43 p.m.

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

Mr. Pattison commented on the Town's requirement to provide mandatory trash collection service to its residents. He also commented on allowances that the Town makes to individuals with minimal trash collection.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, to adopt Resolution No. 2009-05, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 5-0-0-0

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

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

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

Frank Robinson, Town Manager, stated that on February 6, 2009, the courts granted the California Redevelopment Association's request to establish that all county auditors that have redevelopment agencies within the county to serve as defendants in their case against the State. He also commented on his attendance at the City Manager's Conference which was well attended by City Managers from throughout the State.

Mr. Robinson shared that the Town of Apple Valley will be allowed to serve as an intervener in the legal case regarding the housing market and of the Conference Call scheduled with the legal team involved. He requested the Council's participation.

With the consensus of the Town Council, Councilman Allan agreed to participate in the Conference Call.

Mr. Robinson also stated that there would be no changes to the Golf Course without proposed changes being reviewed and approved by the Town Council. He noted for the benefit of the Town Council and the public that rounds of golf for the Golf Course have doubled since the Town's intervention.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

1. [Closed Session](#)

**MOTION**

Motion by Councilman Sagona, seconded by Mayor Pro Tem Nassif, and unanimously carried, to adjourn to Closed Session at 7:55 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. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- C. 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 8:15 p.m. Mayor Roelle announced that there was no reportable action taken.

**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 8:20 p.m.

Town Clerk

Mayor