

**TOWN OF APPLE VALLEY
TOWN COUNCIL/REDEVELOPMENT AGENCY**

**REGULAR MEETING
MINUTES – March 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: The invocation was given by Simone Kvalheim, Church of the Bahai'

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Nassif

CLOSED SESSION

1. Closed Session

MOTION

Mayor Roelle stated, with the consensus of the Town Council, that Closed Session would be held at the end of the meeting.

OPENING CEREMONIES

PRESENTATIONS:

Ana Hernandez, Partnership Specialist, Census Bureau, updated the Town Council on the planning for the 2010 Census.

PUBLIC COMMENTS

Esther Robert, President, Mojave Aquatics Coalition, commented on the Town Council's discussions to possibly provide an enclosure for the Civic Center Pool. She stated that people with physical disabilities would benefit from being able to use the pool year round for water aerobics.

David Corbell, Apple Valley, expressed concern regarding problems that he has experienced with bicycle traffic at a 40-acre track near his residence. He asked for assistance with this matter.

Keith Schumacher, Apple Valley, expressed concern regarding trespassers on unfenced private property.

Pam Adams, Water Aerobics Instructor, expressed appreciation to the Town Council and the Parks and Recreation Department for their work at the Civic Center Pool. She also paid tribute to Esther Robert for all of her efforts to help make the pool a reality.

Doris Engelhaupt, Apple Valley, commented on the pool in the Town of Apple Valley and the benefit to providing a pool enclosure.

Ruth Blinsmon, President, Granite Hills High School Booster Club, expressed their support for a pool enclosure that would benefit high school swim teams and be cost efficient.

Simone Kvalheim, Church of the Bahai', expressed concern regarding elderly financial abuse. She respectfully requested that the Town Council agendaize this issue for further discussion.

William Furmage, Apple Valley, commented on the need for a bike park in Apple Valley. He recommended various locations that he believed would be suitable to build a bike park and also recommended charging membership fees.

Nancy Aroian, Apple Valley, expressed concern regarding the rules imposed at the skate park.

David Roydd, Apple Valley, recommended that positive enforcement be used at the skate park.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at the San Bernardino Associated Governments (SANBAG) meeting. She also commented on her attendance at the Little League opening at the new Don Ferrarese Field.

Councilman Sagona commented on the recognition given to Don Ferrarese at the Little League opening. He also commented on his attendance at the new Animal Shelter facility which will have the ability to service other communities in the High Desert. He also announced that the Victor Valley Waste Water Reclamation Authority has scheduled a tour of reclaim water plants this month to learn about the prototypes involved in reclaimed water.

Mayor Pro Tem Nassif commented on his attendance at the Boys Scouts Eagle Court induction for John Self. He also commented on the Town Council's visioning workshop that was held regarding the budget and Vision 2020. He complimented staff for their work on this process.

Mayor Pro Tem Nassif recommended that the Apple Valley Police Department and Code Enforcement work together on centralizing a Youth Center at James Woody Park that would include membership. He also requested that staff work with the bicycle park sub-committee to present a recommendation for a bike park to the Town Council by the first meeting in April. In addition, he requested an item be prepared regarding legal requirements for safety equipment at the park.

Mayor Roelle commented on the remarks made by the public speakers. He thanked the public for their positive comments regarding the pool.

Mayor Roelle thanked Councilwoman Coleman for attending the SANBAG meeting. He commented on the issues discussed regarding the right-of-way for the Yucca Loma overpass, the 215 expansion project and Measure I funds.

Councilman Allan announced that he would be attending a meeting in San Francisco where he will be representing the residences in Apple Valley who subscribe to water service from Southern California Water Company. He requested that staff agendaize a future Council item to investigate the cost of conducting a feasibility study to take over the private water companies.

TOWN COUNCIL ANNOUNCEMENTS

Additional Suggested items for next agenda:

Councilman Sagona recommended that an agenda item be prepared for the next agenda regarding the vote that was taken in favor of purchasing real property on the last agenda. He also requested the Town Council agendaize an item for Closed Session with legal counsel to discuss the amendment to the General Plan that was discussed at the Town Council/Planning Commission Joint Meeting on February 25, 2009.

Mayor Roelle requested the Town Manager confer with the Town's legal counsel to determine if this item can be discussed in Closed Session.

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

A. Regular Meeting – Tuesday, April 14, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Mayor Roelle announced that the Town's legal counsel had not reviewed Item 6 "Award of Contract to Pol-Air Inc. for Heating and Air Conditioner Repair and Maintenance Services for the Apple Valley Town Hall". He recommended that the motion be amended to include "subject to changes".

Councilman Sagona requested that Agenda Item 7 be pulled from the Consent Agenda for further discussion.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6 and 8, as recommended.

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. **Redevelopment Agency Meeting – May 27, 2008**
 - B. **Regular Meeting – February 24, 2009**
 - C. **Special Meeting/Workshop – February 25, 2009**

Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Claimant – The Heirs of Gabriel G. Sadi**

Recommendation:
Reject the claim of the Heirs of Gabriel G. Sadi

4. **Claimant – Apple Valley Village, LLC**
Recommendation:
Reject the claim of Apple Valley Village, LLC.

5. **Review and Approve Construction Specifications for the Federal Stimulus Road Reconstruction Project, and Authorize Staff to Proceed with Advertisement for this project.**
Recommendation:
Review and approve specifications for the Federal Stimulus Road Reconstruction Project and direct staff to proceed with the project.

6. **Award of Contract to Pol-Air Inc. for Heating and Air Conditioner Repair and Maintenance Services for the Apple Valley Town Hall, Police/Municipal Service Building and the Aquatics Center**
Recommendation:
Award the contract for Heating and Air Conditioning Repair and Maintenance Services to Pol-Air, Inc. in the amount of \$17,135, subject to changes by the Town Attorney.

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. 2009-09, 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

7. **A Resolution of the Town Council of the Town of Apple Valley Adopting a New Compensation Grade and Step Plan and Proposed Salary Ranges for Job Classifications in the Town of Apple Valley**

Councilman Sagona recognized the Town Manager's efforts in preparing a new Compensation Grade and Step Plan and Proposed Salary Ranges for Job Classifications in the Town of Apple Valley. He stated that the Personnel Committee had reviewed this item and recommended approval.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, to adopt Resolution No. 2009-08, a Resolution of the Town Council of the Tow of Apple Valley adopting a New Compensation Grade and Step Plan and Proposed Salary Ranges for Job Classifications in the Town of Apple Valley

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC HEARINGS

9. **Appeal No. 2009-001 of the Planning Commission's Denial of Tentative Tract Map TTM No. 18732, a Request to Subdivide a Total of 5.47 Net Acres into Eight (8) Single-Family Residential Lots Located within the Residential Equestrian (R-EQ) Zoning District. The Proposed Tentative Tract Map Depicts Eight (8) Lots, Ranging from 28,314 to 29,620 Square Feet in Size.**

Mayor Roelle stated that he had a potential conflict of interest on this item and therefore excused himself from voting on this issue.

MAYOR ROELLE WAS EXCUSED AT 7:35 P.M.

Mayor Pro Tem Nassif resumed the meeting.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, recommended that this item be continued at the request of the applicant to the next regularly scheduled meeting of March 24, 2009.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Sagona, to continue this item to the next regularly scheduled meeting of March 24, 2009.

Vote: Motion carried 4-0-0-1

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

MAYOR ROELLE RETURNED TO THE DAIS AT 7:37 P.M.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. **Discussion of Conditional Use Permit Fees and Extending the Expiration Dates of Approved Conditional Use Permits and Development Permits**

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk. He commented on the issues regarding reducing costs for existing conditional use permits and granting automatic extensions for these permits.

Mr. Henderson also commented on establishing a policy for minor conditional use permit application fees that would be applied by staff if the application does not require any construction.

Discussion ensued regarding proposed fees and the State's guidelines on this issue.

Mayor Pro Tem Nassif shared his concern regarding the costs involved for meeting building standards and the risks involved for small businesses. He recommended the Town Council review the possibility of reducing the fees that prevent businesses from opening in Apple Valley.

Mayor Roelle recommended moving forward with staff's recommendation.

It was the consensus of the Town Council to direct staff to initiate a lower fee for a CUP application that does not include any construction and initiate a Development Code Amendment that would extend the entitlement expiration date for a CUP an additional two (2) years and DP for an additional three (3) years for a total of five (5) years for both.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on the Town's request for stimulus funding and the support received by Assemblyman Anthony Adams. He briefly discussed projects that could be built should the funding be received.

Mr. Robinson spoke of the request of Councilman Sagona regarding AB811 that provides funding for energy efficiency improvements. He stated that staff is currently researching and preparing an analysis from a financial perspective on this issue and that a staff report will be brought forward to the Town Council at its meeting on March 24, 2009 for discussion.

Ralph Wright, Community Services Manager, discussed the success of the various programs that the Recreation Department offers to the community.

Mr. Robinson commented on the Vision 2020 Workshop and stated that the results of the workshop would be presented to the Town Council at the next meeting on March 24, 2009. He also stated that the Victor Valley Wastewater Reclamation Authority (VWVRA) Board approved the design for two subregional plants which will be presented to the Town Council at the next meeting. He stated that they have requested the Town of Apple Valley sign a reimbursement agreement for funds to finance the design documents.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. [Closed Session](#)

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Sagona, and unanimously carried, to adjourn to Closed Session at 8:11 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 8:31p.m. Mayor Roelle announced that there was no reportable action taken.

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:32 p.m.

Town Clerk

Mayor