

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

**REGULAR MEETING
MINUTES – March 24, 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 Pastor Royce Bessera, Church for Whosoever

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

CLOSED SESSION

Mayor Roelle announced that it was brought to his attention that there is no need to take action on item No. 1.C under closed session. Based on this information it was the consensus of the Town Council to remove this item from the agenda.

Mayor Roelle stated 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 existing litigation which arose subsequent to the posting of the agenda. That matter is as follows:

- E. Conference with Legal Counsel-Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley, et al. vs. County of San Bernardino, Los Angeles County Superior Court Case No. KC049711.

MOTION

Motion by Councilman Allan, seconded by Councilman Sagona to add an item to the agenda that arose after the posting of the agenda. Item 1E Conference with Legal Counsel-Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley, et al. vs. County of San Bernardino, Los Angeles County Superior Court Case No. KC049711.

Vote: Motion carried 5-0-0-0

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

1. Closed Session

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

PRESENTATIONS: None

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Pat Orr, President, Chamber of Commerce, presented the Business Retention Update to the Town Council and the public. He presented a computer visual of a new site added to the Chambers website entitled the Yucca Loma Bridge Advocacy Site.

PUBLIC COMMENTS

William Furnage, Apple Valley, expressed concern regarding citations that were given at the skatepark.

Pat Hanson, Apple Valley, commented on the Bear Valley Bicycle Ride. She invited the Town Council and the public to attend the ride which is scheduled for Monday, May 4, 2009 at 6:00 p.m. She believed that this would increase awareness for the need for additional bicycle lanes in Apple Valley.

Candace Rodman, Apple Valley, expressed concern regarding being cited for commercial parking. She respectfully requested the Town grant her a permit for commercial parking on her property and grant her an extension on her violation until she has completed the permit process.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman spoke of her attendance in Washington, D.C. and the ability to meet and speak with our legislators for funding.

Councilman Sagona stated that Mojave Desert Air Quality Management District (MDAQMD) would be hosting an overnight trip to view various facilities.

Councilman Allan stated that he attended a Victor Valley Economic Development Authority (VVEDA) Meeting with a focus on the audit of the VVEDA finances. He stated that there is an item on the agenda regarding transferring the treasurer from Victorville to Apple Valley due to the concern of the finances of the City of Victorville. He spoke of other possible transfers that may take place in the future regarding VVEDA.

Mayor Pro Tem Nassif stated that next week he would be attending the League Policy Meeting and also the City/County Conference in Arrowhead. He stated that this is a great opportunity to network with the surrounding communities. He also commented on the trip to Washington, D.C. and the opportunity to lobby for stimulus funding in order to complete projects in Apple Valley. He stated that it appears that most of the funding will be funneled down through other agencies. He stated that he attended a session on Neighborhood Revitalization and how to deal with the blight of foreclosures in neighborhoods. He also commented on other programs that were introduced at the conference.

Mayor Roelle stated that when discussing the funding with the lobbyist that they were all aware of the Yucca Loma Bridge project. He commented on San Bernardino Associated Governments (SANBAG) planned use for the stimulus funding for the 215 Freeway project. He stated that the high desert

communities' share of the stimulus funding is approximately \$34 million and staff is going to request that SANBAG bond for that funding so that the high desert can receive their share.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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 Mayor Pro Tem Nassif had a remote interest in Agenda Item Number 4 regarding the warrants and therefore would abstain from voting on this item.

Councilman Sagona also announced that he had an interest in this agenda matter and would not be voting on this item.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Allan, to approve and adopt the Consent Calendar items numbered 2, 3, 5, 6, 7 and 8, respectfully, and that Item Number 4 be voted on separately.

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. Special Meeting/Workshop – February 26-27, 2009

B. Regular Meeting – March 10, 2009

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Treasurer's Report – Month of February 2009

Recommendation:

Receive and file.

5. Payroll Warrants Schedule

Recommendation:

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

6. Enactment of Resolution Relating to Reorganization of Town Management

Recommendation:

Adopt Resolution Number 2009-09, a Resolution of the Town Council of the Town of Apple Valley Amending the Salary Schedules and the Employee Classification Plan

7. Formal Amendment to the Adopted Budget

Recommendation:

Approve Budget Amendment Request and formally amend the adopted budget.

8. Emergency Repairs - Apple Valley Golf Course Water Well

Recommendation:

Authorize an additional emergency repair expenditure of \$5,000 (\$75,000 total) to complete the required repairs to the Apple Valley Country Club well.

4. Commercial Warrant Schedule

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to receive, ratify, and file the commercial warrants as presented.

Vote: Motion carried 3-0-2-0

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

PUBLIC HEARINGS

CONTINUED FROM MARCH 10, 2009

- 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. He stated that he resided in this area and therefore excused himself from all discussion on this issue.

Councilwoman Coleman stated that she also had a potential conflict of interest on this item. She explained that her employer represented property in this area and therefore excused herself from discussion on this item.

COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 7:04 P.M.

MAYOR ROELLE WAS EXCUSED FROM THE DAIS AT 7:04 P.M.

Mayor Pro Tem Nassif resumed the meeting.

Mayor Pro Tem Nassif opened the public hearing at 7:05 p.m.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Nassif asked questions of staff regarding their recommendation for denial of the project to the Town Council.

Mr. Henderson explained that after review of this item by the Planning Commission, it was their desire to recommend this project be denied. He stated that staff is forwarding the recommendation of the Planning Commission to the Town Council for review.

Discussion ensued regarding the ability for property owners in this area to subdivide their property if they desire.

Brian Cullen, representing the Applicant, stated that he was available to answer any questions or concerns of the Town Council.

Chuck Hanson, Apple Valley, questioned the need for a Planning Commission to review this item if the Town Council reviews the same issues.

There being no additional requests to speak, Mayor Pro Tem Nassif closed the public hearing at 7:20 p.m.

Councilman Allan questioned why some proposed lot splits were approved and others denied from the Planning Commission.

John Brown, Town Attorney, provided the information needed for the Town Council to approve this project and uphold the appeal.

MOTION

Motion by Councilman Allan, seconded by Councilman Sagona, to approve to:

1. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report and implementation of mitigation measures identified in the Initial Study.
2. Adopt the Mitigated Declaration and Mitigation Monitoring program for Tentative Tract Map No. 18732. Find that based on the whole record before the Town Council (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis. The Mitigated Negative Declaration is available at the Town's Economic and Community Development Department, which constitutes the record of proceedings upon its decision.
3. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report and implementation of mitigation measures identified in the Initial Study.
4. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
5. Approve Tentative Tract Map No. 18732, subject to the attached Conditions of Approval.
6. Direct Staff to file a Notice of Determination.

Vote: Motion carried 3-0-0-2

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

COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 7:24 P.M.

MAYOR ROELLE RETURNED TO THE DAIS AT 7:24 P.M.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. PMC Consulting Presentation – Vision 2020 Strategic Plan

Kendall Flint, Director of Strategic Communications, PMC, presented the staff report as filed with the Town Clerk. Ms. Flint highlighted the discussions that were held at the Town Council Visioning Workshop and presented proposed Vision statements for the Town Council's consideration. She also reviewed the goals that were discussed at the meeting.

It was the consensus of the Town Council to approve Vision Statement #2, "As a premier community, full of first class amenities, events, and employment opportunities, Apple Valley will lead the High Desert in public safety, and environmental stewardship defining our *Better Way of Life*".

11. Financing of Energy Efficiency Improvements

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

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Sagona, to take no action on this item until there is a financing mechanism in place, either public or private, to fund the program.

Vote: Motion carried 5-0-0-0

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

Absent: None.

12. Approval for the Transfer of the Victor Valley Economic Development Authority Treasurer Function from the City of Victorville to the Town of Apple Valley

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

Mr. Pattison discussed how the member agencies share in the cost of operation for VVEDA.

Discussion ensued regarding whether or not the Town would be paid a cost for providing this service. It was the consensus of the Town Council not to request funding at this time.

MOTION

Motion by Councilman Sagona, seconded by Mayor Pro Tem Nassif, to approve the recommendation of staff to transfer the VVEDA treasurer function from the City of Victorville to 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.

13. Approval of the Subregional Reimbursement Agreement Between the Town of Apple Valley and the Victor Valley Wastewater Reclamation Authority

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

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve the recommendation of staff to enter into the reimbursement agreement with the VVWRA.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, recommended the Mayor appoint a subcommittee to include himself to review the lobbyist firms that have submitted proposals.

It was the consensus of the Town Council to select the Mayor and Mayor Pro Tem Nassif to sit on the interview panel to review the applicants.

Captain Bart Belknap, Apple Valley Police Department, updated the Town Council on the success of the Gang Intervention Unit. He also stated that on April 8, 2009 a presentation would be made to the Pal League in the amount of \$10,000 from Stater Brothers. He also updated the Town Council on the recovery of Officer Derek Simpson after his surgery for a Brain Tumor. He invited the Town Council to attend a Pancake Breakfast on Sunday March 29, 2009 and April 5, 2009 to raise funds to assist with his medical payments.

Tom Gustafson, Landmark Management, updated the Town Council on the Apple Valley Golf Course and the improved conditions on the greens. He explained that many of the community groups such as Rotary and the Chamber of Commerce have returned to the Golf Course. He also commented on the repair of the well.

Mr. Gustafson invited the Town Council and the public to the Easter Brunch on April 12, 2009 at a cost of \$22.95 per person.

Mr. Robinson also informed the Town Council of upcoming agenda items regarding Conditional Use Permits and required safety equipment at the Skatepark. He stated that these items will be brought back to the Town Council on April 14, 2009. He also stated that the request regarding a future item on a feasibility study for water service would also be discussed at this meeting.

Mr. Robinson concluded his comments by stating that Deborah Barmack called and stated that she received a call from Congressman Lewis stating his support for the Town of Apple Valley.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, and unanimously carried, to adjourn to closed session at 8:24 p.m. to discuss the following:

- A. 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.
- B. Negotiations with Real Property Negotiator – Parcel Numbers: 0440-012-23, 0440-012-58, and 0440-012-04. Vacant land located between South Road and Keator Road, one half mile East of Dale Evans Parkway, adjacent to Brewster Park. Town Negotiator(s)--Town Manager or Assistant Town Manager or Designee. Negotiations involve both price and terms
- D. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one potential case).
- E. Conference with Legal Counsel-Existing Litigation under Government Code Section 54956.9(a) – Town of Apple Valley, et al. vs. County of San Bernardino, Los Angeles County Superior Court Case No. KC049711

Upon returning from Closed Session at 9:26 p.m., Mayor Roelle announced the following reportable action regarding Item E:

To authorize the Town Manager to execute the settlement agreement with San Bernardino County perchlorate class action suit.

No reportable action as to Items A, B, and D.

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:30 p.m.

Town Clerk

Mayor