

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

**REGULAR MEETING  
MINUTES – April 28, 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:

**TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION**

**1. Closed Session**

Mayor Roelle announced that Closed Session would be moved to the end of the agenda.

**INVOCATION:** The invocation was given by Dr. Eldoris Bonner, Faith Ministries

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilwoman Coleman

**PRESENTATIONS:**

Introduction of San Bernardino County Sheriff - Mr. Rod Hoops  
Update on the Swine Virus – Ms. Laura Whitehead, Emergency Services Officer

**SPECIAL ANNOUNCEMENTS:**

**APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Pat Orr, President, Chamber of Commerce, expressed sympathy and condolences to the families of Mr. Doug Nesbith, Mr. Curtis Reed, Dr. Betty Underhill and Mrs. Sue Cusack.

Mr. Orr spoke of the upcoming Chamber events within the community. He also commented on the Chamber's renewal contract with the Town of Apple Valley which includes a few minor changes. Mr. Orr announced that he and Mayor Roelle will be attending the grand opening of the Cinemark Theatre in Jess Ranch.

**PUBLIC COMMENTS**

William Furmage, Apple Valley, commented on a blog that was listed in the Daily Press regarding the proposed bicycle park.

Greg Hood, Apple Valley, stated that he is pleased with the service of our Fire District. He also commented on the funding allocated for the new Town Hall annex. He also commented on the grant application item in the agenda and asked to be contacted with more information on this issue.

Doug Qualls, Fire Chief, Apple Valley Fire Protection District, commented on statements made at the last meeting regarding the Fire Protection District. He spoke of the station located in Jess Ranch and how the station is funded and staffed. He also commented on the success of the Fire District and the services that they offer to the community.

Ed Hewitt, Retired Firefighter for the City of Torrance, spoke in support of the Apple Valley Fire District.

Chuck Hanson, Apple Valley, reminded the Town Council of the Apple Valley Bike Ride on Monday evening. He also commented on the Tour de Apple Valley to be held in September.

The following individuals also expressed their support for the Apple Valley Fire Protection District:

James Nicholson, Apple Valley  
Carl Jones, Apple Valley  
Bob Nygaard, Apple Valley  
Shelly Calloway, Apple Valley  
Rick Piercy, Apple Valley  
Tonya Bolden, Apple Valley  
Bob Giovanuchi, Apple Valley  
Kim Nailon, Apple Valley  
Nicholas Nixon, Apple Valley  
Bob Keegan, Apple Valley  
Tom Erwin, Apple Valley  
Angela Painter, Apple Valley  
Patrick Hayes, Apple Valley  
Bob Tinsley, Apple Valle  
Richard Simpson, Apple Valley  
Aaron Bishop, Apple Valley  
Rob Turner, Apple Valley  
Pat Hanson, Apple Valley  
Russell Keyman, Apple Valley  
Aubrey Burke, Apple Valley  
Tom Campbell, Apple Valley  
Dick Allen, Apple Valley  
Cliff Earp, Apple Valley  
Paul Hood, Apple Valley  
Jackie Ryan, Apple Valley  
David Kovacik, Apple Valley

## COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Sagona thanked the public speakers for their professionalism during public comments. He recommended that an Ad Hoc committee be formed and that the district and the committee meet to further discuss this issue.

Mayor Roelle explained his reasoning for requesting this item. He stated he would like a proposal from the County of San Bernardino regarding the services they can provide to the citizens of Apple Valley and add it to the agenda for the meeting of June 9, 2009. Mayor Roelle thanked the public speakers for their professionalism.

Discussion ensued regarding whether or not a joint meeting should be held.

Councilwoman Coleman also thanked the community for coming out and speaking at the meeting. She commented on her attendance in Sacramento during Legislative Action Days and the Victor Valley Transit Authority meeting. She also commented on the Town Hall Annex Grand Opening and the on-going discussions regarding the proposed bicycle park.

Councilman Allan commented on the funding source for the new Town Hall Annex. He explained that the money for the annex was committed many years ago and it must be used for that purpose. He commented on the proposed agenda item regarding the Fire District and thanked them for their service.

Mayor Pro Tem Nassif also thanked the community for coming out in support of this issue. He also commented on his attendance at Legislative Action Days and the Desert Mountain Division of the League of California Cities Meeting. Mayor Pro Tem Nassif stated that a draft Resolution has passed endorsing recreation tourism in California.

## TOWN COUNCIL ANNOUNCEMENTS

**Suggested items for next agenda:**

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

**A. Regular Meeting – Tuesday, May 12, 2009, 6:30 p.m. – Council Chambers**

## CONSENT AGENDA

### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, and 17, respectfully, and that items number 11 and 16 be pulled for discussion.

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 – April 14, 2009**

#### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Commercial Warrant Schedule**

**Recommendation:**

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

**4. Payroll/Benefits Warrants Schedule**

**Recommendation:**

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

**5. Treasurer's Report – March 2009**

**Recommendation:**

Receive and file.

**6. Adopt Ordinance No. 396 – An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Chapter 2 Sections 2.04.010, 2.04.020 Creating Section 2.24.015 And Amending Chapter 11.68 Of The Town Of Apple Valley Municipal Code And Authorizing Staff To Correct Employee Titles Within The Municipal Code To Coincide With Approved Titles By The Town Council and/or Listed Within The Town Of Apple Valley Classification Plan**

**Recommendation:**

Adopt Ordinance No. 396.

**7. Establishing Date and Time Certain for Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Public Hearing No. 2 (Consolidated Plan – Third-Year Action Plan)**

**Recommendation:**

That the Town Council establish May 12, 2009 at 6:30 p.m., as the date and time certain for the purpose of conducting the second of two public hearings necessary to develop the Town's Consolidated Plan – Third-Year Action Plan.

**8. Professional Services Agreement for Construction Management Services for the Residential Rehabilitation Loan Program (RRLP).**

**Recommendation:**

That the Town Council approve the attached agreement between the Town of Apple Valley and Charles Abbott Associates, Inc. for construction management services for the Residential Rehabilitation Loan Program and, authorize the Town Manager to execute the agreement on behalf of the Town.

**9. Accept the Final Map for Parcel Map No. 18416 – Jess Ranch Phase III**

**Recommendation:**

Move to accept the Final Map for Parcel Map No. 18416.

**10. Grants of Easement for Street and Water Purposes**

**Recommendation:**

Authorize the Major to execute the road dedication easement water main line easement for the Apple Valley Ranchos Water Company on behalf of the Town Council.

**12. Acceptance of Work, Notice of Completion and Release of Retention for Muni Road Guardrail Project 2008-08**

**Recommendation:**

1. Accept the work for the Muni Road Guardrail Project for a total cost of \$22,620.
2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.
3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.

**13. Acceptance of Work, Notice of Completion and Release of Retention for Apple Valley Road Improvements Phase 1B-Kanbridge Street to Yucca Loma Road Project 2007-05**

**Recommendation:**

1. Accept the work for the Apple Valley Road Improvements Phase 1B-Kanbridge Street to Yucca Loma Road Town Project 2007-05 for a total cost of \$5,627,187.76.
2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.
3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.

**14. A Resolution of the Town Council of the Town of Apple Valley Designating an Authorized Signatory for the Energy Efficiency and Conservation Block Grant Application on Behalf of the Town of Apple Valley**

**Recommendation:**

Approve Resolution No. 2009-13, authorizing submittal of the Energy Efficiency and Conservation Block Grant Application and designating the Town Manager as the authorized signer on behalf of the Town.

**15. Request to Vacate a Portion of a Sewer Easement in Lot 26, Tract 2851**

**Recommendation:**

1. Find that the West 60 feet of the sewer easement located in Lot 26, Tract 2851, is unnecessary for present or future use by the Town of Apple Valley;
2. Adopt Resolution No. 2009-14, "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of a sewer easement at Lot 26, Tract 2851, pursuant to the Streets and Highway Code Section 8333-8334.5";
3. Instruct the Town Clerk to cause the Resolution vacating a portion of the sewer easement and accompanying Quitclaim Deed be recorded in the office of the County Recorder of the County of San Bernardino.

**17. Promotion of the Fourth Annual Pet Fair through a Dog Licensing – Amnesty and Voluntary Cat License Program**

**Recommendation:**

1. Authorize an amnesty period for two weeks as described in the staff report.
2. Authorize a voluntary cat license to include a microchip at the cost of \$10.00.
3. Direct staff to increase enforcement of unlicensed dogs beginning September 7, 2009

**PULLED FOR DISCUSSION**

**11. Formal Amendment to the Adopted Budget**

Councilman Sagona questioned the need to amend the budget at this time.

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 Mayor Pro Tem Nassif, to approve the Budget Amendment Request and formally amend the adopted budget to include an appropriation of \$590,000 to A/C# 2710-4710-9444-0000.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**16. Update to the 2006 Bartle Wells Feasibility Study of the Acquisition of Two Privately Owned Water Utilities**

Councilman Allan asked for a brief report on this issue for the benefit of the public. He stated that he will be going to San Francisco to testify on behalf of the Town of Apple Valley at the Golden State Water rate increase hearings.

Dennis Cron, Assistant Town Manager, Municipal Operations, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Sagona, to direct Best Best & Krieger to enter into negotiations with Bartle Wells Associates to facilitate an update to the 2006 "Feasibility Study of the Acquisition of Two Privately Owned Water Utilities."

Vote: Motion carried 5-0-0-0

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

None.

**PUBLIC HEARINGS**

**18. A Resolution of the Town Council of the Town of Apple Valley, California, Amending Specified User Fees for the Apple Valley Golf Club**

Councilman Allan announced that he had a potential conflict of interest on this item and therefore excused himself from discussion on this item.

**COUNCILMAN ALLAN WAS EXCUSED FROM THE DAIS AT 8:25 P.M.**

Bill Pattison, Assistant Town Manager, Finance and Administration, presented the staff report as filed with the Town Clerk. He recommended that the fees presented in the staff report include cart fees. He also recommended that no additional fees be charged for private cart use; however, the owners will need to provide insurance.

Mayor Roelle opened the public hearing at 8:28 p.m.

There being no requests to speak, Mayor Roelle closed the public hearing at 8:29 p.m.

**MOTION**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to adopt Resolution 2009-12, a Resolution of the Town Council of the Town of Apple Valley, California, amending user fees for the Apple Valley Golf Club effective May 01, 2009 as amended.

Vote: Motion carried 4-0-0-1

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

**COUNCILMAN ALLAN RETURNED TO THE DAIS AT 8:31 P.M.**

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**19. Discussion of a Development Code Amendment as it Relates to Residential Care Facilities/Group Homes**

Councilman Sagona disclosed that his father-in-law was a resident of the group home in question and therefore questioned whether or not he would be in conflict if participating in discussions on this item.

Piero Dallardo, Town Attorney, stated that based on the information provided, Councilman Sagona did not have a potential conflict of interest with this item and therefore could participate in the discussions of this item.

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

Joseph Camera, Apple Valley, commented on the excellent care facility of Skyline Villa. He stated that they include hospice care. He recommended the code be amended to allow for the additional rooms that Skyline Villa is requesting.

Yolanda Alkwass, owner, Skyline Villa, thanked the Town Council for hearing her request. She commented on the waiting list for individuals to enter her facility.

Discussion ensued regarding the State's requirements for group homes.

Mayor Roelle had questions regarding the parking requirements for group homes.

**MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, to forward this item back to the Planning Commission for further review and recommendation.

Councilman Sagona commented on the need for senior facilities within the Town.

Mayor Pro Tem Nassif recommended that the Planning Commission review this item to include footage and establish the types of residences allowed.

Mr. Henderson's recommendation to the Town Council is that the Town Council direct the Planning Commission to initiate a Development Code amendment requesting that the Planning Commission make appropriate recommendations in the form of an ordinance to allow the requested use by the applicant in all similar cases.

Vote: Motion carried 4-1-0-0

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

Absent: None.

## **20. Discussion of Reducing Conditional Use Permit Fees**

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

Mayor Pro Tem Nassif commented on the fees that the Town charges in connection with the economy and surrounding communities. He recommended that this item be forwarded to the Planning Commission to review a development code change to reduce the fees.

Mr. Henderson stated that the Planning Commission will review the establishment of a base fee of \$2,500 and develop a graduated scale based on the criteria established by the Planning Commission. He stated that this would eliminate the use of the minor Conditional Use Permit fee and the major Conditional Use Permit fee.

### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, to initiate a Development Code Amendment for the purpose of revising the required findings associated with the processing of Conditional Use Permits and Development Permits, with the understanding that approval of such Development Code Amendment will afford the Town Council the opportunity to reduce Conditional Use Permit application fees as the Council deems appropriate.

Vote: Motion carried 5-0-0-0

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

## **21. Dissolution of County Service Area Seventeen (CSA#17) and Assumption of Street Light Maintenance Responsibilities by the Town of Apple Valley**

Frank Robinson, Town Manager, requested that this item be continued to the next meeting in order to allow our Town Attorney to further research this item.

### **MOTION**

Motion by Councilman Allan, seconded by Councilman Sagona, to continue this matter to its May 12, 2009 regular Town Council meeting.



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, commented on the request of Councilwoman Coleman, to agendaize Senate Bill, SB295. He stated that the League of California Cities has not taken a position on this item.

He also commented on the comprehensive housing report that will be on the next agenda for discussion.

Councilman Sagona commented on inviting the General Manager of Victor Valley Wastewater Reclamation Authority (VWRA) to make a presentation to the Town Council regarding the rate increases.

### **DEPARTMENTAL REPORTS AND BUSINESS:**

#### **STAFF REPORTS**

#### **CORRESPONDENCE**

### **CLOSED SESSION**

#### **1. Closed Session**

##### **MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, and unanimously carried, to adjourn to Closed Session at 9:25 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (two potential cases).
- B. Negotiations with Real Property Negotiator – Parcel Numbers: 0442-041-16, 0442-041-17, located at the southwest corner of Highway 18 and Rancherias Road; Negotiator(s)--Town Manager or Assistant Town Manager or Designee. Negotiations involve both price and terms
- C. Negotiations with Real Property Negotiator - Parcel Number 3112-251-07 located at 15004 Wakita Road. Town Negotiator(s)--Town Manager or Assistant Town Manager or Designee. Negotiations involve both price and terms
- D. 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 of payment.

Upon returning from Closed Session at 10:18 p.m. Mayor Roelle announced the following:

- B. The Town Council appointed Frank Robinson, Town Manager, to negotiate for the property. Negotiations involve both price and terms and also the ability to conduct an appraisal if needed.

- C. The Town Council appointed Frank Robinson, Town Manager, to negotiate for the property. Negotiations involve both price and terms and also the ability to conduct an appraisal if needed.

**ADJOURNMENT**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:20 p.m. in memory of Sue Cusack, wife of our Planning Commission Member Larry Cusack.

Town Clerk

Mayor