

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

**REGULAR MEETING  
MINUTES – May 26, 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**

Mayor Roelle announced, with the consensus of the Town Council, that Closed Session be moved to the end of the meeting.

**INVOCATION:** Pastor Royce Bessera, Church for Whosoever

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilwoman Coleman

**PRESENTATIONS:**

Introduction of Luz Reyes – Apple Valley Postmaster

Certificates of Participation – Apple Valley Teen Zone

Molly McCauley 150 Volunteer hours  
Bandon Ward 139 Volunteer hours  
Lauren Woody 117 Volunteer hours  
Kiara Armstrong 105 Volunteer hours

**SPECIAL ANNOUNCEMENTS:**

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

Pat Orr, Apple Valley Chamber of Commerce, provided an update to the Town Council on activities at the Chamber and new businesses that are coming to Town.

## PUBLIC COMMENTS

Chuck Hanson, Apple Valley, commented on positive improvements to the roads in Apple Valley.

David Corbell, Apple Valley, commented on his previous complaints regarding off-roaders in his neighborhood. He stated that the Police Department have come out and assisted his neighborhood with this problem and he has seen a positive change. He wanted to personally thank the Police Department and the Town Council for their help.

William Furrage, Apple Valley, thanked the Town Council for their help working on the proposed bicycle park.

Art Bishop, Mojave Water Agency, congratulated Mr. Dennis Cron on his appointment to the State Water Policy Committee.

Christina Estella, Apple Valley, thanked the Bicycle Ad Hoc Committee for their work on the proposed bicycle park and for inviting the public to attend.

## COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at the ICSC Conference. She spoke of the success of the event.

Councilman Sagona stated that Mr. Logan Olds, Victor Valley Wastewater Reclamation Authority, will be presenting an update to the Town Council on June 9, 2009. He commented on the 11<sup>th</sup> Annual Memorial Day Celebration held at Sunset Hills Memorial Park.

Councilman Allan commented on his attendance at the National Day of Prayer. He also commented on the Thursday Night Concert Series held in the Apple Valley Commons Courtyard.

Mayor Pro Tem Nassif commented on the Memorial Day Celebration and thanked Sunset Hills for their service. He also discussed the comments that were made at ICSC regarding the economy and the need for businesses to reposition themselves for when the economy rises.

Mayor Pro Tem Nassif also reported on the Victor Valley Resource Management Study. He noted that 86% of what goes to the landfill can be recycled and approximately 75% is green waste. He stated that a financial analysis will be done to determine if it would be equitable. Mayor Pro Tem Nassif announced that he and Councilwoman Coleman along with members of staff will be attending League of Cities Legislative Budget Days in Sacramento on June 3, 2009.

Mayor Roelle stated that Yucca Loma Bridge will be funded if we bond our Measure I funds. He stated that Congressman Lewis has asked that approximately \$59 million be allocated for this project. He stated that staff is awaiting the outcome of this requested allocation.

## TOWN COUNCIL ANNOUNCEMENTS

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

Mayor Roelle requested that an item be placed on a future agenda with a presentation from Brad Miller regarding the Yucca Loma Bridge to include strategies on moving forward on our side and on the county side.

Frank Robinson, Town Manager, announced that the item is scheduled for June 23, 2009.

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

**A. Special Meeting – Tuesday, June 9, 2009, 4:00 p.m. – Council Chambers**

**B. Regular Meeting – Tuesday, June 9, 2009, 6:30 p.m. – Council Chambers**

**CONSENT AGENDA**

Councilwoman Coleman stated that she had a potential conflict of interest on Item 11. She announced that her employer has submitted a proposal on this item and therefore excused herself from discussion of this item.

Paul Hood, Apple Valley, commented on Item 18 and expressed the need for this person to advocate issues that affect the residents of Apple Valley.

Frank Robinson, Town Manager, commented on the role of the legislative advocate. He stated that the Town recently terminated its agreement with the previous firm and went out to RFPs for a new firm.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Sagona, to approve and adopt the Consent Calendar items numbered 2 – 19, with Councilwoman Coleman Abstaining on Item Number 11.

Vote: Motion carried 5-0-0-0

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

**Councilwoman Coleman abstained from voting on Item Number 11.**

**2. Approval of Minutes of the Town Council**

**A. Special Meeting – May 12, 2009**

**B. Regular Meeting – May 12, 2009**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Claimant – Alex Olivas**

**Recommendation:**

Reject the claim of Alex Olivas

**4. Claimant – Joe Velezquez**

**Recommendation:**

Reject the claim of Joe Velezquez

**5. Ratify Purchase of Blowers for Sewer Lift Stations 3A #1 & #2**

**Recommendation:**

Ratify the purchase of four new aeration blowers from Yardley Pump & Vacuum, Inc. for Lift Stations AD3A #1 & #2 in an amount not to exceed \$22,180.65.

6. **Ratify Purchase Of The Guillotine Dog Doors For The Apple Valley Municipal Animal Shelter**  
**Recommendation:**  
Ratify the purchase of guillotine dog doors from Houndquarters, Inc.
7. **Ratify Purchase Of The Walk In Freezer For The Apple Valley Municipal Animal Shelter**  
**Recommendation:**  
Ratify the purchase of Walk in Freezer from Inland Restaurant Supply.
8. **Ratify Purchase Of The Commercial Washer Extractor And Commercial Gas Heated Dryer For The Apple Valley Municipal Animal Shelter**  
**Recommendation:**  
Ratify the purchase of the Milnor washer extractor and Cissell gas heated dryer from WSD – Western State Design
9. **Contract Amendment for New Public Works Facility Improvements**  
**Recommendation:**  
Authorize a contract amendment to the existing professional services contract with Adrian-Gaus Architects, Inc. in an amount not to exceed \$376,338, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
10. **Request To Vacate A Road Easement On Parcel 3 Of Parcel Map 1437**  
**Recommendation:**
  1. Find that the road easement located on the parcel 3 as shown on Parcel Map 1437, is determined to be excess, and not required for street or highway purposes;
  2. Adopt Resolution No. 2009-15, "A Resolution of the Town Council of the Town of Apple Valley, California, vacating the street easement at parcel 3, Parcel Map 1437, pursuant to the Streets and Highways Code Section 8334 (a)";
  3. Instruct the Town Clerk to cause the Resolution vacating the street easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.
11. **Award Contract For Professional Engineering and Design Services for the Highway 18 Raised Median Project from Navajo Road to Central Road**  
**Recommendation:**  
Award a contract to Hall & Foreman, Inc. for Professional Engineering and Design Services in the amount of \$85,600, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
12. **Continuance Of General Plan Amendment No. 2008-001: A Request To Consider A Comprehensive Update Of The Town Of Apple Valley General Plan, Including All Mandated Elements.**  
**Continuance Of Annexation 2008-001: A Request To Consider The Annexation Of 4.3 Square Miles Known As The "Golden Triangle," And Located East Of Interstate 15, North Of Johnson Road, West Of Dale Evans Parkway, And South Of Morro Road.**  
**Continuance Of Annexation 2008-002: A Request To Consider The Annexation Of 1.3 Square Miles Located South Of Quarry Road And East Of Central Road.**  
**Recommendation:**  
Continue the public hearing to the Town Council's Special Meeting of June 9, 2009.

**13. Adopt A Cat Month Awareness Campaign**

**Recommendation:**

1. Direct staff to implement Adopt-A Cat Month during the Month of June.
2. Direct staff to offer micro-chipping of cats at a discounted rate of \$10.00 for the month of June.

**14. A Resolution Of The Town Council Of The Town Of Apple Valley, California Finding a Severe Fiscal Hardship will Exist if Additional Town Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California**

**Recommendation:**

Adopt Resolution No. 2009-16 Finding a Severe Fiscal Hardship Will Exist if Additional Town Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California

**15. Award Bid For Printing Of Our Town Newsletter, 2009-2010 Fiscal Year**

**Recommendation:**

Award bid for printing and mail preparation services for Our Town newsletter to Faust Printing, in the amount not to exceed \$22,374.

**16. Authorize The Renewal Of The Preventative Veterinary Services Contract – Animal Establishment Inspections With The County Of San Bernardino**

**Recommendation:**

Authorize the three-year contract for \$2500 per year with the County of San Bernardino to conduct inspections of animal establishments within the Town of Apple Valley

**17. A Resolution Of The Town Council Of The Town Of Apple Valley Amending The Grade, Step And Salary Plan For Job Classifications For The Town Of Apple Valley**

**Recommendation:**

Adopt Resolution No. 2009-17, a Resolution of the Town Council of the Town of Apple Valley the Grade, Step and Salary Plan for Job Classifications for the Town of Apple Valley

**18. State Legislative Advocacy Services**

**Recommendation:**

Authorize the Town Manager to execute a contract with Lehman Levi Pappas & Sadler for a fee of \$4,000 per month to provide general State legislative advocacy services to the Town.

**19. Enactment of Resolution Relating to Reorganization of Town Management Staff**

**Recommendation:**

Adopt Resolution Number 2009-18, a Resolution of the Town Council of the Town of Apple Valley Modifying the Existing Classification Plan of the Town of Apple Valley.

**PUBLIC HEARINGS**

**20. Five Year Consolidated Plan Amendment, to Include Community Development Block Grant Recovery (CDBG-R) Program Funds**

Emily Wong, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Nassif questioned the funding for improvements including housing assistance and the widening of roads.

Mayor Roelle opened the public hearing at 7:17 p.m.

There being no requests to speak, Mayor Roelle closed the public hearing at 7:18 p.m.

### **MOTION**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to approve the substantial Amendment to the 2008-2009 Action Plan to incorporate the Community Development Block Grant Recovery (CDBG-R) Program, and authorize and direct the Town Manager to execute any necessary contract related documents on behalf of the Town.

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 REDEVELOPMENT AGENCY**

**21. Owner Participation Agreement Between The Apple Valley Redevelopment Agency And Housing Partners I, Inc., For The Development Of An 80-Unit Senior Housing Project.**

Emily Wong, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Councilman Sagona recommended that this item be continued to a future meeting after his requested item is heard by the Town Council and also when the Assistant Town Manager of Economic and Community Development is present.

Ms. Wong stated that the total cost of the project is \$14.8 million with the Town's participation at approximately \$2.5 million. She presented a variety of slides that showed the number of seniors in the area and the rendering and floor plans of the units.

Councilman Sagona reiterated his recommendation to continue this item until a later date.

Discussion ensued regarding the need for affordable housing for the senior community.

John Brown, Town Attorney, clarified the comments made by Ms. Wong regarding the inability to limit renting the units to Apple Valley residents.

Susan Banner, Secretary/Treasurer, Housing Partners I, provided information to the Town Council regarding their corporation which specializes in the development of affordable housing. She commented on units that they have in San Bernardino, Fontana and Loma Linda and developing units in Redlands.

Mayor Roelle questioned whether or not rules and regulations are imposed at the senior housing center.

Ms. Banner stated that rules would be made a part of the lease agreement.

Ron Rule, Housing Partners I, stated that there is a two year waiting period for most senior complexes.

Mayor Roelle stated that seniors make good citizens and usually are not a drain on the community. He did not feel this project would be a detriment to the community.

Councilman Sagona commented on additional concerns that he has with this project.

It was noted that Town funds would not be used for this project.

### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, that the Apple Valley Redevelopment Agency approve the Owner Participation Agreement/Loan Agreements between the Town of Apple Valley and Housing Partners I; and authorize the Executive Director to execute the subject agreements.

Vote: Motion carried 4-1-0-0

Yes: Boardmembers Allan; Coleman; Vice-Chairman Pro Tem Nassif; Chairman Roelle. Noes: Boardmember Sagona. Absent: None.

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

Kathie Martin, Public Information Officer, spoke on the success of the Courtyard series. She stated that the series in the Park will begin on June 18.

Dennis Cron, Assistant Town Manager, Municipal Operations, provided an update to the Town Council regarding the Golden State Water intervention hearings. He also noted that the Town received an application from Apple Valley Ranchos Water for a new rate increase.

It was the consensus of the Town Council to agendize the issue of the proposed rate increase from Apple Valley Ranchos Water for a future agenda.

Mr. Robinson announced that the discussions for the fire district and Councilman Sagona's request for an item regarding real estate transactions are scheduled for June 9.

He also announced the accident of Mr. Jon Roberts in a skydiving accident.

### **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 8:23 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 – 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 8:52 p.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 8:53 p.m. in memory of Carl Hitt, a 45 year resident of Apple Valley.

Town Clerk

Mayor