

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

**REGULAR MEETING
MINUTES – July 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: None.

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried to discuss Closed Session at the end of the meeting.

INVOCATION: The invocation was given by Pastor Doris Eddy, Valley Christian Fellowship Church

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

PRESENTATIONS:

Military Banner Program

Presentation from Housing Partners Incorporated – Susan Brenner

SPECIAL ANNOUNCEMENTS: None

BUSINESS RETENTION - CHAMBER OF COMMERCE

Pat Orr, Apple Valley Chamber of Commerce, provided an update to the Town Council on upcoming Chamber activities.

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, expressed concern regarding the number of incomplete housing projects in Apple Valley. He questioned the need to support another project.

Pat Hanson, Apple Valley, expressed concern regarding the funding being awarded to Housing Partners, Incorporated for a Senior Housing Project.

Daniel Seagondollar, Apple Valley, recommended purchasing existing housing for rehabilitation instead of building new project during this downward trend in the housing market.

Paul Bruneau, Apple Valley, expressed concern regarding the amount of funding being spent on this project. He spoke of the existing vacancy rate in Apple Valley and stated that he could not support this interest free loan to this organization.

Ian Bryant, Apple Valley, expressed concern regarding the approved senior housing project. He spoke of the cost of the project and the approximate selling price of each unit.

Barbara Davisson, Apple Valley, reiterated the statements made by the previous speakers regarding this issue.

Priscilla Ruiz, Apple Valley, spoke on the need for a bicycle park that would ensure the safety of the children in Apple Valley.

Christina Estella, Apple Valley, expressed concern regarding the need for a bicycle park in Apple Valley.

William Furnage, Apple Valley, expressed concern regarding the lack of a bicycle park in Apple Valley. He asked that the skate park be used jointly as a bicycle park.

Salvador Ortiz, Apple Valley, expressed concern regarding the harassment that he believes he has received from the Apple Valley Fire Protection District. He asked for assistance from the Town Council.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at a Southern California Associated Governments. She spoke of several of the projects proposed by SCAG. She also commented on her attendance at the Mountain Desert League of California Cities meeting.

Councilman Sagona is requesting staff provide information regarding the cost of the annual dues for membership in SCAG.

Councilman Sagona thanked the Town Council for allowing the presentation by Housing Partners. He expressed concern regarding the amount of senior housing already located in the Town and recommended that the Town Attorney provide information to the Council regarding the history of any suits filed by the State of California against a municipality due to lack of required housing.

Mayor Pro Tem Nassif commented on the Mountain Desert League of California Cities Meeting. He spoke of the discussions that were held regarding a proposed trauma center.

Mayor Pro Tem Nassif also commented on the benefit of being a member of Southern California Associated Governments and the use of redevelopment funds.

Mayor Roelle commented on the Yucca Loma Bridge project and explained that some of the money used for this project comes from redevelopment funds.

He also commented that he is in support of the senior housing project.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Sagona requested, with the consensus of the Town Council, that an item be placed on a future agenda to have staff provide a plan, program and/or project that could be developed and enforced by the Town Council to assist those properties that are in great need of improvements using redevelopment funds.

Councilman Sagona also requested that staff provide the Town Council with exit options and strategies for the approved Owner Participation Agreement with Housing Partners, Inc.

It was noted by the Town Attorney that this item could only be reconsidered if a member of the Town Council who voted in favor of the item made the motion to reconsider the item. There being no member wishing to reconsider, the item requested by Councilman Sagona did not move forward.

Councilman Sagona also reiterated his earlier request of the Town Attorney to provide a written memorandum to the Town Council regarding the history of any suits brought forth by the State of California against any municipality or other entity as a result of not meeting the required housing numbers as requested by the State.

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

A. Regular Meeting – Tuesday, August 11, 2009, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Donald Jones, Apple Valley, distributed a packet to the Town Council which detailed difficulties that he has had with a local developer of wind turbines. He presented the Town Council with recommendations on this issue.

Mark Smith, Apple Valley, spoke of new technology that is being used in the construction of wind turbines and the noise reduction.

George Stanford, Apple Valley, also commented on the new technology of wind turbines. He distributed a packet to the Town Council that provided them with information regarding turbines.

Dawna Griffin, Apple Valley, respectfully requested that the Town Council approve the use of wind turbines in the community.

Richard O'Brien, Apple Valley, urged the Town Council to approve wind turbines.

Jacqueline Bounce, Apple Valley, spoke in support of wind turbines in Apple Valley.

James Paul, Apple Valley, spoke of his desire to place a wind turbine on his property should the Town Council approve an amendment to the ordinance.

William Furmage, Apple Valley, spoke in support of wind turbines in Apple Valley.

Lori Lamson, Assistant Director of Community Development, provided the public with a proposed timeline for the proposed development code amendment.

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Nassif, to approve agenda items numbered 2 through 8, as recommended.

Vote: Motion carried 5-0-0-0

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

Mayor Roelle announced to the public that Item Number 6, regarding the "Initiation of Development Code Amendment for Regulations Pertaining to Wind Turbines" has been approved and will be forwarded to the Planning Commission for further discussion and recommendation.

**1. Approval of Minutes of the Town Council
A. Regular Meeting – July 14, 2009**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures of the Town of Apple Valley

Recommendation:

Adopt Resolution No. 2009-32, a Resolution of the Town of Apple Valley amending the Personnel Policies and Procedures Manual of the Town of Apple Valley.

4. Authorize Purchase of Sewer Video Inspection Truck

Recommendation:

Authorize the purchase of a Cues CCTV Sewer Inspection Truck from Plumber's Depot in the total amount of \$151,065.71, and approve the expenditure of funds from FY 08-09 Wastewater Fund 5010-4210-9120.

5. Adopt A Resolution Approving The Town Of Apple Valley Sewer System Management Plan In Compliance With The Statewide General Waste Discharge Requirements For Sanitary Sewer Systems (State Water Resources Control Board Order No. 2006-0003)

Recommendation:

Adopt Resolution Number 2009-33, approving the final Sanitary Sewer Management Plan (SSMP) for the Town of Apple Valley as required by the State Water Resources Control Board Order No. 2006-0003 Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

6. Initiation of Development Code Amendment for Regulations Pertaining to Wind Turbines

Recommendation:

Move to receive and file the report and to initiate the proposed Development Code Amendment.

7. Portable Signs (Extension of Time to Display Temporary Signs)

Recommendation:

Move to receive and file the report and to initiate an extension of the Portable Sign permits to January 15, 2010.

8. Enactment of Resolution Relating to Reorganization of Town Staff

Recommendation:

Adopt Resolution Number 2009-37, 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

9. Adopt Resolution 2009-34, to Record Delinquent Animal Control Fees, 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 8:18 p.m.

There being no requests to speak, Mayor Roelle closed the public hearing at 8:19 p.m.

MOTION

Motion by Councilman Allan, seconded by Councilman Sagona, to adopt Resolution No. 2009-34, confirming delinquent animal control fees, utility fees and costs and Code Enforcement fees 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.

10. Lighting and Landscape Assessment District #1 - Engineer's Annual Report and Levy of Assessment for FY 2009-2010

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

Mayor Roelle opened the public hearing at 8:20 p.m.

There being no requests to speak, Mayor Roelle closed the public hearing at 8:21 p.m.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Sagona, to adopt Resolution No. 2009-35, "A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2009-2010".

Vote: Motion carried 5-0-0-0

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

11. Adopt Resolution No. 2009-36 Amending the Current fee as Established by Resolution No. 2008-30 Associated With The Submission And Processing Of A Conditional Use Permit Application Anywhere Within The Town Of Apple Valley.

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

Mayor Roelle opened the public hearing at 8:24 p.m.

Mayor Pro Tem Nassif spoke in support of this project and thanked staff for their work on this item.

Colbert Munson, Apple Valley, representing United in Christ Baptist Church, asked for clarification regarding the fee Resolution.

Ms. Lamson recommended that the wording "institutional" be added to the fee Resolution for any churches or non-commercial, non-industrial project that is evaluated by square footage.

There being no additional requests to speak, Mayor Roelle closed the public hearing at 8:27 p.m.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, to Adopt Resolution No. 2009-36, a Resolution of the Town Council of the Town of Apple Valley, California, amending the current fee associated with the submission and processing of a Conditional Use Permit application anywhere within the Town of Apple Valley. Also direct staff to initiate a Development Code Amendment to modify the Development Code Permitted Use Tables to eliminate any reference to Minor CUP as amended.

Vote: Motion carried 5-0-0-0

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

LEGISLATIVE MATTERS

CONTINUED FROM JULY 14, 2009

12. Nominees to the Town of Apple Valley Development Code Advisory Committee

Mayor Pro Tem Nassif expressed concern regarding nominating residents who do not live within the Town limits. Discussion ensued regarding the appointment of non-residents.

It was the consensus of the Council that each Council Member nominates one person to the Development Code Advisory Committee, and collectively nominate two Planning Commissioners to serve on this Committee

John Brown, Town Attorney, recommended that the Ordinance be re-evaluated on whether or not to permit non-residents to serve on committees.

MOTION

Motion by Councilman Sagona, seconded by Councilman Allan, to allow the appointment of non-residents to the Development Code Advisory Committee.

Vote: Motion carried 4-1-0-0

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

Nos: Mayor Pro Tem Nassif

The following nomination were made to the Development Code Advisory Committee

Councilman Allan to nominate:	<u>Jim Phillips</u>
Councilwoman Coleman to nominate:	<u>Diana O'Malley</u>
Councilman Sagona to nominate:	<u>Ian Bryant</u>
Mayor Pro Tem Nassif to nominate:	<u>Cliff Earp</u>
Mayor Roelle to nominate:	<u>Dan Seagondollar</u>
Planning Commissioner	<u>Bruce Kallen</u>
Planning Commissioner	<u>Bob Tinsley</u>

MOTION

Motion by Councilman Sagona, seconded by Councilman Allan, to approve the nominations submitted for membership to the Development Code Advisory Committee.

Vote: Motion carried 5-0-0-0

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

13. Selection of Town Council Voting Delegate and Voting Alternate to League of California Cities' 2009 Annual Conference

MOTION

Motion by Councilman Sagona, seconded by Mayor Roelle, and unanimously carried, to nominate Mayor Pro Tem Nassif as voting delegate and Councilwoman Allan, as alternate representing the Town of Apple Valley to the League of California Cities' 2009 Annual Conference.

Vote: Motion carried 5-0-0-0

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

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Park and Recreation Master Plan Update

Frank Robinson, Town Manager, presented a PowerPoint presentation to the Town Council and the public that showed the need for additional park and recreational facilities.

Discussion ensued regarding Park and Recreation Master Plans.

Kevin Mahaney, St. Mary's Medical Center, spoke on the benefit of this project and stated his support for the Park and Recreation Master Plan.

Dino DeFazio, Apple Valley, questioned the need for a consultant for this project. He believed that staff would be able to complete this project without the need of outside individuals. He also commented on the opportunity to purchase property at this time.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, to develop and issue a Request for Proposal as it relates to the Park and Recreation Master Plan Update.

Vote: Motion carried 5-0-0-0

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on a consortium meeting that he attended in Sacramento regarding various issues currently affecting the State. He also commented on the request of Councilwoman Coleman regarding working with additional lobbyists on issues affecting housing in the community.

Mr. Robinson stated that the annual spending bill has been approved by the House of Representatives for funding of projects including the Yucca Loma Bridge.

Bill Pattison, Assistant Town Manager, Finance and Administration, updated the Town Council on the State of California budget and the impact that it will have on the Town of Apple Valley.

Captain Bart Belknap, Apple Valley Police Department, thanked St. Josephs Medical Group for awarding the Apple Valley Police Activities League PAL Program with a grant in the amount of \$25,000 which provides low income and at risk youth community based physical fitness activities.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

1. Closed Session

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 – 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. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.

Upon returning from Closed Session at 9:50 p.m. Mayor Roelle announced the following:

- A. No reportable action.
- B. Regarding Item 1B – Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager – Mayor Roelle announced that the Town Manager has received an exemplary review. The Town Manager has declined to accept a raise; however the Town Manger’s contract will be extended from 2 to 3 years and the severance pay option for termination without cause has been increased from six (6) months to one year.

ADJOURNMENT

Motion by Councilman Allan, seconded by Councilman Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:28 p.m.

Town Clerk

Mayor