

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

**REGULAR MEETING
MINUTES – August 25, 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

None.

INVOCATION: The invocation was given by Mrs. Diana McKeen, Environmental and Regulatory Compliance Manager

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

PRESENTATIONS:

Certificate of Appointment – Development Code Advisory Committee Members
Certificate of Achievement for Excellence in Financial Reporting – Bill Pattison
Update on the Rehabilitation Housing Program, Down-payment Assistant Program, and Green Energy Retrofit Program, Emily Wong, Assistant Director of Economic Development

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 upcoming Chamber activities.

Mr. Orr announced that the Chamber of Commerce will be hosting a Reception on September 24, 2009 on behalf of Victor Valley College for the unveiling of the new fire training facility. He also announced the grand opening of Bank of American on September 30, 2009.

PUBLIC COMMENTS

Christina Estela, Apple Valley, expressed concern regarding the lack of a bicycle park in Apple Valley. She requested the Town Council consider this item and believes that it deserves more credit than the proposed Maverick Stadium. She requested that another meeting be scheduled to discuss this issue.

Chris Furmage, Apple Valley, shared some ideas for a bicycle park and asked the Town Council that they take them into consideration for the new bicycle park.

Cory Furmage, Apple Valley, expressed concern regarding the need for the citizens to raise the funding themselves for the cost of a bicycle park. He believed the park would benefit the entire community.

William Furmage, Apple Valley, expressed concern regarding the lack of a bicycle park in Apple Valley. He read a statement to the Council in support of a bike park.

Andrew Coleman, Apple Valley, encouraged the Town Council to continue supporting the proposed bicycle park.

Pam Ratez, Hesperia, expressed concern regarding the Apple Valley Unified School District. She believed the district was top heavy and she feels that there was misappropriation of funds within the district.

Richard Simpson, Apple Valley, expressed concern regarding the need for restrooms in the park. He also expressed concern regarding the location of the ball park.

Chuck and Pat Hanson, Apple Valley, encouraged the Town Council to recognize the annual bicycle tour scheduled September 26, 2009 and thanked all of their supporters. Ms. Hanson offered to leave registration forms to encourage more participants.

Milton Holland, Apple Valley, expressed concern regarding the tax assessment on the PBID. He commented on the information offered at the last Town Council Meeting regarding the 53% vote by the merchants. He stated that the information was misleading and made a correction to the vote.

Arsenio Alcantar, Apple Valley, expressed concern regarding the need for a bicycle park in Apple Valley. He talked about the high cost of the BMX track at Horseman Center.

Marvin Shewkin, Apple Valley, expressed concern regarding the Barstow assessment tax. He stated that he felt the assessment tax on the PBID is similar and explained what he feels is the purpose behind the PBID and that in the end many businesses and people would suffer.

Eugene Buchanan, Apple Valley, expressed concern regarding the high tax assessment in the village area. He stated that he is in support of the merchants who have concerns regarding the tax assessments. He commented on his attendance at PBID meetings and felt that it lacked order and fairness. He requested that the merchant's voices be heard by the members of the PBID.

Don Ferrasee, Apple Valley, spoke in support of the proposed baseball stadium in Apple Valley.

Charleston Carr, Apple Valley, spoke in support of the ball park; however, he expressed concern regarding the lighting. He also spoke in support of the bicycle park and commented on how some of the funding can come from donations.

Kim Scully, Apple Valley, expressed concern regarding the tax assessment in the village area. She stated that she felt the treatment she receives at the PBID meetings is unfair and also expressed concern regarding how the members receive notifications of upcoming meetings.

Monica Torres, Apple Valley, expressed concern regarding the business she works for, located in the Village, and the ability to keep it open. Ms. Torres respectfully requests the Town Council support.

Joy Amack, Apple Valley, expressed concern regarding the high tax in Apple Valley. She respectfully requested the support of the Town Council to lower the tax assessments for the businesses located in the Village area.

Scott James, Apple Valley, expressed concern regarding the high taxes in Apple Valley affecting the businesses located in the Village. He respectfully request support from the Town Council.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Sagona stated that VVWRA will discuss revisions to the Joint Powers Authority and a sludge agreement with City of Victorville at its next meeting.

Councilman Sagona commented on the meeting held by Mojave Desert Air Quality District and the approval of an employee contract and an approved adjustment of \$70,000 to the budget. He also commented that in the past, he has been a representative of PBID along with then Councilman Mike Risley. He further commented that after the PBID election was held, he no longer attended any meetings. He stated that he would like to continue attending meetings and announced that on September 2, 2009, a general membership meeting of the PBID would be held.

Councilman Allan believed that the PBID was formed by a majority vote and should be dissolved by a majority vote.

Councilman Allan commented on his attendance at the Victor Valley Economic Authority where discussions held included the demand by the state regarding the non-housing part of the redevelopment funds which is approximately 80%.

Bill Pattison, Assistant Town Manager, Finance and Administration, stated that the take from the State for Redevelopment Funds from the Town of Apple Valley is approximately \$12 million out of the \$15 million that will be received.

Councilman Allan explained how the money will be collected by the County. He commented on the penalties that may come from objecting to the State's demand.

John Brown, Town Attorney, further commented on the demand made by the State.

Councilwoman Coleman commented on her attendance at the VVTA meeting and the presentation of the Google Transit Project. She briefly described how the Google mapping plan works. She also commented on the bike park meeting held at Town Hall.

Councilwoman Coleman also commented on her attendance at the Village merchant's meeting and stated that the merchant's are working on hiring a marketing firm to promote the businesses in the Village using PBID funds. She stated that she also attended the SANBAG meeting where discussions

of the long range transit plan and how it would affect the Victor Valley Transit Lines in this area were held.

Councilwoman Coleman commented on her attendance at the Water Conference in Ontario where the topic of water solutions was discussed.

Mayor Pro Tem Nassif commented on his attendance at the Water Symposium Conference. He congratulated Mojave Water Agency on their recognition within the water industry. He commented on the opportunities in Apple Valley regarding water conservation such as the cash for grass program.

Mayor Pro Tem Nassif would like to bring the bike park back to Council to the second meeting in September to discuss funding. He spoke about his participation in the Muddy Buddy Run and encouraged the public to join.

Mayor Roelle commented on his attendance at the SANBAG meeting. He stated that the Town is ready to move forward with the Yucca Loma Bridge project and commented on the special meeting held with the City of Victorville regarding the environmental and design of the bridge.

Mayor Roelle requested, with the consensus of the Town Council, that an item be placed on a future agenda to assist the City of Victorville with funding for the environmental and design of the Yucca Loma Bridge project.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Roelle requested, with the consensus of the Town Council, that an item be placed on the agenda to the next meeting, to assist the City of Victorville to pay for the environmental and design of the Yucca Loma Bridge project.

Mayor Pro Tem Nassif would like to bring the bike park back to Council to the second meeting of September 22.

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

A. Regular Meeting – Tuesday, September 8, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Mayor Roelle announced that due to a potential conflict of interest, Mayor Pro Tem Nassif would be disqualifying himself from voting on Agenda Item Number 5.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Allan, and unanimously carried to approve the consent calendar items number 2 -8.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None. **(Note: Mayor Pro Tem Nassif abstained on Item Number 5).**

2. **Approval of Minutes of the Town Council**
A. Regular Meeting – August 11, 2009
Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Treasurer’s Report – Month of June 2009**
Recommendation:
Receive and file.
4. **Payroll/Benefits Warrants Schedule – June 2009**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the payroll warrant schedule as presented.
5. **Commercial Warrant Schedule – June 2009**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.
6. **Acceptance of Work, Notice of Completion and Release of Retention for the Town of Apple Valley Microsurface 2008 Project.**
Recommendation:
 1. Accept the work for the Microsurface 2008 Project for a total cost of \$408,277.35.
 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.
7. **Acceptance of Work, Notice of Completion and Release of Retention for the Reconstruction of Various Town Roads 2008 - 2009, Project 2008-10.**
Recommendation:
 1. Accept the work for the Reconstruction of Various Town Roads 2008 – 2009, Project 2008-10 for a total cost of \$1,335,774.98.
 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.
8. **Fee Waiver Request for the Annual Chili Cook Off Held by the Rotary Club of Apple Valley**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of Special Event Permit and park rental fees for the Rotary Club of Apple Valley.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

It was the consensus of the Town Council that agenda items numbered 9, 10 and 11, be discussed concurrently.

9. **Approval Of A Site Dedication And Development Agreement Between The Town Of Apple Valley And HDC Group, LLC, For Land Dedication**
10. **Approval Of A Site Dedication And Development Agreement Between The Town Of Apple Valley And Bear Valley And Apple Valley 103, LLC, For Land Dedication**
11. **Approval Of A Professional Services Agreement Between The Town Of Apple Valley And Terra Nova Partners, Inc., For Specific Plan Development And Environmental Compliance Services**

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report on items 9, 10 and 11 as filed with the Town Clerk.

Lori Lamson, Assistant Director of Community Development, presented a Power Point presentation of the specific plan and land use associated to the plan. Ms. Lamson briefly described some of the proposed uses.

Joe Gagliardi, President of the California League, complimented Mr. Henderson and staff for the manner in which the stadium project is being handled. He stated that the right approach to building a stadium is based upon a partnership between the ball club and the Cities. Mr. Gagliardi commented on the importance of maintaining a stadium and the current number of teams in the minor league along with their affiliation with the majors.

Councilman Sagona asked a series of questions regarding the minor leagues and the need for a new stadium.

Scott Pouley, Vice President/General Counsel for Minor League Baseball, thanked staff for the invitation to speak at the Town Council Meeting. He explained that a minor league baseball team is owned by an individual club owner who negotiates the lease with the cities. Mr. Pouley offered to assist the Town with any questions they may have.

Tom Hrubik, HDC Group, believed that this would be an incredible opportunity for the Town of Apple Valley and felt the proposed location is very strategic and provides identity to the residents of Apple Valley.

Chris Morgan, United Engineering Group and representing Bob Shaw, believed this project would be a true destination point for the Town of Apple Valley. He stated that the Apple Valley / Sitting Bull LLC are in support of the stadium project and other immediate projects in the area like the bike park.

Frank Robinson, Town Manager, presented a separate report on item 12 as filed with the Town Clerk - Approval Of A Professional Services Agreement Between The Town Of Apple Valley

And Populous, Inc., For Architectural Services Relating To A Proposed Minor League Baseball Stadium.

Mr. Robinson recommended that Council take action on items 9, 10 and 11 and that agenda item 12 be tabled for a future meeting. He also recommends the opening day of the ball park be changed to April 2012.

Pat Orr, Apple Valley, spoke in support of the proposed project.

Mark Shoup, Apple Valley, expressed concern regarding the Town's budget. He commented on the land use surrounding the proposed project.

Art Neumann, Apple Valley, expressed concern regarding the proposed ball park. He believed that by approving this project, the Council would be placing the money of the tax payers at risk.

Jason Barker, Apple Valley, spoke in support of the proposed project. He commented on the proposed amenities that will be surrounding the project. He expressed that he feels the community is in need of a ball park.

Sam Rice, Apple Valley, spoke in support of keeping a minor league baseball team in the high desert.

Gabe Lovado, Apple Valley, spoke in support of the proposed project and feels the community would benefit from the proposed ball park.

Paul Hood, Apple Valley, spoke in support of the proposed project; however, he had a series of questions regarding the minor league team proposed for the stadium.

Ed Borges, Apple Valley, spoke in support of this proposed project. He commented on the facility in Texas and recommended that staff visit the website to see all the benefits that come from such amenities.

William Furnage, Apple Valley, expressed concern regarding the proposed stadium.

Donald Tatera, Apple Valley, spoke in support of the proposed project. He read a list of reasons he felt the community would benefit from the proposed ball park and stated it would help to build community involvement.

Raghada Khoury, Apple Valley representing Jose Palafox, spoke in support of the project.

Chuck Sowards, Apple Valley, spoke in support of the proposed project. He stated the project would promote baseball in the community.

Richard Rorex, Apple Valley, spoke in support of the proposed project. He commented on how the proposed project would benefit the Town.

Don Allen, Apple Valley, spoke in support of the proposed project. He commented on the great development that has occurred within the Town.

Dino DeFazio, Apple Valley, asked several questions regarding the proposed stadium and the proposed sale of the Mavericks team.

Jeannine Browning, Apple Valley, spoke in support of the proposed project. She commented that the project would bring about positive change to the Town and enhance its quality of life.

RECESS

Mayor Roelle, with the consensus of the Council, called for a recess at 9:35 p.m.

RECONVENE

Mayor Roelle reconvened the meeting of the Apple Valley Town Council at 9:51 p.m.

Mayor Roelle continued taking public testimony on Agenda items 9, 10 and 11.

Rick Jacobs, Apple Valley, spoke in support of this project; however he expressed concern regarding the risks associated with building a new stadium.

Jack Falos, Apple Valley, spoke in support of this project. He commented on the revenues that would come from the businesses surrounding the proposed project.

Brian Bowers, Contractor, spoke in support of the project. He recommended that local contractors be giving priority in bidding projects.

The following individuals submitted speaker cards in support of this project, but did not wish to speak.

Marilyn Judd, Hesperia
Paula Morgan, Victorville
Michael Charron, Adelanto
Trina Becker, Adelanto
Rosemary Cantrell, Apple Valley
Walter Cantrell, Apple Valley
Cheri Delgado, Apple Valley
Paisley Taylor, Victorville
Kimberly A. Tatera, Apple Valley
Jim Judd, Hesperia
Janice Moore, Apple Valley
Ann Mc Daniel, Apple Valley
Jennifer Martinez, Apple Valley
Bill Mc Daniel, Apple Valley

Mr. Henderson answered questions and concerns expressed by members of the public during the comment period for this item. He also explained that a wastewater treatment plant would be built.

Councilman Sagona asked questions regarding the funding for this project and operation of the stadium.

Mr. Henderson answered questions from the Council regarding the agreements and financing associated with the proposed project.

Mr. Henderson answered additional questions from the Council regarding high density housing and the feasibility analysis.

Councilwoman Coleman commented on how the Town has benefited on the retail sales in the past years and feels the project would fit within the Town's Vision 2020 goals.

Councilman Sagona expressed concern regarding the high density component and described some of the other issues he feels would come from the proposed project.

Mayor Pro Tem Nassif spoke in support of staff's recommendations. He commented on the location of the proposed project and stated it would control the standards in the area. He briefly commented on traffic impact in the area and feels that the ball park would add a family entertainment element to the community.

Councilman Allan is in agreement with the comments by Mayor Pro Tem Nassif. He responded to the comments made earlier regarding the project being in violation of Measure N. He stated that it is not in violation because it is in an appropriate location and that Measure N pertains only to Single Family Residential.

Mayor Roelle expressed concern regarding the proposed project. He also expressed concern regarding the amount of tax payer's money it would take to fund the project and feels it would be more feasible in the near future. He is requesting that staff provide the Council with a complete package to review.

Mr. Henderson explained to the Council the need of site control in order to allow the Town to move forward to negotiate a lease.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, to approve:

Item 9

That the Town Council and Redevelopment Agency Board of Directors approve and adopt a Site Dedication and Development Agreement between Town and HDC Group, LLC, for land donation purposes; and authorize the Town Manager, Town Attorney and Town Clerk to execute said agreement; and

Item 10

That the Town Council and Redevelopment Agency Board of Directors approve and adopt a Site Dedication and Development Agreement between Town and Bear Valley & Apple Valley 103, LLC, for land donation purposes; and authorize the Town Manager, Town Attorney and Town Clerk to execute said agreement; and

Item 11

That the Town Council and Redevelopment Agency Board of Directors approve and adopt a Professional Services Agreement between Town and Terra Nova Partners, Inc., for Specific Plan and Environmental Impact Report preparation services in the amount of \$418,980; and, authorize the Town Manager, Town Attorney, Town Clerk and Assistant Town Manager for Economic and Community Development to execute said agreement.

Vote: Motion carried 3-2-0-0
Yes: Councilmember's Allan; Coleman; Mayor Pro Tem Nassif
Noes: Councilman Sagona; Mayor Roelle

12. Approval Of A Professional Services Agreement Between The Town Of Apple Valley And Populous, Inc., For Architectural Services Relating To A Proposed Minor League Baseball Stadium

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, to table item 12 until staff can submit a complete package to Council, as recommended:

Vote: Motion carried 4-1-0-0
Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif
Noes: Mayor Roelle

13. First Time Home Buyer Tax Credit Second Mortgage Loan Program

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

Ms. Wong answered questions from the Council regarding the cost of the program.

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to:

1. That the Town Council adopt Resolution No. 2009-42, 2009-43, making certain findings relative to the First Time Home Buyer's Tax Credit Second Mortgage Loan Program.
2. That the Agency Board adopt Resolution No. 2009-04, 2009-05, making certain findings relative to the First Time Home Buyer's Tax Credit Second Mortgage Loan Program and approving low and moderate income housing funds in the amount of \$100,000 from Redevelopment Project Area 1 and \$100,000 from Redevelopment Project Area 2.
3. That the Agency Board approve a Loan Program and Administration Agreement for the First Time Homebuyers Tax Credit Second Mortgage Loan Program between the Apple Valley Redevelopment Agency and California Housing Programs, LLC, subject to minor changes as may be approved by the Executive Director and legal counsel; and authorize the Executive Director to execute the agreement and any related documents.

Vote: Motion carried 5-0-0-0
Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle
Noes: None

14. Independent Cities Finance Authority

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

Leslie Wolff, Independent Cities Finance Authority, provided information to the Town Council regarding the funds contributed to this project.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to adopt Resolution 2009-44 to approve the Associate membership Agreement by and between the Independent Cities Finance Authority and the Town of Apple Valley.

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 Manger, announced he will be out next week attending a Emergency Operations Training at the California Specialized Training Institute.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

None.

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 11:00 p.m.

Town Clerk

Mayor