

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

**REGULAR MEETING
MINUTES – September 8, 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

Mayor Roelle announced 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:

- B. 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.

MOTION:

Motion by Councilman Allan, seconded by Councilwoman Coleman, that the need to give direction on a matter arose subsequent to the posting of the agenda. Move to add Item B, 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.

Vote: Motion carried 5-0-0-0

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

1. Closed Session

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Nassif, and unanimously carried to discuss Closed Session at the end of the meeting.

INVOCATION: None

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Nassif

PRESENTATIONS:

Victor Valley Museum – Doug Shumway
Apple Valley Fire Protection District – 2009 Fireman’s Muster – Art Bishop

SPECIAL ANNOUNCEMENTS: None

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, reminded the Town Council of the upcoming bike ride. Mr. Hanson requested an update from the Town Council on the bike park.

William Furmage, Apple Valley, recommended to the Council that the bike park be added to the Agenda for a vote instead of a fund raiser. He also commented on the need for concrete to be used at the bike park and the need for more signs at James Woody.

Salvador Ortiz-Lopez, Apple Valley, expressed concern regarding the high taxes for his properties. He respectfully requested assistance from the Town Council on this matter.

Pat Hanson, Apple Valley, expressed concern regarding the proposed ball park and feels the citizens should have the opportunity to vote on this type of a project.

Dino DeFazio, Apple Valley, expressed concern regarding the climate action plan and Terra Nova. He stated that he would request records for information regarding Terra Nova and also requested an update on the multi-species plan.

Richard Simpson, Apple Valley, expressed concern regarding the proposed ball park. He feels too much money is being asked of the tax payers. He also spoke in support of a bike park in Apple Valley.

Kyana Rampley, representing the Girl Scout troops, thanked the Council for their support.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman provided an update to the Town Council regarding a new program that Edison is providing regarding educating small businesses on how to save energy. She stated that there will be more events held in the future in support of the program.

Councilwoman Coleman commented on her attendance at the Village Merchant’s group meeting and spoke of the discussions held regarding the assessment. She also stated that she attended a Southern California Associated Governments meeting and commented on the projects that were discussed.

Councilwoman Coleman announced that the bike park project would be on the agenda for the meeting of September 22.

Councilman Sagona stated that he is scheduled to attend two meetings with Victor Valley Wastewater Reclamation Authority (VWRA) where the topics of discussion will include the Joint Powers agreement as well as the Sewer Service agreement.

Councilman Sagona shared an article with the Town Council regarding redevelopment funds. He expressed concern regarding the amount of debt the Town would face if the Town pursues the stadium project.

Councilman Sagona also requested an update from the Town Manger regarding the contributions made to the redevelopment project.

Mayor Pro Tem Nassif stated that he attended the bone marrow donor drive in memory of KayDance Johnson who succumbed to Leukemia. He also commented on the Victor Valley Museum and stated that he would like to see members of the Council and staff work together with the museum to develop a good business plan. He also responded to comments made by the Council regarding the stadium project.

Mayor Roelle commented on his attendance at the Hispanic Chamber of Commerce.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Sagona requested that staff provide a report to the Town Council referencing rehabilitation programs that could assist residents.

Mayor Roelle requested staff provide a presentation to the Town Council on information that led to the proposed ball park including information in reference to the other sites that were deemed unsuitable.

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

A. Regular Meeting – Tuesday, September 22, 2009, 6:30 p.m. – Council Chambers

CONSENT AGENDA

Mayor Roelle announced to the public that Item Number 3, regarding “A Professional Services Contract for the Preparation of Climate Action Plan Required by the General Plan“ will be pulled for further discussion and recommendation.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve agenda items numbered 2, 4 and 5 as recommended, and that item number 3 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

2. Approval of Minutes of the Town Council

A. Regular Meeting – August 25, 2009

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. Public Hearing No. 1 (Consolidated Plan – Fourth Year Action Plan) – Establishing Date and Time Certain

Recommendation:

That the Town Council establish October 13, 2009 at 6:30 p.m., as the date and time certain for the purpose of conducting the first of two Community Development Block Grant and HOME Investment Partnerships programs public hearings necessary to develop the Town's Consolidated Plan – Fourth Year Action Plan.

5. Fee Waiver Request for the Annual “Walk A Mile In Her Shoes” Fundraiser for the High Desert Domestic Violence Program

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of Special Event Permit fees for the High Desert Domestic Violence Program.

PULLED FOR DISCUSSION:

3. A Professional Services Contract for the Preparation of Climate Action Plan Required by the General Plan

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

Mr. Henderson answered questions from the Council regarding the climate action plan and the process in selecting Terra Nova.

Mayor Pro Tem Nassif explained the motivation in approving the General Plan to allow it to move forward.

Councilman Allan requested information regarding the multi species plan.

Lori Lamson, Assistant Director of Community Development, stated that Solution Strategies is currently working on preparing a proposed mitigation plan for the habitat conservation plan and that the target date to present the Council with the plan is by the end of 2010.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to Award the Professional Services contract in the amount of \$24,660.00 to Terra Nova Planning and Research, Inc., for professional services for the preparation of a Climate Action Plan required by the General Plan, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

Vote: Motion carried 5-0-0-0

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

Abstain: None

PUBLIC HEARINGS

6. A Resolution of the Town Council of the Town of Apple Valley, California, Amending Sewer Connection Fees As Specified to Recover the Costs to the Town and the Victor Valley Water Reclamation Authority (VWRA) For Future Construction of Public Infrastructure Facilities and Improvements

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

Mr. Pattison noted that there was a change made to Resolution 2009-45. He explained that not all of the costs would be passed on to new users.

Mr. Piero Dallarda, Town Attorney, explained that after reviewing the Resolution, they felt there was a need for more clarification and made the necessary changes; however, there were no changes made to the numbers.

Mayor Roelle opened the public hearing at 7:41 p.m.

Paul Hood, Apple Valley, had questions regarding the cost to connect to sewer.

There being no further requests to speak, Mayor Roelle closed the public hearing at 7:44 p.m.

MOTION

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to adopt Resolution 2009-45, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town Services.

Vote: Motion carried 5-0-0-0

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

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Dennis Cron provided handouts to the Council and a presentation regarding the sewer odor control study. He answered questions from the Council regarding the location of manholes.

Gina Whiteside, Animal Services/Shelter Manager, provided a power point presentation on the Paws and Claws Pet Fair. She stated they had a significant amount of sponsors.

Frank Robinson, Town Manager, commented on his attendance at the Emergency Operations Training at the California Specialized Training Institute. He stated that he participated in a simulated earthquake drill. He thanked Laura Whitehead, AVFPD, for her assistance in helping staff to stay on top of their training.

Mr. Robinson stated that the target date to present an item to the Town Council to assist the City of Victorville to pay for the environmental and design of the Yucca Loma Bridge project is September 22, 2009.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, and unanimously carried, to adjourn to Closed Session at 8:10 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Property located at 15200 Rancherias Rd, Apple Valley; Negotiating Parties: Ned Curtis; Town Negotiator(s): Town Manager or Finance Director or Designee. Negotiations involve both price and terms of payment.
- B. 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.

Upon returning from Closed Session at 8:55 p.m. Mayor Roelle announced that there is no reportable action.

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:56 p.m.

Town Clerk

Mayor