

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

**REGULAR MEETING  
MINUTES – September 22, 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 Councilman Sagona, 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 Councilman Allan, seconded by Councilman Sagona, and unanimously carried to discuss Closed Session at the end of the meeting.

**INVOCATION:** The invocation was given by Pastor Royce Bessera, Church for Whosoever

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

**PRESENTATIONS:** Junior Lifeguard Certificates

**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, reminded the Town Council of the bike ride scheduled for Saturday. Mr. Hanson requested that English be the official language in the Town of Apple Valley. He requested that this item be agendaized.

Richard Rorex, Apple Valley, commented on the proposed stadium project. He recommended that a multi-purpose stadium be built.

Richard Simpson, Apple Valley, expressed concern regarding the proposed ball park. He spoke of the need for more restrooms in the parks.

Ed Buchanan, Apple Valley, expressed concern regarding the Apple Valley Village Assessment District.

Richard Cambridge, Apple Valley, commented on improvements for the Village area. He also commented on the RFP to help increase renters in the Village area and other Landlord improvements.

Claude Sparks, Apple Valley, expressed concern regarding the proposed stadium project in Apple Valley.

William Molineuy, Apple Valley, expressed concern regarding the skateboard park.

William Furnage, Apple Valley, expressed concern regarding the Village Assessment District.

Stan Gowetski, Apple Valley, expressed concern regarding the housing development on Highway 18. He believed that the project should be completed. He also expressed concern regarding traffic that may occur if the stadium project is built.

Milton Holland, Apple Valley, expressed concern regarding members of the PBID Board being on the Town Council.

Christina Estela, Apple Valley, recommended that signs be allowed in various languages. She believed that signs in other languages welcomed individuals to our community. She spoke in support for the members of the PBID.

Raymond Herrera, Apple Valley, representing Minute Men, expressed concern regarding the English language.

## COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at the Red Cross Summit and the League of California Cities Conference held in San Jose. She also attended the Victor Valley Transit Authority (VVTa) meeting and the Southern California Associated Governments (SCAG) meetings.

Councilman Sagona also commented on his attendance at the League of California Cities Meeting and the concern of local governments regarding the taking of funds by the state to balance its budget. He also commented on his attendance at the Victor Valley Wastewater Reclamation Authority (VWVRA) meeting.

Councilman Allan stated that he attended the Red Cross Summit, the Victor Valley Economic Development Authority (VVEDA) where he was elected Vice-Chair, the Distinguished Citizen of the Year Award Dinner, and the Police Activities League Dinner. He thanked Captain Belknap for his hard work with the PAL Program.

Mayor Pro Tem Nassif thanked staff and the Council for attending the Economic Summit. Mr. Nassif commented on the Red Cross Summit and the League of California Cities Conference in San Jose where the theme was Protecting Our Local Funds.

Brad Miller, Town Engineer, provided a brief presentation on the High Desert Corridor and reminded the Council of the public information meeting on September 23, 2009 at the City of Victorville where there will be a presentation of the two alternate alignments primarily affecting Apple Valley.

Councilman Allan had questions regarding the project.

Mr. Miller stated that an update would be provided to the Council following the project design team meeting scheduled in two weeks.

Mayor Roelle commented on strategies for the Yucca Loma Bridge that will be discussed on the next agenda.

## TOWN COUNCIL ANNOUNCEMENTS

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

Mayor Roelle recommended that an item be brought forth at a future meeting regarding the PBID project. He is requesting that staff provide an update regarding the status of the PBID.

Councilman Allan recommended that an item be placed on the agenda for a future meeting regarding the sludge agreement between Dr Pepper and VWVRA and the status of the JPA.

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

**A. Regular Meeting – Tuesday, October 13, 2009, 6:30 p.m. – Council Chambers**

## CONSENT AGENDA

**MOTION**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to approve agenda items numbered 2 through 6, as recommended.

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 – September 8, 2009**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Authorize Staff To Work With Technology Global Alliance (TGA) To Recycle Cell Phones.**

**Recommendation:**

Authorize staff to work with TGA to implement cell phone recycling program.

**4. Award Contract for the Civic Center Park Amphitheater Concrete Walkways Project**

**Recommendation:**

Award a contract to Pacific Construction for the civic Center Park Amphitheater Concrete Walkways Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**5. Award Contract for the Civic Center Park Amphitheatre Electrical Phase 2**

**Recommendation:**

Award a contract to Nekota Power for the Civic Center Park Amphitheater Electrical Phase 2 Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**6. Release of Securities for Parcel Map 18416**

**Recommendation:**

Find that the construction of various improvements required for Parcel Map 18416 are complete, and approve the 50% reduction of the performance securities.

**PUBLIC HEARINGS**

**7. A Request to Modify the Provisions of the Development Code by Amending Section 9.21 "Special Events Permits" of Title 9 "Development Code" of the Apple Valley Municipal Code as it Relates to Modifying the Permitting Requirements for Special Events Conducted 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 7:43 p.m.

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

**MOTION**

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Nassif, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 400 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 400.

### **MOTION**

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

5. **Introduce** Ordinance No. 400, amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.21 “Special Events Permits” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to modifying the permitting requirements for special events conducted within the Town of Apple Valley.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

## **LEGISLATIVE MATTERS**

None.

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **8. Apple Valley Housing Programs**

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

Councilman Sagona asked questions of staff regarding the programs listed within the report. He suggested that an update on the housing program previously approved by the Town Council and those yet to come be provided to the Town Council, specifically information on the Housing Partners Inc project.

This item was a receive and file item only. There was no action taken on this item.

**9. Update on Ad Hoc Committee on the BMX Bike Park**

Ralph Wright, Parks and Recreation Manager, presented the staff report as filed with the Town Clerk.

Bill Pattison, Assistant Town Manager, Finance and Administration, discussed the funding availabilities for the proposed project.

Mayor Pro Tem Nassif, stated that the location of the proposed ball park would be suitable for an extreme sports park. He also commented on the use of concrete versus metal ramps.

Councilwoman Coleman commented on the possibility of a second skate park in the future.

Shane Woody, Apple Valley, spoke in support of the bike park. He recommended that the bike park be built with concrete which will last longer. He explained that materials are built for bikes that will not damage the concrete.

Christina Estela, Apple Valley, spoke in support of the bike park. She too explained the benefit of concrete ramps versus metal ramps. She also commented on in-kind donations that she has received commitments from to help with the costs.

William Furmage, Apple Valley, spoke on the need for a bike park. He believed that the bike park should be built for the benefit of the community.

Carol Kraatz, Apple Valley, owner of Victorville Cycles, spoke in support of the proposed bike park.

Joshua Richling, Apple Valley, spoke on the benefit of BMX cycling in his upbringing. He recommended that the Town Council support this project in its entirety.

Raymond Herrera, Hesperia, spoke in support of this project.

William Molineuy, Apple Valley, spoke in support of this project. He stated that he would be willing to loan his tools and knowledge to help make this project a reality.

Discussion ensued regarding the proposed project.

Mayor Roelle requested, with the consensus of the Town Council, that staff move forward with an RFP to determine costs for the design proposal as shown.

**10. Update on Golden State Water Increase Proceedings**

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

John Brown, Town Attorney, answered questions from the Council regarding intervention action for utilities.

Discussion ensued.

This item was a receive and file item only. There was no action taken on this issue.

## 11. **Baseball Stadium Status Report**

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

Brad Miller, Town Engineer, explained why the traffic generated by the proposed stadium would be less because of its location.

Mr. Henderson answered questions by the Council regarding the feasibility study.

Discussion ensued.

Lawrence McCarthy, Apple Valley, expressed concern regarding the proposed baseball stadium and the cost to operate the facility.

Richard Cambridge, Apple Valley, spoke in support of the proposed project.

Sam Rice, Apple Valley, commented on the success of the Mavericks Stadium prior to the base closure in Adelanto.

This was a receive and file item only, there was no action taken on this issue.

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

Ralph Wright, Parks and Recreation Manager, provided the Council with an update on the Park and Recreation activities. He thanked Park staff for their work at the Mojave Aquatics Center. Mr. Wright also spoke of vandalism in the Town.

Frank Robinson, Town Manager, provided an update to the Council on the Apple Valley Fall Festival and upcoming Town events.

Mr. Robinson stated that an item would be presented to the Town Council at its next meeting on the High Desert Corridor.

Mr. Robinson announced that the Energy Efficiency Grant has been approved by the US Department of Energy for funding of the solar panels for the new Public Works facility.

Mr. Robinson congratulated the Town Council and staff for their efforts on the General Plan and the Habitat Conservation Plan.

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

#### **STAFF REPORTS**

#### **CORRESPONDENCE**

**CLOSED SESSION**

Motion by Councilman Sagona seconded by Councilwoman Coleman, and unanimously carried, to adjourn to Closed Session at 10:00 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one potential case).
- 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 10:56 p.m. Mayor Roelle announced the following reportable action on item 1B:

After conferring with Town Legal Counsel and reviewing the judge's recent ruling in the Town of Apple Valley vs. Hi-Desert Community Foundation, the Town Council unanimously directed Town staff and legal counsel to begin reviewing the legal procedures and strategies necessary to consider immediately unwinding the Town's pending purchase of the Apple Valley Country Club.

**ADJOURNMENT**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council in memory of Maggie Kramer at 10:58 p.m.

Town Clerk

Mayor