

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

**REGULAR MEETING
MINUTES – October 13, 2009**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Roelle called to order the meeting of the Apple Valley Town Council at 6:40 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Councilman Allan; Boardmember/Councilwoman Coleman;
Boardmember/Councilman Sagona; Vice-Chair/Mayor Pro Tem Nassif; Chair/Mayor Roelle. Absent:
None.

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

Mayor Roelle announced that there was no need for Closed Session.

OPENING CEREMONIES

INVOCATION: The invocation was given by Dr. Eldoris Bonner, Faith Ministries

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

PRESENTATIONS:

- **Cal Writers Week – Presented to Bob Isbill**
- **Military Banner – In Honor of Andrew Kluey**
- **Employee of the Quarter – Robert Tafoya, Code Enforcement Officer**

SPECIAL ANNOUNCEMENTS:

PUBLIC COMMENTS

Daryl Evey, High Desert Domestic Violence, invited the Town Council and the public to attend the "Walk in her Shoes event" on Saturday, October 24, 2009.

Paul Hood, Apple Valley, expressed concern regarding the swimming pool operating hours and the Town's website.

William Furmage, Apple Valley, thanked the Town Council for working toward the bicycle park.

Eugene Buchanon, Apple Valley, representing the Property Business Improvement District, commented on correspondence he received from the Chairman of the PBID regarding the assessment district.

Milt Holland, Apple Valley, stated that he feels there has been fraudulent activity in the Village Assessment District.

Pat Hanson, Apple Valley, commented on the success of the Tour de Apple Valley Ride. She thanked everyone for their support.

Chuck Hanson, Apple Valley, also thanked the community for their support. He personally thanked Councilman Allan and Mayor Pro Tem Nassif for their attendance at the event.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilwoman Coleman commented on her attendance at various meetings within the community including the Downtown Business Association Conference, Southern California Associated Governments and the American Transportation Association Annual Meeting.

Councilman Sagona commented on his attendance at the Victor Valley Wastewater Reclamation Authority meeting. He stated that a revised Joint Powers Authority Agreement was discussed and will be presented on tonight's agenda for review by the Town Council.

Councilman Allan commented on the Tour de Apple Valley event and applauded the Hanson's for their support on this project.

Mayor Pro Tem Nassif commented on the upcoming Mountain Desert League of California Cities meeting and discussions that will take place by a representative from Senator Feinstein's office. He also congratulated the Hanson's on their event. He commented on the groundbreaking events for Ross and Walgreens.

Mayor Roelle announced that a meeting will be held in the Recreation Department at Town Hall on October 26 at 4:00 p.m. to discuss the E-220 Interchange realignment of Highway 18.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Sagona requested an item be presented to the Town Council on a future agenda regarding the Town's current bond indebtedness. The report should include a listing of each of the bond indebtedness items and their payments, either quarterly or monthly, along with a comparison of our general fund compared to last year. Councilman Sagona would also like information on Housing Partners Inc. Senior Project and any other senior projects in the Town of Apple Valley.

Time, Date & Place for Next Town Council Regular or Special Meeting:
A. Regular Meeting – Tuesday, October 27, 2009, 6:30 p.m. – Council Chambers

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Due to a potential conflict of interest, Mayor Pro Tem Nassif abstained from voting on Item Number 6.

MOTION

Motion by Councilman Allan, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 8, as submitted.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None. **Mayor Pro Tem Nassif abstained from voting on Item No. 6.**

2. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – September 22, 2009**
Recommendation:
Approve the subject minutes as part of the consent agenda.

3. **Adopt Ordinance No. 400, - 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**
Recommendation
Adopt Ordinance No. 400.

4. **Treasurer’s Report – Month of July 2009**
Recommendation:
Receive and file.

5. **Payroll/Benefits Warrants Schedule – July 2009**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the payroll warrant schedule as presented.

6. **Commercial Warrant Schedule – July 2009**
Recommendation:
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.

7. **Adopt Resolution 2009-46, Approving the Dissolving of Improvement Area No. 2 of the Town of Apple Valley Community Facilities District No. 2006-03 (Sky Haven Ranch/Granite Hills)**
Recommendation:
Adopt Resolution 2009-46, approving the dissolving of improvement area No. 2 of the Town of Apple Valley Community Facilities District No. 2006-03 (Sky Haven Ranch/Granite Hills)

8. **Adopt-A-Shelter Dog Month Awareness Campaign**
Recommendation:

Direct staff to implement Adopt-A-Shelter Dog Awareness Campaign during the Month of October.

PUBLIC HEARINGS

9. Community Development Block Grant (CDBG) and Home Investment Partnerships Program (Home) – Consolidated Plan – Public Hearing No. 1

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

Mayor Roelle opened the public hearing at 7:24 p.m.

Bruce Young, High Desert Community Food Bank, spoke on the support that they give the community.

Larry Weisz, County Literacy Program, thanked the Town Council for their support in assisting this organization with funding. He spoke on the success and growth of the program.

There being no additional requests to speak, Mayor Roelle closed the public hearing at 7:25 p.m.

Mr. Henderson announced that the Town is currently accepting applications for CDBG funding with an application deadline of January 7, 2010.

10. A Request To Consider An Amendment To Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of The Code As They Relate To The Processing Of A Conditional Use Permit Application For A Project Anywhere Within The Town Of Apple Valley. The Proposed Amendment Removes All References To The Minor Conditional Use Permit Application Process Within Code Sections 9.16 "Conditional Use And Special Use Permits", 9.28 "Residential Districts", 9.35 "Commercial And Office Districts" And 9.45 "Industrial Districts".

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

Mayor Roelle opened the public hearing at 7:27 p.m.

There being no requests to speak, Mayor Roelle closed the public hearing at 7:28 p.m.

MOTION

Motion by Councilman Sagona, 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), it can be determined that 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 may have a significant effect on the environment, the activity is EXEMPT from further CEQA review.
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. 401 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 401.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilman Sagona, to:

5. **Introduce** Ordinance No. 401, amending Sections 9.16 “Conditional Use and Special Use Permits”, 9.28 “Residential Districts”, 9.35 “Commercial and Office Districts” and 9.45 “Industrial Districts” as they relate to the processing of a Conditional Use Permit application for a project anywhere within the Town of Apple Valley.

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 COUNCIL

Based upon a potential conflict of interest, Councilman Allan, Councilwoman Coleman, and Mayor Pro Tem Nassif recused themselves from discussion of this item.

COUNCILMAN ALLAN, COUNCILWOMAN COLEMAN, AND MAYOR PRO TEM NASSIF WERE EXCUSED FROM THE DAIS AT 7:34 P.M.

11. Discussion on Strategy for Unwinding the Purchase of the Apple Valley Country Club

John Brown, Town Attorney, explained the need for some members of the Council to recuse themselves from discussion on this item. He also explained the legal procedures under California Law to re-qualify at least one member of the Council for the purpose of considering this matter at a future Town Council meeting.

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Bill Pattison, Assistant Town Manager, Finance and Administration, discussed the financial data such as ordinary and extra-ordinary expenses associated with the golf course. He stated that should the Town remain on its current course to acquire the golf course until the next hearing date of December 2010; the total estimated cost would be \$2.7 million.

Councilman Sagona expressed concern regarding the amount of funding that the Town has spent on this project.

Louis Adler, Apple Valley, would not like to see the course closed; however, he does not want additional funds spent on this project.

Mike Regan, Apple Valley, expressed concern regarding the cost to acquire the golf course.

Lynn Oberhelman, expressed concern regarding the water rights and recommends we cut our losses at this time.

Mike Yates, representing the Board of Directors for the Apple Valley Country Club, stated that if the club reverts back to the Board, the Country Club will close.

Roger Hayes, Apple Valley, stated that he lives on the golf course and is concerned about the property value that will be lost should the club close.

William Cochran, Apple Valley, spoke in opposition of the Town assuming the golf course due to the cost.

James Nickerson, Apple Valley, recommended that the Town work toward saving the Apple Valley Golf Course.

Rich Norton, Apple Valley, spoke in opposition to the Town assuming the golf course due to the fight over the water rights.

Jim Phillips, Apple Valley, stated that he lives on the golf course and applauded the Town for trying to save the golf course.

John Hove, Apple Valley, spoke on the need for the Town to retain the golf course.

Carl Coleman, Apple Valley, believes that the Country Club is an asset to the community and he believed that the water rights would be worth the purchase. He believes that this is a bargain and the Town should continue with the purchase.

Lester Milroy, Apple Valley, expressed concern regarding the water rights issue that has become very adversarial in the community. He believes that at this point, the Town should proceed with the purchase.

Mayor Roelle announced that this item would be continued to the meeting of October 27, 2009.

COUNCILMAN ALLAN, COUNCILWOMAN COLEMAN, AND MAYOR PRO TEM NASSIF WERE EXCUSED FROM THE DAIS AT 8:15 P.M.

Recessed Meeting

Mayor Roelle recessed the meeting of the Apple Valley Town Council at 8:16 p.m.

Reconvened Meeting

Mayor Roelle reconvened the meeting of the Apple Valley Town Council at 8:30 p.m.

12. **Adopt Resolution 2009-47, Approving The Form Of And Authorizing The Execution And Delivery Of A Purchase And Sale Agreement And Related Documents With Respect To The Sale Of The Seller's Proposition 1A Receivable From The State; And Directing And Authorizing Certain Other Actions In Connection Therewith.**

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

MOTION

Motion by Councilman Allan, seconded by Councilman Sagona, to adopt Resolution 2009-47, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

Vote: Motion carried 5-0-0-0

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

13. Authorization to Provide Financial Support to the Victor Valley Museum in Partnership with the San Bernardino County Museum

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Councilman Allan stated that he was appointed to the Museum Commission by Supervisor Mitzelfelt and he stated that he has been attending those meetings. He stated that if approved, this museum would be accredited and would become an asset to the community.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman, to approve financial support of the Victor Valley Museum in partnership with the San Bernardino County Museum, not-to-exceed \$15,000.00 per year.

Vote: Motion carried 5-0-0-0

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

14. Approve the Amended and Restated Joint Exercise of Powers Agreement of the Victor Valley Wastewater Reclamation Authority

Councilman Sagona presented the staff report as filed with the Town Clerk. He recommended this item be continued to the meeting of October 27, 2009.

MOTION

Motion by Councilman Sagona, seconded by Councilman Allan, to continue this item to the meeting of October 27, 2009.

Vote: Motion carried 5-0-0-0

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Jim Anderson, Code Enforcement Supervisor, provided an update to the Town Council on the status of the Apple Valley Plaza.

Frank Robinson, Town Manager, announced to the Town Council that he had hired a Director of Human Resources, Nikki Salas. He spoke of her qualifications in Human Resources and he welcomed her to the community. He stated that her start date would be October 26, 2009.

Mr. Robinson also announced that the Town would be moving forward with the PBID item on the next agenda.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

ADJOURNMENT

Motion by Councilman Sagona, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:55 p.m.

Town Clerk

Mayor