

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

**REGULAR MEETING  
MINUTES – October 27, 2009**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Roelle called to order the meeting of the Apple Valley Town Council at 6:37 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**

None.

**OPENING CEREMONIES**

**INVOCATION:** The invocation was given by Bishop Donald Fields, River of Life Kingdom Church

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

**PRESENTATIONS:**

**SPECIAL ANNOUNCEMENTS:**

**APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE**

Pat Orr, President, Chamber of Commerce, commented on upcoming events hosted by the Apple Valley Chamber. He also commented on the input received from members of the Chamber of Commerce regarding the Apple Valley Country Club.

**PUBLIC COMMENTS**

Jim Phillips, Apple Valley, commented on statements made by Pat Orr regarding the Country Club and stated that ultimately the decision should be made by the Council.

Rob Turner, Representing Neighbors United, stated that the group supported the Country Club.

Gary Stater, Apple Valley, recommended the Council negotiate with the foundation and work to bring this issue to a close. He believed the Country Club was a viable asset to the community.

Milt Holland, Apple Valley, expressed concern regarding the assessment being imposed on members of the Property Business Improvement District.

Eugene Buchanon, Apple Valley, expressed concern regarding the meetings of the Property Business Improvement District being in violation of State law.

Kim Scully, Apple Valley, pleaded to the Town Council to remove the assessment imposed upon the owners of property in the village area.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilman Allan commented on his attendance at the Victor Valley Transit Authority meeting and a vote to move forward with an Enterprise Zone. He also commented on the efforts of members of the Property Business Improvement District to resolve their issues by taking it back to the merchants who have voting rights.

Councilman Sagona commented on the Victor Valley Wastewater Reclamation Authority Joint Powers Agreement (VWRA). He stated that a vote to revise the Joint Powers Authority Agreement is required by each of the Cities and the County Board of Supervisors before it can go to the Board of Commissioners of the VWRA for ratification. He commented on the grand opening of Walgreens.

Councilwoman Coleman commented her attendance at various meetings including a conference regarding “Green” development, Victor Valley Transit Authority and the Village PBID. She also commented on her attendance at the “Walk in her Shoes” event.

Mayor Pro Tem Nassif announced there will be a meeting held regarding the lower flood control issues surrounding the Lewis Center. He stated that a consultant has been hired to do a study regarding these issues. Mayor Pro Nassif also commented on his attendance at the Desert Mountain League of Cities meeting and discussions held regarding recreation tourism. He also commented on the discussions by a representative from Senator Feinstein’s office regarding the preservation of desert land.

Mayor Roelle announced that a joint meeting is tentatively scheduled for the first part of November between the City of Victorville and the Town of Apple Valley regarding the Yucca Loma Bridge.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

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

**A. Regular Meeting – Tuesday, November 10, 2009, 6:30 p.m. – Council Chambers**

**TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

**MOTION**

Motion by Councilman Sagona, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2 – 6, respectfully.

Vote: Motion carried 5-0-0-0

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

**2. Approval of Minutes of the Town Council**

**A. Special Meeting – October 13, 2009**

**B. Regular Meeting – October 13, 2009**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 401, 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".**

**Recommendation:**

Adopt Ordinance No. 401.

**4. Award Professional Services Agreement for Construction Management Services for Public Works Facility**

**Recommendation:**

Award a Professional Services Contract to Eberhardt Construction, Inc. in the amount of \$534,880 for construction management services for the Public Works Facility project subject to approval by the Town Manager as to content, and the Town Attorney as to form.

**5. Request From The California Redevelopment Association (CRA) For Payment Of A Special Fee In The Amount Of \$335 To Offset The Costs Associated With Its Pursuit Of A Lawsuit Challenging The FY 09-10 SERAF Payment**

**Recommendation:**

That the Redevelopment Board of Directors approve the California Redevelopment Agency request for financial assistance in the amount of \$335 to offset the anticipated legal fees.

**6. Adoption of Measure I - Capital Improvement Plan**

**Recommendation:**

1. Approve the Revised FY 08/10 Measure I, 2-year plan (actual expenditures)
2. Approve FY 09/10 Measure I, 1-year plan
3. Adopt Resolution No. 2009-49, "A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I One-Year Capital Improvement Program"

**PUBLIC HEARINGS**

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

## **BUSINESS OF THE COUNCIL**

### **7. Healthy Apple Valley – A Collaborative Approach to Building a Better Community**

Linda Mayfield, Manager of Legislative Affairs and Grants, presented the staff report as filed with the Town Clerk.

Valerie Smith, representing the Vista Loma & Mountain Vista Neighborhood Work Committee, spoke regarding their proposal for a collaborative Healthy Apple Valley project. She respectfully requested the support of the Town Council by adopting Resolution 2009-48 and authorizing staff to allow a letter of invitation to various community partners for the collaborative to begin.

Kevin Mahany, St. Mary's Hospital, provided a presentation on information from the Surgeon General regarding health issues including childhood obesity. He stated that public and private partnerships are being formed in an effort to promote environmental changes for better health.

William Furnage, Apple Valley, expressed concern regarding the need to move forward with a bicycle park.

### **MOTION**

Motion by Councilwoman Coleman, seconded by Councilman Sagona, to adopt Resolution No. 2009-48, a Resolution of the Town Council of The Town Of Apple Valley Setting Forth Apple Valley's Commitment to Promote and Develop a Safer and Healthy Apple Valley.

Vote: Motion carried 5-0-0-0

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

## **CONTINUED FROM OCTOBER 13, 2009**

### **8. Review and Consider all Options and Alternatives With Respect to the Ongoing Implementations of the Purchase and Sale Agreement for the Apple Valley Country Club (AVCC)**

Councilwoman Coleman announced that the original decision to purchase the Apple Valley Country Club was made November 18, 2008 prior to her being seated on the Council. She stated that after consulting with the Town Attorney and the Fair Political Practices Commission, she must disqualify herself from voting on this item due to a potential conflict.

### **COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 7:26 P.M.**

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

Councilman Sagona noted that the staff report reflects that the Town of Apple Valley would continue to pay for the AVCC to continue operating.

Jerry Siegel, Apple Valley, recommended the Town continue ownership of the Apple Valley Club and continue the expanded operations at the golf course.

Mike Yates, Apple Valley, recommended the Town Council continue the course so that the property values do not decline.

Pete Nadler, Apple Valley, recommended the Town Council continue with the purchase of the Country Club and not back out of the deal.

Ned Curtis, President of the Board of Directors, Apple Valley Country Club, spoke of the Town's vision for the Apple Valley Golf Course that staff expressed to the Board of Directors during the negotiations prior to escrow. He commented on the attendance at the golf course since it has become a public facility.

Andrew Howard, Apple Valley, recommended the Town continue with the purchase of the Country Club.

H. A. Reese, Apple Valley, respectfully requested that the Town Council continue with the purchase of the Country Club.

Lester Milroy, Apple Valley, believed that the Country Club was part of the community and he did not wish to see the close. He recommended that Town continue with the purchase and that full disclosure of this issue is made to the public.

Chuck Widener, Apple Valley, recommended the Town Council continue with the purchase of the Apple Valley Country Club.

James Nickerson, Apple Valley, expressed concern regarding a decrease in property values should the Apple Valley Country Club close. He requested that the Town Council move forward with the purchase of the club.

Charlotte Phillips, Apple Valley, respectfully requested that the Town Council continue with the purchase of the Country Club. She provided history to the Council regarding water rights in Apple Valley.

Jennifer Samples, Golf Coach, Apple Valley High School, commented on the opportunity for the golf program to use the course. She respectfully requested that the Town Council continue with the purchase of the Golf Course and keep it public.

Jim Phillips, Apple Valley, discussed the five options that are presented on the agenda for the Country Club.

Barbara Davisson, Apple Valley, commented on the history of Apple Valley. She respectfully requested that the Town Council continue with the purchase of the club.

Salvador Ortiz-Lopez, Apple Valley, spoke against involving the government into private business. He did not support continuing with the purchase of this property.

Michael Hinkle, Apple Valley, recommended that the Town staff become more involved with the operation of the club instead of utilizing a third party. He also commented on the High Desert Foundation and the need for the Town to move forward with closing escrow on this property.

Anne Johnson Curtis, Apple Valley, spoke on behalf of Ned Curtis. She commented on the concerns of the board and explained the devastation that would occur should the club be forced to close.

Darryl Luthie, Apple Valley, spoke in support of the Town continuing with the purchase of the Apple Valley Golf Course.

Councilman Allan discussed the negative impact that occurred when a neighboring community closed its golf course. He spoke on the need for the facility to remain open and recommended moving forward with Option 1. He also spoke on possibly negotiating for the water rights with the High Desert Foundation.

Mayor Pro Tem Nassif commented on the concerns regarding the negative impacts on the Town's quality of life image. He recommended that we hold the course and come back with a plan to include moving forward with the close of escrow.

Councilman Sagona recommended that the Mayor appoint himself and Mayor Pro Tem Nassif to a steering committee and keep the club open by increasing membership. He made a motion that he and the Mayor Pro Tem sit on a task force that would enable the citizens to keep the club open.

There being no second, Councilman Sagona withdrew his motion.

Mayor Roelle commented on the statements made by the speakers regarding the use at the Country Club. He commented on the state of the Town and the amount of Town reserves that have been used within the previous year. He recommended the Club be turned back over to the AVCC Board of Directors and that the Town work with AVCC to promote the club.

Bill Pattison, Assistant Town Manager, Finance and Administration, commented on the amount of the Town's total loss and reserves. He stated that the amount of the Town reserves is less than in previous years.

Councilman Sagona recommended we continue with our assistance to the club. He also recommended that we take four to six months and try to rejuvenate the membership.

Mayor Pro Tem Nassif stated that by owning the club, we would have more opportunity/options with the club.

Councilman Sagona asked if he would rescind his suggestion to request the Town Council to appoint a task force of stakeholders.

Discussion ensued regarding whether or not a committee should be formed.

Councilman Sagona commented on the water well. He asked the Town Attorney if there are legal ramifications of putting the well in the ground without owning the course.

John Brown, Town Attorney, recommended that the Town not make that investment to a non-Town owned facility. The Town could move forward with that action, but it would be a policy decision.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilman Allan, to move forward with the close of escrow on the Apple Valley Country Club and that the Council appoint a task force of the stakeholders to study and recommend a course of action to include a possible member fee structure for residents of Apple Valley and outside residents.

Mayor Roelle noted for the record that approval of this motion would authorize the closing of escrow on the Country Club without owning the water rights.

Vote: Motion carried 3-1-0-1

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

Abstain: None. Absent: Councilwoman Coleman

**COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 9:11 P.M.**

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

Frank Robinson, Town Manager, introduced Nikki Salas, the Town's new Director of Human Resources. He spoke of her experience and expertise in the personnel field and welcomed her to the Town.

Mr. Robinson stated that the two items requested by Councilman Sagona would be presented to the Council at the November 10, 2009 meeting regarding the Town's bond indebtedness and information on Housing Partners Inc. He also announced that a discussion item on the Property Business Improvement District would be on the next agenda.

Kathie Martin, Marketing and Public Affairs Officer, commented on upcoming events for the holiday season.

Brad Miller, Town Engineer, commented on the recent High Desert Corridor meeting and encouraged the community to submit their comments. He also commented on the Corwin Road Project which should be completed within a few weeks.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**ADJOURNMENT**

Motion by Councilman Allan, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:18 p.m.

Town Clerk

Mayor