

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

**REGULAR MEETING  
MINUTES – January 12, 2010**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Allan called to order the meeting of the Apple Valley Town Council at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilwoman Coleman; Councilman Nassif; Councilman Roelle, Mayor Pro Tem Sagona; Mayor Allan. Absent: None.

**INVOCATION:** Pastor Royce Bessera, Church for Whosoever

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

**CLOSED SESSION**

**1. Closed Session**

None

Mayor Allan announced, with the consensus of the Town Council, that Agenda Item 16 would be moved to the beginning of the meeting.

**16. Proposal by the State of California Requesting a Will Serve Letter to Provide Services for a Secure Community Reentry Facility**

Captain Joe Cocke, State of California, presented a Power Point presentation on the San Bernardino County Reentry Facility for Apple Valley.

Captain Cocke stated that continual care of the inmates that will be made available to them once they are released. He explained to the Council and audience the process of transporting an inmate once paroled. He noted that they would not be released into the community.

Councilman Roelle clarified that the Reentry Facility would only be available to persons arrested in the County of San Bernardino. He also commented on the size of the proposed facility.

Sheriff Rod Hoops, San Bernardino County Sheriff's Department, explained AB 900. He stated that in the current system individuals are being paroled into our communities on a regular basis. He also stated that AB 900 does not have any input on decreasing those numbers; however, it does provide a vehicle for inmates to have a chance to rehabilitate.

Sheriff Hoops commended the Town for stepping forward and allowing the facility to be built. He thanked Captain Maharfer for his support with the AB 900 Project. He also thanked Supervisor Mitzelfelt's office for their support.

James Nickerson, Apple Valley, spoke in opposition of the proposed project. He believed the State did not have funding for this project.

Art Bishop, Division Chief, Apple Valley Fire Protection District (AVFPD), commented on the agreement between AVFPD and the County of San Bernardino regarding the need for a second water source for future additions to the Reentry Facility. He also noted that should the facility choose to install an above ground water system, it would not require a second point of connection.

Councilman Nassif commented on the lack of a backbone water system in this area. He felt that if the Town were to invest in its own water system, it would help the infrastructure and job creation.

Councilman Roelle commented on the public safety issue. He felt that the Reentry Facility would be beneficial to the Town of Apple Valley.

## **MOTION**

Motion by Councilman Roelle, seconded by Councilman Nassif, to grant a will serve letter to the State of California for the purpose of constructing a Secure Community Reentry Facility in Apple Valley.

Vote: Motion carried 5-0-0-0

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

Absent: None.

## **PRESENTATIONS:**

### **Employee Recognition**

- **Jenni Kramer, Code Enforcement Technician**
- **Jonathan Wood, Code Enforcement Officer**

1. **SB 375 - Hasan Ikhata, SCAG Representative**
2. **Granite Mountain Wind Turbine Project – Mr. Lou Monville**

<b>APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE</b>
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Pat Orr, President, Chamber of Commerce, provided a summary of the 2009 Chamber of Commerce activities and the marketing efforts and projects launched by the Chamber. He announced the new 2010 Chairman, Jason Barker, and invited the Council to attend the monthly luncheon next Wednesday, January 20, 2010. Mr. Orr thanked the Council for their continuous support.

**PUBLIC COMMENTS**

Salvador Ortiz, Apple Valley, expressed concern regarding various issues that he has dealt with in the Town of Apple Valley.

Milt Holland, Apple Valley, commented on Agenda Item Number 18 regarding the Forensic Audit. He believed that approval of that item would be appropriate. He commented on Proposition 218 regarding the protection of tax payers.

Wally Lynn, Apple Valley, commented on the upcoming 1<sup>st</sup> Annual High Desert Kiwanis God in Country Breakfast Celebration. He invited the Council to attend the event.

Kim Scully, Apple Valley, expressed concern regarding her inability to pay her taxes for her property in the village area.

Larry Monroe, Apple Valley, spoke in opposition of the California Desert Protection Act of 2010. He expressed concern about the loss of land and felt that the Bill would prohibit mining and other uses.

Seth Neistadt, Apple Valley, spoke in memory of Mr. Robert Nygaard, former Performing Arts Teacher at Apple Valley High School who recently passed. He respectfully requested that the Town Council have a public landmark named after Mr. Nygaard, an individual who contributed so much to the community.

Councilman Nassif suggested that the information brought forth by Mr. Seth Neistadt be forwarded to the Park and Recreation Committee for review and direction to the students on the preparation for a presentation to bring back to the Council.

Mayor Pro Tem Sagona recommended that an item be brought forth at a future Historical Advisory Meeting to have a public landmark named after Mr. Nygaard. Mayor Pro Tem Sagona asked that tonight's meeting be adjourned in the memory of Mr. Robert Nygaard.

Eugene Buchanan, Apple Valley, commented on the Apple Valley Village Property Improvement District. He commented on the efforts by the PBID members to remove the existing PBID Board.

Tara Stancyk, Apple Valley, spoke in support of the Town selecting a landmark to be named after Mr. Robert Nygaard.

Michelle Buchanan, Apple Valley, spoke in support of having the Civic Center named after Mr. Nygaard.

Denise Hansen, Apple Valley, commented on her memories of Mr. Nygaard. She spoke in support of having a dedication made in his honor.

Doug Shumway, Apple Valley, spoke in opposition of the California Desert Protection Act and expressed concern regarding the availability of mineral resources.

Lester Milroy, Apple Valley, spoke in support of the windmill project. He also commented on the need for the Council to move forward with building a bike park for the youth in Apple Valley.

Doug Qualls, Apple Valley, thanked the Council and Town Manager for their recognition of Mr. Nygaard. He reiterated the comments made by Mr. Nygaard's students and asked for the Council's consideration in recognizing him as an individual who made an impact on the community.

Pat Hanson, Apple Valley, commented on the God and Country Breakfast. She felt that this event would honor the founders of this country and the community. She also commented on the guest speaker, Mr. Bob Weiland, who is a Vietnam Veteran and world renowned speaker. Mrs. Hanson cordially invited the Council to attend the breakfast.

### **Recessed Meeting**

Mayor Allan recessed the meeting of the Apple Valley Town Council at 8:25 p.m.

### **Reconvened Meeting**

Mayor Allan reconvened the meeting of the Apple Valley Town Council at 8:37 p.m.

## **COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilwoman Coleman commented on her attendance at Southern California Associated Governments (SCAG). She stated that a presentation was given on SB 375. She announced that the Regional Council took action to become one of the sponsors for the USC Institute of Politics Conference called "Fixing California".

Councilman Nassif commented on the article written in the paper regarding the activities of the Mojave Desert Solid Waste Authority. He stated that the land that was designated to the City of Victorville would severely impact the ability for the Material Recovery Facility to expand.

Councilman Nassif announced that he would be traveling to Sacramento next week to attend the Policy Committee for Housing and Economic Development.

Mayor Pro Tem Sagona thanked Mayor Allan for attending the Victor Valley Waste Water Reclamation Authority (VWVRA) meeting on his behalf. He commented on Mr. Nygard and stated that he would be in support of any effort in naming a public facility after him. He also stated that he would make a similar recommendation to the school district.

Mayor Allan commented on his attendance at the Victor Valley Waste Water Reclamation Authority (VWVRA) meeting and commented on the vote to move forward with the Sludge Agreement. He also commented on various meetings he attended including the City of Victorville Council Meeting regarding the Material Recovery Facility and the Victor Valley Economic Development Authority Meeting where the Town has agreed to fund the application for one of two Enterprise Zones.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the Council with a report on the Enterprise Zone application process and its benefits.

### **TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

Mayor Pro Tem Sagona requested an update by the BMX Ad Hoc Committee regarding the progress of the BMX Park.

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

**A. Regular Meeting – Tuesday, January 26, 2010, 6:30 p.m. – Council Chambers**

**TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and 13, and that item number 9 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None.

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

**A. Regular Meeting – December 8, 2009**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing Submittal of Applications to the California Waste Management Board for 5 Years for CIWMB Tire Grants**

**Recommendation:**

Adopt Resolution No. 2010-01, a Resolution of the Town Council of the Town of Apple Valley authorizing the filing of a grant application for funds for the Local Government Waste Tire Cleanup and Amnesty Event Grant Program.

**4. Authorize Execution of New Service Agreement for Electronic Waste Recycling with Gold'N West Surplus, Inc.**

**Recommendation:**

Authorize Mayor to execute the attached service agreement with Gold'n West Surplus, Inc. for recycling electronic waste received at the Household Hazardous Waste Collection Center.

**5. Ratify the Local Appointment List (Maddy Act) for the Town of Apple Valley Regular and Ongoing Boards, Commissions and Committees**

**Recommendation:**

That the Town Council approve the Local Appointment List (Maddy Act) as presented.

**6. Claimant – James and Karen VanDargriff**

**Recommendation:**

Reject the claim of James and Karen VanDargriff.

**7. Claimant – Estate of Jose Velasquez**

**Recommendation:**

Reject the Application for Leave to Present a Late Claim from the Estate of Jose Velasquez.

**8. Adoption of Measure I – Local Street Program Capital Improvement Plan for Fiscal Years 2009/2010 through 2014/2015**

**Recommendation:**

1. Approve FY 09/15 Measure I, 6-year plan.
2. Adopt Resolution No. 2010-02, a Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Six-Year Capital Improvement Program”.

**10. Ratify Submission of a Grant Application to the California Emergency Management Agency for the California Gang Reduction, Intervention and Prevention Program for Cities**

**Recommendation:**

That the Town Council Ratify Submission of a Grant Application to the California Emergency Management Agency for a Gang Reduction Intervention and Prevention Program.

**11. Ratify Submission of a Grant Application to the California Emergency Management Agency for Construction of an Emergency Operations Center**

**Recommendation:**

That the Town Council Ratify Submission of a Grant Application to the California Emergency Management Agency for Construction of an Emergency Operations Center (EOC).

**12. Declare Metal Building to be Surplus and Authorize Disposal Pursuant to Municipal Code Section 3.12.320.**

**Recommendation:**

Declare the Town’s metal building surplus property of the Town and authorize the Town Manager to approve an acceptable arrangement for demolition and/or disposal of the referenced warehouse at 13450 Nomwaket Road, at the lowest cost and maximum benefit to the Town.

**13. Authorization to Permit Greener Dawn, Inc., to Submit a Collaborative Energy Efficiency Grant Application on Behalf of Apple Valley to the California Energy Commission**

**Recommendation:**

That the Town Council adopt Resolution No. 2010-03, authorizing Greener Dawn, Inc., to submit a collaborative application on its behalf to the California Energy Commission.

**PULLED FROM CONSENT**

**9. Yucca Loma Bridge Contract Amendment to Expand Final Design Services and Include Project Segments West of the Mojave River**

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

Dick Pearson, Apple Valley, spoke in opposition of the Yucca Loma Bridge Project. He felt that due to the economic turn the funds should be used for other projects. He recommended that the Council reexamine the timeline or source of funding to see if it meets the needs of the Town and take the appropriate action.

Eugene Buchanan, Apple Valley, commented on the sign that was built at the entrance of the Village. He questioned whether the sign would continue to exist if the Yucca Loma Bridge is built.

Councilman Roelle commented on the progress made thus far on the project and felt it would be a tragedy to give up on the Yucca Loma Bridge Project.

Mayor Pro Tem Sagona agreed with the comments made by Councilman Roelle and stated that the low economic times presents lower cost.

Councilman Nassif commented on the benefit of the Yucca Loma Bridge. He recommended a joint meeting with the Councils of Victorville and Apple Valley to discuss the positive impact on the traffic flow and the economy for both communities.

### **RECOMMENDATION**

Motion by Councilman Nassif, seconded by Councilman Roelle, to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager. (The amendment requests Final Design and Right-of-Way services for the Apple Valley and San Bernardino County segments of the Yucca Loma Bridge Corridor Project in an amount not to exceed \$336,900.00.)

Vote: Motion carried 5-0-0-0

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

### **PUBLIC HEARINGS**

None.

### **LEGISLATIVE MATTERS**

None.

### **REPORTS, REQUESTS AND COMMUNICATIONS**

#### **BUSINESS OF THE REDEVELOPMENT AGENCY**

##### **14. California Desert Protection Act of 2010**

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

Marisa Calderon, representing California Wilderness Coalition, provided information on the provisions by the California Desert Protection Act of 2010.

April Sall, representing The Wild Land's Conservation, spoke in support of the California Desert Protection Act of 2010. She provided a brief history of the Katellas Land Purchase.

Laurel Williams, representing California Wilderness Coalition, spoke in support of this item. Ms. Williams addressed issues surrounding off-roading and mining.

Dinah Shumway, Apple Valley, spoke in opposition of this item. She expressed concern regarding federal regulations as well as issues surrounding mineral resources.

Discussion ensued regarding the California Desert Protection Act.

**MOTION**

Motion by Councilman Roelle, seconded by Councilwoman Coleman, that the Town not send a response letter to this request.

Vote: Motion carried 3-2-0-0

Yes: Councilman Nassif; Mayor Allan.

Noes: Councilmember's Coleman; Roelle; Mayor Pro Tem Sagona

Absent: None.

**15. Request to Rename Mountain Vista Park**

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

Barbara J. Beeson, Apple Valley, provided a brief history on the contributions made by Mr. and Mrs. Cramer. She respectfully requested that the Council consider renaming the park to The Cramer Family Park. She felt that by renaming the park, it would honor both for their community involvement.

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, to approve the recommendation from the Park and Recreation Commission to rename Mountain Vista Park as "Cramer Family Park"

Vote: Motion carried 5-0-0-0

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

Absent: None.

**17. Discussion of Exposed Metal Buildings in the North Apple Valley Industrial Specific Plan (NAVISP)**

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

Councilman Nassif had questions regarding the approval of Phase 3.

Mayor Pro Tem Sagona had questions regarding the Conditional Use Permit process. He recommended the item be sent back to the Planning Commission for appropriate direction.

Craig Halverson, Vice President, Watson Land Company, explained their concerns surrounding the expansion of metal buildings in the North Apple Valley Specific Plan.

Kevin Reid, Watson Land Company, commented on Phases 4, 5, and 6 and the process of obtaining entitlements.

Mayor Allan had questions regarding the buildings that have been approved.



Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, recommended that the Town Council remand this item back to the Planning Commission for further review.

John Brown, Town Attorney, stated that the standards should be uniform to all applicants.

Mr. Henderson explained that there is a provision in the development standards that addresses these issues.

**MOTION**

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Sagona, that the Town Council remand this matter to the Planning Commission with the understanding that there will be consideration provided in negotiations that have the affect of allowing the Planning Commission to approve the expansion program to be submitted by Reid Products.

Vote: Motion carried 5-0-0-0

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

Absent: None

**18. Award of a Professional Services Agreement for Forensic Accounting Services Provided to the Village Area Property Business Improvement District (PBID)**

Councilman Nassif stated that he had a potential conflict of interest with this item and therefore excused himself from the dais.

**COUNCILMAN NASSIF EXCUSED HIMSELF FROM THE DAIS AT 10:09 P.M.**

John Brown, Town Attorney, presented the staff report as filed with the Town Clerk.

Eugene Buchanan, Apple Valley, commented on the possibility of dissolving the PBID Assessment District.

Discussion ensued regarding the entity responsible for covering the cost of the Forensic Audit. It was the consensus of the Town Council that the Town cover the cost.

Frank Robinson, Town Attorney, stated that this item is not a budgeted expense; therefore, direction to staff would be needed authorizing that the funds come from the Town Attorney Account.

**MOTION**

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to approve and adopt the attached Professional Services Agreement between the Town of Apple Valley and Vicenti Lloyd & Stutzman LLP and to cost this project against the Town Attorney account by amending the budget for an amount not to exceed \$23,370 and authorize its execution by Mayor, Town Attorney, Town Manager and Town Clerk.

Vote: Motion carried 4-0-0-1

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

Absent: Councilman Nassif.

**COUNCILMAN NASSIF RETURNED TO THE DAIS AT 10:19 P.M.**

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

Mr. Robinson, Town Manager, commented on the improvements to the Civic Center Park. He also announced that a future item would be presented to the Council for consideration to establish a new Community Recognition Program for both community members and employees that go above and beyond the call of their fellow citizens.

Mr. Robinson stated that the two items requested by Councilman Sagona would be presented to the Council at the January 26, 2010 meeting regarding the Feasibility Study and an update to Council regarding the BMX Park. He also announced that next week he will be attending the US Conference of Mayors in Washington DC along with Mayor Allan.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**ADJOURNMENT**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:22 p.m. in the memory of Mr. Robert Nygaard, former Performing Arts Teacher at Apple Valley High School.

Town Clerk

Mayor