

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

**REGULAR MEETING  
MINUTES – February 23, 2010**

**CLOSED SESSION**

**1. Closed Session**

Mayor Allan announced that Closed Session would be held at the end of the meeting.

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

**INVOCATION:** The invocation was led by Bishop Donald Fields, River of Life Kingdom Center

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Division Chief Art Bishop

**PRESENTATIONS:**

1. Certificate of Appointment - Donald Tatera - Parks and Recreation Commission
2. Proclamation – “End Polio Now” – Apple Valley Rotary – Accepted by Ms. Raghada Khoury
3. Victor Valley Economic Development Authority (VVEDA) Presentation – Emily Wong, Assistant Director of Economic Development
4. New Public Works Facility Design – AC-6 Architects

**SPECIAL ANNOUNCEMENTS:**

## **PUBLIC COMMENTS**

Art Bishop, Mojave Water Agency, commented on AB32. He spoke in support to send a letter to the Governor asking to reconsider the bill. He commented on renewable energy and felt that the cost of water is being driven by AB32.

Chuck Hanson, Apple Valley, wanted to express concern regarding the need for additional bicycle lanes in Apple Valley.

Holly Noel, owner of Baskin Robbins, commented on the temporary waiver to allow various portable signs in front of their business. She respectfully requested that the temporary waiver for portable signs be allowed to continue to help with their business and that the Town Council also consider a code amendment to make the signs allowable within the Town.

Ken Hunter, Citizen, announced that he was a candidate for Assemblyman for the 59<sup>th</sup> District. He commented on his goals for the district should he be elected to this office.

Milt Holland, Apple Valley, expressed concern regarding the Property Business Improvement District and its Board Members.

Carol Click, Apple Valley, stated that her home was located in a retention basin and she expressed concern regarding the damage to her home from the recent rain storms.

Linda Gibson, Apple Valley, also expressed concern regarding the damage to her home that occurred from the recent rain storms.

Constance Koch, Apple Valley, showed various pictures to the Town Council of the drainage ditches in her area that she believed should be maintained by the Town of Apple Valley.

Greg Raven, Apple Valley, stated that he wanted to support the comments made by Mr. Chuck Hanson regarding the need for bicycle lanes.

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

Jason Barker, Chairman, updated the Town Council on the new goals of the Apple Valley Chamber. He also discussed training that it is offering its members and upcoming events.

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

Councilman Roelle stated that SANBAG will be discussing the funding for the Town's portion of the Yucca Loma Bridge at its next meeting.

Councilman Nassif commented on the PAL Program. He commented on attending a meeting at the Mojave Desert Solid Waste Joint Powers Authority and the discussions that took place regarding the beverage container recycling process. He also commented on the issues dealing with flooding and working with the County Flood Control. He recommended that the Engineering Department prepare an update for the next Town Council Meeting on this issue.

Councilman Nassif also recommended that the Town agendaize an issue for a future agenda regarding the outdoor signage and possibly extending the moratorium on this issue.

Frank Robinson, Town Manager, stated that the moratorium can be suspended until future notice.

Councilman Nassif also announced that he would not be in attendance at the next meeting due to the need to attend a conference for his job.

Mayor Pro Tem Sagona recommended that a resolution be attached to the Letter requesting Governor Schwarzenegger's consideration to suspend implementation of the California Global Warming Solutions Act (AB 32) of 2006 that is on tonight's agenda. He requested an item be agendaized for a future meeting to introduce the proposed resolution. He also commented on his attendance at the Victor Valley Waste Water Reclamation Authority Meeting and the discussions that were held regarding the Joint Powers Agreement.

Mayor Pro Tem Sagona also commented on his recent visit to the Vineyard Development and the damage caused by the recent flooding. He also requested that an item be placed on the agenda regarding and the issue regarding the outdoor signage.

Mayor Allan commented on his attendance at the Business Members Forum that was held in the City of Victorville. He also commented on the invitation by Mayor Cabriales to tour the Dr. Pepper Plant in Victorville after the meeting.

#### **TOWN COUNCIL ANNOUNCEMENTS**

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

It was the consensus of the Town Council that an item be placed on the next agenda regarding the recent flooding that occurred in the Town of Apple Valley, specifically the areas of Tamiani, Kaskort and Minnetoka and a resolution regarding the suspension of AB32. Also, that an item be placed on the agenda for the meeting of March 23, 2010 to discuss outdoor signage.

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

- A. Special Meeting – Monday, March 1, 2010, 5:30 p.m. – Mojave Desert Air Quality Management District – 14306 Park Avenue, Victorville, CA**
- B. Special Meeting – Tuesday, March 9, 2010, 4:00 p.m. – Council Chambers**
- C. Regular Meeting – Tuesday, March 9, 2010, 6:30 p.m. – Council Chambers**

#### **TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

##### **MOTION:**

Motion by Councilman Roelle, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2 through 4, and that item number 5 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 – February 9, 2010**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
3. **Proposition 84 Grant Program, Statewide Park Development and Community Revitalization Program**  
**Recommendation:**  
That the Town Council adopt Resolution No. 2010-10, for the 2008 State of California Park Development and Community Revitalization Program Grant Application.
  
4. **Adopt a Resolution In Support of the Local Taxpayer, Public Safety and Transportation Protection Act Of 2010**  
**Recommendation:**  
That the Town Council adopt Resolution No. 2010-11, endorsing the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, which is a proposed constitutional amendment and authorize the listing of the Town of Apple Valley in support of this initiative.

**PULLED FOR DISCUSSION**

5. **A Professional Services Contract for the Preparation of the BMX Bike Park Design Documents and Cost Comparison Study**

Councilwoman Coleman stated that she had a potential conflict of interest on this item and therefore excused herself from the dais.

**COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 7:46 P.M.**

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

William Furmage, Apple Valley, expressed concern regarding the delay in building a bicycle park for the youth of Apple Valley.

Councilman Nassif commented on the progress that has taken place to date on this issue.

Mr. Wright commented on the difference between the proposed project for Apple Valley and the BMX Park recently built by a neighboring community.

Discussion ensued regarding the grant submitted for this project.

**MOTION**

Motion by Mayor Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to continue this item to a future meeting.

**COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 8:02 P.M.**

**PUBLIC HEARINGS**

**LEGISLATIVE MATTERS**

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**6. California Desert Protection Act of 2010**

Mayor Allan announced that at the request of Mayor Pro Tem Sagona a proponent and opponent was invited to speak to this issue. He stated that the two individuals selected to speak on this issue would have five (5) minutes to address the Council.

Linda Mayfield, Manager of Legislative Affairs, presented the staff report as filed with the Town Clerk. She read into the record the letter proposed to be submitted should the Town Council vote to support this act.

Meg Groraglass, Proponent, Off-Road Business Association, spoke in support of this project. She commented on several components of the bill including OHV use in the high desert areas.

Dinah Shumway, Opponent, spoke in opposition of this project. She expressed concern regarding the land that would be taken away and the mining industries including mineral resources.

Ed Patrovsky, Retired, US Bureau of Land Management, spoke in support of this project.

Marisa Calderon, Apple Valley, spoke in support of this project.

Marc Nelissen, Off Highway Vehicle (OHV), spoke in support of this project.

Kieth Huff, Off-Road Bike Supporter, spoke in support of this project.

Monica Argandona, Apple Valley, spoke in support of this project.

David Lamfrom, Barstow, spoke in support of this project.

Paul Smith, Twentynine Palms, spoke in support of this project.

Jamie Hall, Apple Valley, spoke in support of this project.

David Mueller, Apple Valley, spoke in opposition of this project.

Carol Witey, Apple Valley, spoke in support of this project.

Rick Jacobs, Apple Valley, spoke in opposition of this project.

April Sall, spoke in support of this project.

Councilwoman Coleman stated that she opposes this item. She expressed concern regarding the Government taking over land. She also expressed concern regarding the mining industry and any resources that have not yet been discovered.

Councilman Roelle stated that he does not support this project. He stated that there are large portions of the desert that are federally controlled and felt it is a land grab. He also noted there is nothing added to the current land use designation for off road use.

Councilman Nassif stated that he supports this project. He expressed concern regarding the land being taken away by private entities. He felt by not having the bill it would constitute a land grab by the Department of Defense. He also expressed concern regarding tourism and off-road usage in the natural habitat and felt that the mining issues are not addressed clearly.

Mayor Pro Tem Sagona thanked the public for attending the meeting and speaking on this issue. He stated that he would support this project.

Mayor Allan stated that he believes this letter does not commit the Town to anything, just offering its support.

### **MOTION**

Motion by Mayor Allan, seconded by Councilman Nassif, to direct staff to send the letter as amended to include "protecting the mining interest of the high desert".

Vote: Motion carried 3-2-0-0

Yes: Councilmember Nassif; Mayor Pro Tem Sagona; Mayor Allan

Noes: Councilmember's Roelle; Coleman

Absent: None.

Mayor Allan recommended with the consensus of the Town Council to discuss Item Number 9 at this time due to the number of individuals in attendance regarding this item.

## **9. High Desert Hispanic Chamber of Commerce**

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

Colleen Butcher, Board Member, High Desert Hispanic Chamber of Commerce, spoke in support of a business relationship with the Town of Apple Valley. She commented on the services that the Hispanic Chamber provides to the community.

Scott Kubicek, Secretary, High Desert Hispanic Chamber of Commerce, commented on the opportunities that the Hispanic Chamber provides the community and the programs that they hold monthly in an effort to give back to the community.

Councilman Roelle recommended that the Town Council appropriate funding to the High Desert Chamber of Commerce to a like amount of the Apple Valley Chamber of Commerce.

Councilman Nassif recommended staff develop a plan with the Hispanic Chamber and bring it back at a later date with a recommended amount of funding for approval

**MOTION**

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to provide direction to staff regarding the possibility of providing additional financial assistance to the High Desert Hispanic Chamber of Commerce.

Vote: Motion carried 5-0-0-0

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

Absent: None

**7. Letter Requesting Governor Schwarzenegger's Consideration to Suspend Implementation of the California Global Warming Solutions Act (AB 32) of 2006**

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

**MOTION**

Motion by Councilman Roelle, seconded by Councilwoman Coleman that the Town Council Send a Letter to Governor Schwarzenegger Requesting Suspension of Implementation of AB 32.

Vote: Motion carried 5-0-0-0

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

Absent: None

**8. Introduce Ordinance No. 404, an Ordinance of the Town Council of the Town of Apple Valley Amending Chapter 1.01.200 Violations and Chapter 1.08.050 Citations in Lieu of Immediate Arraignment of the Apple Valley Municipal Code**

Jim Anderson, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Councilman Roelle, seconded by Councilwoman Coleman, and unanimously carried, to:

1. Find that the proposed adoption of Ordinance No. 404 is not subject to and is Exempt from CEQA, based upon findings under CEQA Guidelines, Section 15061 Sub (b)(3) that can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
2. Move to waive the reading of Ordinance No. 404 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the Title to Ordinance No. 404.

**MOTION**

Motion by Councilman Nassif, seconded by Councilman Roelle, to:

3. Introduce Ordinance No. 404 amending chapter 1.01.200 General Provisions Violations and chapter 1.08.050 General Provisions Citations in Lieu of Immediate Arraignment.

4. Direct Staff to File a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None

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

Kevin Smith, Interim Finance Director, provided clarification to the Town Council regarding an issue that was discussed at the previous meeting in reference to funding from the General Fund.

Brad Miller, Town Engineer, commented on the bicycle paths and the flooding that occurred in the Vineyards Housing Tract. He also commented on his visit to the Vineyard Housing Tract following the recent rainfall. He noted that the system performed extremely well; however, they will be looking into improving the flood management plan to reduce the flow quantifies and reduce future flood hazards.

Frank Robinson, Town Manager, announced that a future item will be agendized along with a presentation to provide information to the residents of the Vineyard Housing Tract. He also announced that at the request of Councilman Nassif, a report on the well study will be presented at the meeting of March 23, 2010.

Mr. Robinson commented on his participation at the first Planning Advisory Committee for the Apple Valley Airport Master Plan update and its successful turn out.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**1. Closed Session**

Motion by Councilman Nassif, seconded by Councilman Roelle, and unanimously carried, to adjourn to Closed Session at 9:30 p.m. to discuss the following:

- A. 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.
- B. Negotiations with Real Property Negotiator – Property located at 14100 Kiowa Road, Apple Valley; Negotiating Parties: Federal Deposit Insurance Corporation; Town Negotiator(s): Town Manager or Assistant Town Manager, Economic and Community Development or Designee. Negotiations involve both price and terms of payment.
- C. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one potential case).

**ADJOURNMENT**



Mayor Allan announced that Item B will be brought back on the March 23, 2010 Agenda as an open session item.

Motion by Mayor Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:15 p.m. in memory of Mr. Monte Worle, a long time friend and spouse to Town of Apple Valley Employee, Mary Ann Worle.

Town Clerk

Mayor