

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

**REGULAR MEETING  
MINUTES – September 28, 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: Boardmember/Councilwoman Coleman; Boardmember/Councilman Nassif; Boardmember/Councilman Roelle; Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent: None.

**CLOSED SESSION**

**1. Closed Session**

Motion by Mayor Allan, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 6:35 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Clerk.

Councilwoman Coleman announced that she had a potential conflict of interest and would not be participating in Closed Session discussions on item 1B. She was excused from Closed Session at 6:37 p.m.

- 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 6:59 p.m., Mayor Allan announced that on item 1A, discussion would continue to the end of the meeting and on item 1B, there was no reportable action taken.

**OPENING CEREMONIES**

**INVOCATION:** The invocation was led by Mr. Richard “Dick” Allen

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

**PRESENTATIONS:** None

**SPECIAL ANNOUNCEMENTS:** None

## **PUBLIC COMMENTS**

Monica Navarro, requested permission from the Town Council to hang mini billboards advertising Relay for Life.

Lawrence McCarthy, Apple Valley, questioned the purchase agreement for the Apple Valley Golf Course. He commented on the benefit of the Town buying the golf course with no benefit to the residents.

Tom Piper, Apple Valley, commented on the Town's takeover of CSA-17. He recommended giving the tax back to the citizens instead of retaining those funds in the Town's General Fund.

Carl Coleman, Apple Valley, spoke on the numerous benefits that the Town has provided to the residents of Apple Valley.

Dave Mueller, High Desert Politics.org, respectfully asked that the payroll and commercial warrants schedule be published for the public's review. He also asked when the Town would be receiving a report on the Victor Valley Economic Development Authority.

Bernadette McNulty, Apple Valley Citizens United, commented on the amount of funds the Town has spent on various items for the Apple Valley Golf Course.

William Furmage, Apple Valley, commented on an article in the Town Newsletter regarding Healthy Communities. He expressed a need for the Town Council to move forward with a bicycle park for the youth in Apple Valley.

Salvador Ortiz-Lopez, Apple Valley, expressed concern regarding the authority given to the Apple Valley Fire Protection District. He respectfully requested that the Town inspect his property for completion.

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

Jim Gutierrez, Apple Valley Chamber of Commerce, commented on six (6) new businesses that have opened in the Town and offered new employment opportunities for our community. He also commented on other opportunities that the Chamber has been able to participate in, including Hot August Nights.

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

Councilman Nassif stated that he attended the Annual League of California Cities Conference that was held in San Diego. He commented on discussions that took place at the conference including the review of AB32 and SB375.

Mayor Pro Tem Sagona announced that Candidate Forums would be held on Wednesday, September 29 from 6:00 p.m. to 7:20 p.m. at Victor Valley College and on Tuesday, October 5 at Hanson Hall, Church of the Valley. He stated that he attended the VVWRA Meeting. He commented on the changes that have occurred since their reorganization of personnel. He also commented on Hesperia's Santa Fe Road interceptor project.

Councilman Roelle commented on discussions that have taken place at San Bernardino Associated Governments regarding Measure I funding. He also commented on the Mountain Desert Meeting held last Friday regarding the funding for the Yucca Loma Bridge project.

Councilwoman Coleman commented on her first Local Agency Formation Commission (LAFCO) Meeting where the Board voted to approve the CSA-17 dissolution. She also commented on her attendance at the Victor Valley Transit Authority Meeting. Councilwoman Coleman announced that the California Air Resource Board did adopt their reduction plan.

Mayor Allan stated that the County of San Bernardino will sponsor a High Desert/County Marathon to raise funds and awareness for Route 66 and Childhood Obesity.

### TOWN COUNCIL ANNOUNCEMENTS

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

Councilman Roelle requested an item be added to the next Agenda to discuss Relay for Life.

Mayor Allan requested an item be added to the next Agenda to adopt an Ordinance regarding Code of Ethics.

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

**A. Regular Meeting – Tuesday, October 12, 2010, 6:30 p.m. – Council Chambers**

### TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

#### **MOTION**

Mayor Allan announced that Councilman Nassif has a remote interest in certain warrants on tonight's commercial warrants for the Town of Apple Valley as the owner of NAPA Auto parts. Therefore he would be abstaining from voting on agenda item number 7.

Motion by Councilman Roelle, seconded by Councilwoman Coleman, to approve and adopt the Consent Calendar items numbered 2-13, respectfully.

Vote: Motion carried 5-0-0-0

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

**Councilman Nassif abstained from voting on Item #7.**

2. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – September 14, 2010**

#### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

3. **Adopt Ordinance No. 413, An Amendment To The North Apple Valley Industrial Specific Plan Eliminating The Designation Of Non-Conforming For The Use Of Exposed Metal Within The North Apple Valley Industrial Specific Plan.**  
**Recommendation:**  
Adopt Ordinance No. 413.
4. **Adopt Ordinance No. 414, Amending The Official Zoning Map By Changing The Zoning Designation From Multi-Family Residential (R-M; 4 To 20 Du/Net Acres) To Mobile Home Park (MHP; 5 To 15 Du/Acres) For The Vacant 4.69 Acre Project Site Located On The Northerly Adjacent Property Of An Existing Mobile Home Park Approximately 1,000 Feet Northwest From The Intersection Of Nisqually And Quinnault Roads; APN 3087-372-06.**  
**Recommendation:**  
Adopt Ordinance No. 414.
5. **Treasurer's Report – Month of July 2010**  
**Recommendation:**  
Receive and file.
6. **Payroll/Benefits Warrant Schedule – July 2010**  
**Recommendation:**  
Receive, ratify, and file the payroll/benefits warrants as presented.
7. **Commercial Warrants Schedule – July 2010**  
**Recommendation:**  
Receive, ratify, and file the commercial warrants as presented.
8. **T-Mobile Wireless Site Agreement**  
**Recommendation:**  
That the Town Council approve the attached T-Mobile Site Lease Agreement and Memorandum of Lease between T-Mobile West Corporation and the Town for the purpose of installing a T-Mobile owned telecommunication facility at Brewster Sports Center.
9. **Fee Waiver Request for Sign Program Permit for San Bernardino County Museum (Victor Valley Museum)**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of Sign Program permit for the San Bernardino County Museum.
10. **A Resolution for the Adoption of Measure I – Local Street Program Capital Improvement Plan for Fiscal Years 2010/2011 through 2014/2015**  
**Recommendation:**
  1. Approve FY 10/15 Measure I, 5-year plan.
  2. Adopt Resolution No. 2010-45, A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Five Year Capital Improvement Program.
11. **Legislation Requiring Local Agencies to Review its Conflict of Interest Code to Comply with the Political Reform Act**  
**Recommendation:**  
This is an informational item only.

**12. Town Hall and Police Building Remodel Programs**

**Recommendation:**

- 1) Award bids for Town Hall and Police Building remodel programs contained in Exhibit "A"; and,
- 2) Appropriate \$77,000 from funds available for contingency fund for the Town Hall and Police Building remodel programs.

**13. Professional Services Agreements for Construction Management and Furniture Installation for Town Hall and Police Department Remodel Projects**

**Recommendation:**

Award professional services agreement to Eberhardt Construction for services related to construction management of the Town Hall and Police Department remodel projects. Also, award professional services agreement to Systems Source for services related to design, inventory, reconfiguration and installation of system furniture, carpentry work, shelving and installation for records center and evidence room.

After consulting with Mayor Pro Tem Sagona, Mayor Allan, with the consensus of the Town Council, requested that Agenda Item No. 18 be discussed at this time.

**18. Discussion Regarding Whether or not the Town of Apple Valley Should Proceed with the Purchase of the Apple Valley Country Club/Golf Course**

Councilwoman Coleman stated that she had a potential conflict of interest on this item as a property owner in the area; therefore excused herself from discussion of this item.

**COUNCILWOMAN COLEMAN WAS EXCUSED FROM THE DAIS AT 7:39 P.M.**

Mayor Pro Tem Sagona presented the staff report as filed with the Town Clerk. He expressed concern regarding the amount of funds that the Town has spent in an attempt to keep the club in operation. He proposed a membership fee structure that could possibly allow the club to remain open as a public golf facility.

Mayor Pro Tem Sagona stated that he met with the Board of Directors for the Apple Valley Country Club and based on those discussions, he respectfully requested that the Town work with the Board of Directors in an effort to take back the Golf Course by implementing a membership fee structure. He recommended a six (6) month period be given to phase into this form of corporation.

Dave Mueller, High Desert Politics.org, expressed concern regarding the recommendation suggested by Mayor Pro Tem Sagona. He did not believe that the residents surrounding the golf course would be willing to contribute financially for the benefit of the golf course. He believed that the club is losing money and the Town should not continue funding this project.

Richard Turnbull, Apple Valley, believed that turning the golf course back to the public would be profitable as suggested by Mayor Pro Tem Sagona.

Richard Rorex, Apple Valley, expressed concern regarding the Town continually revisiting this item. He believed that the Town should proceed with its original decision to purchase the golf course and invest in the future.

Bernadette McNulty, Apple Valley, expressed concern regarding the success of golf courses throughout the area during these economic times. She commented on discussions that she has had with golf management companies in an effort to assist in finding solutions for the Town.

James Nickerson, Apple Valley, expressed concern regarding the proposal suggested by Mayor Pro Tem Sagona. He did not believe that a select number of residents who reside around the golf course should be further taxed in an attempt to keep the golf course solvent.

Councilman Nassif commented on the need to work toward profitability for the club. He spoke of the figures given by staff during budget deliberations regarding the golf course which were figures based on the current course of action of the club at that time. He recommended that staff bring back an item for review by the Town Council that would detail a plan of action for the golf course in order to make it an asset for the community.

Councilman Roelle agreed with the recommendation from Councilman Nassif and stated that something needs to be done expeditiously so that the Town's reserves are not depleted.

Mayor Allan also agreed with the comments made by Councilman Nassif. He spoke on the benefit of the golf course and the use of the course by the youth in Apple Valley. He recommended that we do what we can to try and keep the club open; however, he also agreed that the Town could not allow its reserves to be depleted.

Mayor Pro Tem Sagona responded to statements made by the public stating that it was not his intent to pay for the course with additional taxing of the homeowners surrounding the golf course. He believed that the Town's fiscal stability needs to be guarded.

This was a discussion item only. There was no action taken.

**COUNCILWOMAN COLEMAN RETURNED TO THE DAIS AT 8:19 P.M.**

<b>PUBLIC HEARINGS</b>
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**14. A Resolution Requesting that the Local Agency Formation Commission (LAFCO) Initiate Proceedings for the Annexation of Parcels that Lie East of the Town Limits, South of Quarry Road and West of Central Avenue, Under Annexation No. 2008-002.**

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk. She distributed minor corrections to the listing of parcel numbers.

Councilwoman Coleman announced that it was not a potential conflict of interest for her to participate and vote on discussions involving LAFCO.

Mayor Allan opened the public hearing at 8:23 p.m.

Dave Mueller, High Desert Politics.org, expressed concern regarding the funding being used for this project. He commented on the water supply assessment by Terra Nova needed to comply with California Law Senate Bill 610.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, responded to statements made by Mr. Mueller regarding this project and the contract with Terra Nova.

Ms. Lamson identified the corrections as distributed to the Town Council.

There being no additional requests to speak, Mayor Allan closed the public hearing at 8:31 p.m.

### **MOTION**

Motion by Councilman Roelle, seconded by Councilman Nassif, to

1. **Adopt** Town Council Resolution No. 2010-46, requesting initiation of annexation proceedings for Annexation 2008-002;
2. **Direct** staff to file all necessary application materials and fees relating to Annexation 2008-002 with the Local Agency Formation Commission.
3. **Direct** the Town Manager to sign the Plan for Services.

Vote: Motion carried 5-0-0-0

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

## LEGISLATIVE MATTERS

None

## REPORTS, REQUESTS AND COMMUNICATIONS

### **BUSINESS OF THE COUNCIL**

15. **A Resolution Of The Town Council Of The Town Of Apple Valley, California, Repealing Resolution No. 97-15, And Creating Resolution No. 2010-47 Relating To A Code Of Ethics For All Town Officials And Employees**

Councilman Nassif presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the need to amend the Rules and Procedures for the Town Council.

### **MOTION**

Motion by Councilman Roelle, seconded by Councilman Nassif, to adopt a Resolution of the Town Council of the Town of Apple Valley, California, Repealing Resolution No. 97-15, and Creating Resolution No. 2010-47 Relating to a Code of Ethics for all Town Officials and Employees.

Vote: Motion carried 5-0-0-0

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

**16. Request for Proposals (RFP) - Consultation and/or Counseling Services for the Staff of the Town of Apple Valley**

Piero Dallardo, Town Attorney, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, to approve the proposed Request for Proposal (RFP) and direct the Town Attorney to solicit proposals from experienced and qualified firms.

Vote: Motion carried 5-0-0-0

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

**17. A Resolution Of The Town Council Of The Town Of Apple Valley, California, In Support Of The Southern California Association Of Government's "Business-Friendly Principles" As Part Of SCAG's Development Of A Southern California Growth Strategy.**

Councilwoman Coleman presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Councilwoman Coleman, seconded by Councilman Roelle, to adopt Resolution No. 2010-48, in support of the Southern California Association of Government's "Business-Friendly Principles" as part of SCAG'S development of a Southern California growth strategy.

Vote: Motion carried 5-0-0-0

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

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

Kathie Martin, Marketing and Public Affairs Officers provided an update to the Town Council on the 2<sup>nd</sup> Annual Fall Festival.

Frank Robinson, Town Manager, commented on the SHOCK program and stated that the PAL Center was awarded a \$25,000 grant from the St. Joseph System Foundation Wellness and Prevention Initiative for a boxing program. He stated that he has been working with the PAL Program to incorporate PAL into the Parks and Recreation Program and also look forward to locating a Police Substation at James Woody Park.

Mr. Robinson also commented on the continued road repair on Dale Evans Parkway and the High Desert Corridor Scoping Meeting that will be held at the new Conference Center.



Mayor Allan commented on the names of the buildings. He recommended that staff work on a solution to provide the general public with better direction on where they need to go according to their needs.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**1. Closed Session**

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn to Closed Session at 9:00 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Clerk.

Upon returning from Closed Session at 9:23 P.M., Mayor Allan announced that this item will be continued to the regular meeting of October 12, 2010.

**ADJOURNMENT**

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:24 p.m.

Town Clerk

Mayor