

**TOWN OF APPLE VALLEY  
TOWN COUNCIL – REGULAR MEETING  
MINUTES – March 25, 2008**

**CALL TO ORDER:**

Mayor Jasper called to order the meeting of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper.

**CLOSED SESSION**

Mayor Jasper announced that there was a need to add an item to the agenda on Closed Session.

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, that based upon finding a need to consider immediate action which came to the attention of the Town after the agenda was posted. Move to add additional Closed Session Agenda Item 1D entitled – Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (A) Town Of Apple Valley vs. Calderon, Et Al., San Bernardino Superior Court Case No. VCWS 0039190, Parcels 5 And 5 Tce, Defendants Philip H. Shahin & Lois E. Shahin

Councilman Allan announced that do to a potential conflict of interest, he would abstain from voting to add this item to the agenda.

Vote: Motion carried 4-0-1-0

Yes: Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Abstain: Councilman Allan. Absent: None.

Mayor Jasper announced that Closed Session would be discussed at the end of the agenda.

**OPENING CEREMONIES**

**INVOCATION**

Pastor Doris Eddy, Valley Christian Fellowship

**PLEDGE OF ALLEGIANCE:**

Councilman Scott Nassif led the Pledge of Allegiance

**PRESENTATIONS:**

Robert Silverman, Victor Valley College informed the Town Council on the Wind Turbine Project at the College and spoke about the benefit of the project to the students.

Kevin Mahaney, St. Mary's Medical Center, presented the 2007 Report to the Community. He spoke on the challenge of youth obesity facing our community.

**SPECIAL ANNOUNCEMENTS:** None.

#### **PUBLIC COMMENTS**

John Ellison, Jr, UltraStar Cinemas, thanked the Town Council and staff for their work with UltraStar in helping them bring the theater to the Town of Apple Valley.

Damon Rubio, UltraStar Cinemas, discussed the activities taking place at the theater complex. He stated that the response at the theater has been good for a Town of this population.

Richard Bebb, Apple Valley, expressed concern regarding the possibility of the school canceling its aquatics program during the winter months due to the costs to heat and maintain the pool. He asked that the Town not drain the pool.

Ruth Blinsmon, Apple Valley, stated that the school board will be discussing possible budget cuts to remove the aquatics program due to costs. She respectfully asked the Town to work with the school district so the pool can remain open for the aquatics program.

William Furmage, Apple Valley, expressed concern regarding the lack of a bicycle park in Apple Valley. He also recommended additional supervision at the current skatepark.

Simone Kvalheim, Apple Valley, questioned whether or not the Town was an Inclusive Community. She expressed concern that she is not being given the use of a Town facility for Race Unity Day until late afternoon. She is concerned that this is not enough time and requested being given the full day for use of her event.

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

Councilman Roelle commented on his attendance at the City County Conference held in Lake Arrowhead. He also spoke on the upcoming subregional meeting with Victorville, Hesperia, Adelanto, and Apple Valley that will be held the end of April.

Councilman Nassif also commented on the City County Conference and stated that the theme was "Going Green". He spoke of the excellent speakers at the event who all spoke on working toward the goal of going green. He also stated that he attended the North Apple Valley Lowes Grand Opening on Thursday, March 20.

Mayor Pro Tem Sagona commented on the final Phase 3 of Jess Ranch Parkway.

Mayor Jasper commented on the City County Conference and agreed with Councilman Nassif on the excellent speakers that were in attendance.

## TOWN COUNCIL ANNOUNCEMENTS

### Suggested items for next agenda:

Mayor Jasper stated that he would like to discuss Town fees at a future agenda. He commented on the nexus study that was previously done that recommended an increase in fees. He said that at this time, the Town should revisit its fees to determine whether or not fees should be decreased.

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

**A. Special Meeting – Friday, March 28, 2008, 8:00 a.m. – Council Chambers**

**B. Regular Meeting – Tuesday, April 8, 2008, 6:30 p.m. – Council Chambers**

## CONSENT AGENDA

Ralph Wright, Community Services Manager, recommended a few non-substantial changes to Agenda Item Number 7 regarding the Civic Center Park Amphitheater Rental and Use Policy per the Town Attorney.

### **MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 – 7, as amended.

Vote: Motion carried 5-0-0-0

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

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

**A. Regular Meeting – March 11, 2008**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Adopt Ordinance No. 378, An Amendment To The Development Code By Assigning Zoning Designations To Approximately 122,921 Acres Of Land Located Outside The Town Boundary, To The North, East And South Of The Town Limits. In Conjunction With The Zoning Assignments, Amendments To The Development Code Relating To Residential Zones, And Their Development Standards, Are Also Proposed.**

**Recommendation:**

Adopt Ordinance No. 378

**4. Award Contract for the Dakota Road and Altadena Street Improvement Project 2008-01**

**Recommendation:**

Award a contract to Cooley Construction Inc., for the Dakota Road and Altadena Street Improvement Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**5. Review And Approve Construction Specifications For The Slurry Seal 2008 Project, And Authorize Staff To Proceed With Advertisement For This Project.**

**Recommendation:**

Review and approve specifications for the Slurry Seal 2008 Project and direct staff to proceed with advertising the project.

6. **A Resolution Of The Town Council Of The Town Of Apple Valley Approving The Submittal Of The Town Of Apple Valley General Plan Annual Report To The Governor's Office Of Planning And Research And The State Department Of Housing And Community Development.**

**Recommendation:**

Adopt Resolution No. 2008-13, a resolution of the Town Council of the Town of Apple Valley approving the submittal of the Town of Apple Valley General Plan Annual Report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

7. **Civic Center Park Amphitheater Rental and Use Policy**

**Recommendation:**

Review and Approve the Amphitheater Rental and Use Policy

**PUBLIC HEARINGS**

None.

**LEGISLATIVE MATTERS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

8. **Introduce Ordinance No. 379, Amending Chapter 6.20 of the Town of Apple Valley Municipal Code Relating to Solid Waste Regulations by Adding Section 6.21 Mandating Participation in the Town's Solid Waste Handling Services Program and Amending Municipal Code Section 6.20.160 0 Making a Violation for Said Chapter a Misdemeanor.**

Diana McKeen, Municipal Services Manager, presented the staff report as filed with the Town Clerk.

Councilman Allan asked a series of questions regarding mandatory trash service and the violation of it being a misdemeanor.

Patty Saady, Deputy Town Manager, provided clarification to the Town Council on this issue.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to waive the reading of Ordinance No. 379 and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 379.

**MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to introduce Town Council Ordinance No. 379, An Ordinance Of The Town Council Of The Town Of Apple Valley, California, Amending Chapter 6.20 Of The Town Of Apple Valley Municipal Code Relating To Solid Waste Regulations By Adding Section 6.21 Mandating Participation In The Town's Solid Waste Handling Services Program And Amending Municipal Code Section 6.20.160 O Making A Violation For Said Chapter A Misdemeanor.

Vote: Motion carried 5-0-0-0

Yes: Councilman Allan; Councilman Nassif; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper. Absent: None.

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

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CLOSED SESSION**

**1. Closed Session**

**MOTION**

Motion by Mayor Pro Tem Sagona, seconded by Councilman Nassif, and unanimously carried, to adjourn to Closed Session at 7:35 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 54957(e) Public Employee Performance Evaluation Title: Town Manager
- B. Negotiations with Real Property Negotiator – Parcel Number: 3087-391-04 located at 13450 Nomwaket Road, Apple Valley; Negotiating Parties: Borges, Edward G and Jean C.; Town Negotiator(s)--Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- C. Negotiations with Real Property Negotiator – Parcel Number: 3087-391-01 & 02 located at Powhatan and Quinnault Roads, Apple Valley; Negotiating Parties: Carl Jones; Town Negotiator(s) – Town Manager or Finance Director or Designee. Negotiations involve both price and terms.
- D. Conference With Legal Counsel – Existing Litigation – Government Code Section 54956.9 (A) Town Of Apple Valley vs. Calderon, Et Al., San Bernardino Superior Court Case No. VCWS 0039190, Parcels 5 And 5 Tce, Defendants Philip H. Shahin & Lois E. Shahin.

Upon returning from Closed Session at 8:39 p.m., Mayor Jasper announced that there was no reportable action taken.

**ADJOURNMENT**

**MOTION**

Motion by Councilman Allan, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:40 p.m.