

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – June 10, 2008**

OPENING CEREMONIES

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

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, 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 Closed Session Agenda Item 1, B to the Agenda entitled "Conference with Real Property Negotiators – Easement in Parcel No. APN 0479-129-01, located at 14525 Apple Valley Road, Apple Valley; Negotiating Party: Richard E. Baylor, Sr.; Town Negotiator (s): Town Manager or Town Engineer or designee; Negotiations will Involve both Price and Terms".

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn to Closed Session at 6:33 p.m. to discuss the following:

1. Closed Session

- A. Personnel Matter – Government Code Section 54957 - Consider Public Employee Appointment/Employment: Title: Town Manager.
- B. "Conference with Real Property Negotiators – Easement in Parcel No. APN 0479-129-01, located at 14525 Apple Valley Road, Apple Valley; Negotiating Party: Richard E. Baylor, Sr.; Town Negotiator (s): Town manager o Town Engineer or designee; Negotiations will Involve both Price and Terms".

Upon returning from Closed Session at 6:55 p.m., Mayor Jasper announced the following:

On Agenda Item 1B, the Town Council unanimously approved an Agreement with Richard E. Baylor, Sr., under which the town is purchasing from him easements to

accommodate construction of adjacent street improvements on property located at 14525 Apple Valley road in Apple valley (APN 0479-129-01), for sum of \$300; together with street improvements, construction includes related retaining wall and adjacent driveway portion. A copy of the Agreement will be available for inspection in the Town administrative offices.

On Agenda Item 1B, the Town Council unanimously approved the appointment of Frank W. Robinson as Town Manager of the Town, conditioned upon approval of an agreement between the Town and Frank W. Robinson covering the terms and conditions of his employment as the Town Manager.

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, and unanimously carried, 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 Item 1AA to the agenda entitled, "Consider and approve and authorize signature of an agreement between the Town and Frank W. Robinson, as the new Town Manager of the Town covering terms and conditions of his employment as Town Manager".

1AA. Consider and approve and authorize signature of an agreement between the Town and Frank W. Robinson, as the new Town Manager of the Town covering terms and conditions of his employment as Town Manager

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to approve and authorize signature of the agreement between the Town and Frank W. Robinson, as the new Town Manager of the Town, covering terms and conditions of his employment as the Town Manager.

Vote: Motion carried 5-0-0-0

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

Mayor Jasper introduced Mr. Frank Robinson and his wife Lisa Robinson. Mayor Jasper read a short biography of Mr. Robinson highlighting is education and experience. He welcomed Mr. Robinson to the Town of Apple Valley.

Mr. Robinson thanked the Town Council for their support and stated that he is looking forward to living and working in the community.

Mayor Jasper announced that there would be a small reception for Mr. and Mrs. Robinson following the Town Council Meeting.

INVOCATION: Minister Bass

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

PRESENTATIONS: None.

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Paul Hood, Apple Valley, expressed concern regarding the road closures in Apple Valley over the weekend. He requested advance notice of the potential closures.

William Furmage, Apple Valley, expressed concern regarding skateboarders in the park.

Doris Hook, Lyons Club, invited the Town Council and the public to attend the Lyons Club meetings on the second and fourth Thursday of each month at Ollies Country Kitchen at 7:00 p.m.

Chuck Hanson, Apple Valley, recommended that bicycles be allowed in the parks. He also welcomed Mr. and Mrs. Robinson to the community.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan commented on the special meeting with the Fire District and the water company regarding the expansion of the North Apple Valley.

Councilman Roelle welcomed Mr. and Mrs. Robinson to the Town of Apple Valley.

Councilman Nassif also welcomed the Robinson's to the community. He also spoke of the status of AB370 regarding sex offenders.

Mayor Pro Tem Sagona stated that the Mojave Desert Air Quality Management District (MDAQMD) passed its budget at the last meeting. He noted that the budget amount was \$2.71 million.

Mayor Jasper stated that the Victor Valley Transit Authority (VVTA) budget was \$20.3 million. He also commented on grand openings he attended for Angels Roadhouse and Roundtable Pizza.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

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

A. Regular Meeting – Tuesday, June 24, 2008, 6:30 p.m. – Council Chambers

CONSENT AGENDA

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to approve and adopt the Consent Calendar items numbered 2 – 8, and that item number 9 be continued to the next regularly scheduled meeting.

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 – May 27, 2008**
Recommendation:
Approve the subject minutes as part of the consent agenda.
3. **Claimant – Fernando Eugene Franco**
Recommendation:
Reject the claim of Fernando Eugene Franco.
4. **Claimant – Ruben P. Escalante**
Recommendation:
Reject the claim of Ruben P. Escalante.
5. **Adopt Ordinance No. 381, Specific Plan No. 2005-001, Amendment No. 2: An Amendment to the North Apple Valley Industrial Specific Plan that Amends Portions of Section III and Section IV of the North Apple Valley Industrial Specific Plan as they Relate to Allowable Land Uses, Development Standards and Street Improvements.**
Recommendation:
Adopt Ordinance No. 381.
6. **Submission of CalHome Program Application to the California Department of Housing and Community Development (HCD)**
Recommendation:
That the Town Council adopt Resolution 2008-24 authorizing the submittal of an application to the California State Department of Housing and Community Development (HCD) for funding under the CalHome Program; and authorize the Town Manager or other authorized signature authority to execute, on behalf of the Town of Apple Valley, the application, the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto.
7. **Award Contract for the Safe Routes to School Symeron Road Improvements Project 2008-04**
Recommendation:
Award a contract to Cooley Construction Co., for the Safe Routes to School Symeron Road Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

8. **Legislation Requiring Local Agencies to Review its Conflict of Interest Code to Comply with the Political Reform Act**

Recommendation:

Direct the Town Manager to review its code and submit a notice by October 1, 2008, to the Town Council that either amendments are required or that no amendments are necessary.

9. **A Resolution of the Town Council of the Town of Apple Valley Amending the Salary Schedule and the Employee Classification Plan for the Town of Apple Valley**

Recommendation:

Adopt Resolution No. 2008-26, a Resolution of the Town of Apple Valley amending the salary schedule and the employee classification plan for the Town of Apple Valley.

PUBLIC HEARINGS

10. **Issuance of Bonds for Park Apple Valley Apartments**

Emily Wong, Economic Development Specialist, presented the staff report as filed with the Town Clerk.

Mayor Jasper opened the public hearing at 7:20 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing at 7:21 p.m.

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, to adopt Resolution No. 2008-25, approving the issuance of multifamily housing revenue bonds for the purpose of financing the acquisition and rehabilitation of the Park Apple Valley Apartments.

Vote: Motion carried 5-0-0-0

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

11. **Amendment To The Development Code As It Relates To Providing A General Clean Up Of The Development Code As It Pertains To Amending Chapters 9.16 "Conditional And Special Use Permits", 9.26 "Enforcement", 9.28 "Residential Districts", 9.29 "Specific Use Regulations For Residential Districts", 9.30 "Mobile Home Park Or Subdivision Standards", 9.31 "Residential Design Standards", 9.35 "Commercial And Office Districts", 9.36 "Specific Use Regulations For Commercial And Office Districts", 9.65 "Airport Overlay Districts", 9.72 "Off-Street Parking And Loading Regulation" And 9.74 "Signs And Advertising Display".**

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Mayor Jasper opened the public hearing at 7:23 p.m.

There being no requests to speak, Mayor Jasper closed the public hearing 7:24 p.m.

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 383 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 383.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to:

5. **Introduce** Ordinance No. 383, amending various sections of the Code to provide a general clean up as it pertains to amending Chapters 9.16 "Conditional And Special Use Permits", 9.26 "Enforcement", 9.28 "Residential Districts", 9.29 "Specific Use Regulations For Residential Districts", 9.30 "Mobile Home Park Or Subdivision Standards", 9.31 "Residential Design Standards", 9.35 "Commercial And Office Districts", 9.36 "Specific Use Regulations For Commercial And Office Districts", 9.65 "Airport Overlay Districts", 9.72 "Off-Street Parking And Loading Regulation" And 9.74 "Signs And Advertising Display".
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

12. **Appeal No. 2008-001, An Appeal Of The Planning Commission's Denial Of Variance No. 2008-001. The Variance Would Permit The Construction Of A Twenty-Five (25)-Foot Tall Pylon Sign With 152 Square Feet Of Sign Area,**

Exceeding The Six (6)-Foot Tall, Twenty (20) Square Foot Sign Permitted For A Single Tenant Building Within The General Commercial (C-G) Zoning Designation.

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Councilman Nassif questioned if the existing sign is in conformance.

Ms. Lamson explained that the existing sign is four (4) feet wider than allowed.

Mayor Jasper opened the public hearing at 7:29 p.m.

Jack McBrayer, Applicant, stated that they resubmitted a new variance request for review by the Planning Commission. He asked that the Town Council remand this item back to the Planning Commission so that additional fees would not be incurred.

Discussion ensued regarding whether or not the new variance would adhere to the Development Code standards.

There were no further requests to speak.

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, to remand this item back to the Planning Commission.

Vote: Motion carried 4-0-0-1

Yes: Councilman Allan; Councilman Roelle; Mayor Pro Tem Sagona; Mayor Jasper.

Absent: Councilman Nassif.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. Consider Request for Support of the Victor Valley Airshow on September 27, 2008

Kathie Martin, Public Information Officer, presented the staff report as filed with the Town Clerk.

Dick Freeborg, Apple Valley, commented on the Airshow and the activities that would be held. He requested the Town Council's support of this event.

MOTION

Motion by Councilman Roelle, seconded by Councilman Allan, to provide general support to this event including allowing the use of the Town logo/agency name; and to provide a cash sponsorship in the amount of \$1000.

Vote: Motion carried 5-0-0-0

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

14. Consider Financial Support of the Equine Extravaganza

Councilman Roelle presented the staff report as filed with the Town Clerk. He spoke on the condition of Horseman Center and the need for improvements to the arena, gate and fencing.

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, and unanimously carried, to authorize staff to make the necessary improvements to Horseman Center including the arena, gate and fencing no later than September 27, 2008.

15. Introduce Ordinance No. 384 – An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Chapter 11.68 Use Of Park And Recreation Facilities; And Repealing Section 11.70 Regulations For Use Of Skate Parks of The Apple Valley Municipal Code

Jim Anderson, Code Enforcement Supervisor, presented the staff report as filed with the Town Clerk. He made a few non-substantial changes to the proposed ordinance as recommended by the Town Attorney.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to:

1. Find that the proposed adoption of Ordinance No. 384 is not subject to and is Exempt from CEQA, based upon finding under CEQA Guidelines, Section 15061, subd (b)(3) that it 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 amended Ordinance No. 384 in its entirety and read by title only.

La Vonda M-Pearson, Town clerk, read the amended title to Ordinance No. 384.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to:

3. Move to Introduce amended Ordinance No. 384 amending Chapter 11.68 Use of Park and Recreation Facilities and Repealing Section 11.70 Regulations for use of Skate Parks of the Apple Valley Municipal Code.
4. **Direct** staff to file a Notice of Exemption."

Vote: Motion carried 5-0-0-0

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

16. **A Resolution Of The Town Council Of The Town Of Apple Valley, San Bernardino County, California, Opposing Application No. 08-01-002, An Application Filed With The California Public Utilities Commission (CPUC) By Apple Valley Ranchos Water Company, A Privately Held Public Utility, Seeking Authorization To Increase Rates To Water Service Customers In The Town Of Apple Valley And Surrounding Area By More Than 24.9% Over A Three Year Period.**

Dennis Cron, Director of Public Services, presented the staff report as filed with the Town Clerk.

Councilman Roelle expressed concern regarding the frequent increase in water rates imposed on the residents. He questioned whether or not Ranchos Water was required to have its books open for inspection.

Neal Singer, Town Attorney, discussed possible administrative or legal action related to the application.

Discussion ensued regarding other water agencies requesting an increase in fees through the Public Utilities Commission.

It was the consensus of the Town Council to bring back a resolution in Opposition of a proposed water increase for Golden Valley Water District.

Katie Manning, Apple Valley, spoke in opposition of the proposed water increase. She recommended the Town Council consider a city-owned water agency.

Paul Hood, Apple Valley, spoke on his attendance at the PUC Hearing.

Jerry Meister, Apple Valley, stated that he owns two laundry facilities in the Town of Apple Valley. He respectfully requested any assistance the Town could provide on this issue.

Councilman Roelle stated that he supports this resolution and recommended that the Town consider taking administrative action on this issue.

Discussion ensued regarding the actions necessary for the Town to intervene in this process. Mr. Cron noted that intervention costs can exceed \$250,000.

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Sagona, to Adopt Resolution Number 2008-27, A Resolution of the Town Council of the Town of Apple Valley, San Bernardino County, California, opposing Apple Valley Water Company CPUC rate application No. 08-01-002 for Apple Valley Ranchos Water Company customers in the Town of Apple Valley; also to instruct staff to coordinate with the Town's special water matters counsel to consider and advise and if necessary to file a Notice of Intention or other necessary communication or document with the Public Utilities Commission relating to the Town's intent to participate or intervene in the process.

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

CORRESPONDENCE

ADJOURNMENT

MOTION

Motion by Councilman Allan, seconded by Mayor Pro Tem Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:55 p.m.

Town Clerk

Mayor