

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

**REGULAR MEETING  
MINUTES – November 13, 2012**

**CALL TO ORDER:**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Successor Agency at 5:00 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Nassif; Council Member Roelle; Mayor Pro Tem Emick; Mayor Stanton.

Absent: None.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**1. Closed Session**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, and unanimously carried, to adjourn to Closed Session at 5:04 p.m. to discuss the following:

- A. Personnel Matters – Government Code Section 564957/Public Employee Performance Evaluation: Title: Town Clerk
- B. Conference with Legal Counsel – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one case): TOAV vs. Ana J Matosantos, Director of the Department of Finance.

Upon returning from Closed Session at 6:10 p.m., Mayor Stanton announced that there was no reportable action taken.

Mayor Stanton recessed the meeting of the Apple Valley Town Council until 6:30 p.m.

**TOWN COUNCIL REGULAR SESSION**

Mayor Stanton called to order the regular session of the Apple Valley Town Council at 6:30 p.m.

**OPENING CEREMONIES**

**INVOCATION:**

The invocation was given by Pastor Doris Eddy, Apple Valley Faith Center.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was let by Council Member Roelle.

**PRESENTATION:**

**Teen Volunteer Recognition Awards – Alicia Dannelley, Recreation Assistant**

**Presentation to Community Calendar Winners – Kathie Martin, Public Information Officer**

**PUBLIC COMMENTS**

Robert Bustamante, Apple Valley, believed that there are many landlords in the Town that do not upkeep their property. He stated that these rental properties in the Town need to be cleaned up and maintained in accordance to proper codes.

David Diaz, Apple Valley, expressed concern regarding individuals trespassing on his property. He stated that damage has been done to the property due to the trespassing. He respectfully requested that something be done to try and stop the trespassing.

David Phillips, Apple Valley, congratulated Art Bishop and Larry Cusack for their success on the Apple Valley Town Council. He also thanked Councilman Roelle for his work, time and dedication on the Town Council helping the community.

Bob Sagona, Apple Valley, thanked each member of the Town Council and staff for their hard work in the community. He also congratulated Council Member Roelle for eight successful years on the Town Council. He congratulated Larry Cusack and Art Bishop for their success on the election as new members of the Town Council.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Roelle congratulated the new Council Members Elect and thanked those that supported him for First District Supervisor. He commented on his time on the Town Council and again thanked everyone for their support.

Council Member Nassif also congratulated the new Council Members Elect and also thanked Council Member Roelle for his time on the Town Council. He commented on committees and events that he attended.

Mayor Pro Tem Emick congratulated all the candidates that ran for Apple Valley Town Council. He commented on committees and events that he attended.

Mayor Stanton commented on committees and events that she attended.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for future agenda:**

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

- A. Regular Meeting – Tuesday, December 11, 2012 – Council Chambers**  
**Closed Session at 5:00 p.m.**  
**Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

Mayor Stanton 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. She stated that he will be abstaining from voting on Agenda Item Number 3.

Lori Lamson, Director of Community Development, provided clarification for the benefit of the public on Agenda Item Number 7.

Gina Schwin-Whiteside, Animal Services Manager, provided clarification for the benefit of the public on Agenda Item Number 8 regarding the length of this contract.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Emick, to approve and adopt the Consent Calendar items numbered 2 – 9, respectfully, and that Mayor Stanton abstain from voting on Item Number 2 and that Council Member Nassif abstain from voting on Item Number 3.

Vote: Motion carried 4-0-0-0

Yes: Councilmember's Nassif; Roelle; Mayor Pro Tem Emick; Mayor Stanton.

Absent: None.

**Mayor Stanton abstained from voting on Agenda Item Number 2.**

**Council Member Nassif abstained from voting on Agenda Item Number 3.**

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

**A. Regular Meeting – October 23, 2012**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. September 2012 Commercial Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

**4. Payroll/Benefits Warrants**

**Recommendation:**

That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

**5. Award the Contract for the Highway 18 Median Improvement Project: 2012-12 Pawnee Road to Central Road**

**Recommendation:**

Award a contract to C.S. Legacy Construction Inc., in the amount of \$967,933.41 for the Highway 18 Median Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager;

6. **Adopt Ordinance 438 – An Ordinance of the Town Council of the Town of Apple Valley, California Amending Chapter 11.68 Use of Park and Recreation Facilities of the Apple Valley Municipal Code; Adding Section 11.68.075 Dog Park**

**Recommendation:**

Adopt Ordinance No. 438 amending Chapter 11.68 Use of Park and Recreation Facilities of the Apple Valley Municipal Code.

7. **Adopt Ordinance Nos. 439 and 440 of the Town of Apple Valley Amending the Zoning Map and Development Code as it Relates to Governmental Facilities and Public Facilities**

**Recommendation:**

Adopt Ordinance Nos. 439 and 440.

8. **Agreement to Provide Animal Sheltering Services for the County of San Bernardino**

**Recommendation:**

1. Direct staff to finalize the details of the Agreement to provide Animal Sheltering Services for the County of San Bernardino.
2. Authorize staff to execute the finalized Agreement to provide Animal Sheltering Services for the County of San Bernardino, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

9. **Award Contract for the Kasota Road Improvements Project 2012-09**

**Recommendation:**

1. Award a contract to United Paving Co. in the amount of \$120,893.90 for the Kasota Road Improvements Project 2012-09, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
2. Approve Budget Amendment No. 13-9 to allocate \$110,000.00 to this project from the Measure I Fund.

**PUBLIC HEARINGS**

10. **A Request to Consider an Amendment to the Jess Ranch Lakes Recreational Vehicle Resort (TM 14484) Within the Jess Ranch Planned Unit Development to Allow 600 Square-Foot Habitable Structures as an Accessory Use to a Recreational Vehicle.**

Mayor Stanton opened the public hearing at 7:28 p.m.

Carol Miller, Senior Planner, presented the staff report as filed with the Town Clerk.

Council Member Nassif questioned whether or not there were any current units on the site.

Ms. Miller explained that there are currently structures in existence on the property that are 600 square foot Garden Rooms. She explained that this code is used to allow habitable structures.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:33 p.m.

**MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, 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), it can be determined 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 may have a significant effect on the environment, the activity is EXEMPT from further CEQA review for Specific Plan No. 2012-01.
2. Find the facts presented within the staff report, including the attached Planning Commission staff report for September 19, 2012, support the required Findings for approval of the proposed Specific Plan and adopt the Findings.
3. Move to waive the reading of Ordinance No. 441 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 441.

### **MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Emick, to:

4. Introduce Ordinance No. 441, approving Specific Plan No. 2012-01; and
5. Direct staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 4-0-0-0

Yes: Councilmember's Nassif; Roelle; Mayor Pro Tem Emick; Mayor Stanton.

Absent: None.

## **LEGISLATIVE MATTERS**

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **11. Animal Services Saturday Schedule**

Gina Schwin-Whiteside, Animal Shelter Services, presented the staff report as filed with the Town Clerk.

Questions were asked of Ms. Schwin-Whiteside regarding the days of operation that she believes would be of the best benefit to the public.

Ms. Schwin-Whiteside stated that staff is willing to adhere to the recommendation of the Town Council. However she recommended that a five-day work week be established.

Frank Robinson, Town Manager, expressed concern regarding the need to be considerate of staff when determining a work schedule for the Animal Shelter. He recommended that Alternative Number 3 be considered for implementation.

Mayor Stanton expressed concern regarding the lack of advertising for animals in the Daily Press and the Town's website.

It was the consensus of the Town Council to proceed with Alternative Number 3 - Alternative 3 – Tuesday through Saturday. Existing staff would alternate schedules to accommodate a 9/80 schedule with every other Saturday off. Closed Sunday/Monday. Open to the public from 9:00 a.m. to 4:00 p.m.

## **12. Refresh of Website to Reflect New Logo**

Kathie Martin, Marketing and Public Affairs Officer, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the costs associated with modifying the Town's webpage.

It was the consensus of the Town Council to move forward with the modified color scheme for the Town of Apple Valley website.

Ms. Martin also announced that the Winter Wonderland will take place on Saturday, December 1, 2012 at 6:00 p.m.

## **DEPARTMENTAL REPORTS AND BUSINESS:**

### **STAFF REPORTS**

### **CORRESPONDENCE**

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

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk. He also commented on his attendance at the League of California Cities' 2012 Legislative Briefing Seminar where discussions were held regarding Proposition 30 and Senate Bill 214. He stated that the League of California Cities felt there would be new opportunities in 2013 for new development in legislature that would lead to the creation of economic tools for the State of California.

Mr. Robinson announced the upcoming League of California Cities' Mayors and Council Members Academy scheduled for January 16 through January 18, 2013 in Sacramento, California. He encouraged each Council Member to attend. He noted they would have the opportunity to complete the ethics training at the Academy.

## **ADJOURNMENT**

Motion by Mayor Stanton, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:03 p.m.

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Barb Stanton, Mayor

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La Vonda M-Pearson, Town Clerk