

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – March 11, 2008**

CLOSED SESSION

1. Closed Session

None.

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.

OPENING CEREMONIES

PLEDGE OF ALLEGIANCE: Art Bolding, Apple Valley Citizen's on Patrol

PRESENTATIONS: Presentation to the Apple Valley Citizen's on Patrol for his volunteer program.

Captain Bart Belknap, Apple Valley Police Department, provided an update to the Town Council and the public on the gang unit in Apple Valley.

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Chris Waggener, Adelanto, expressed concern regarding the lack of stop signs in the area.

William Furmage, Apple Valley, expressed concern regarding the lack of exercise for children in Apple Valley and the high obesity rate for children.

Donna Schwalm, Salvation Army, spoke on Human Trafficking in the High Desert. She distributed an invitation to the Town Council regarding a human trafficking class that will be held on Thursday, April 24 at 10:00 a.m.

Art Bishop, Apple Valley, thanked Councilman Allan and Mayor Jasper for working on the committee regarding the water issues.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Roelle commented on his attendance in Washington D.C. with the San Bernardino Associated Governments regarding streamlining the environmental process. He stated that they also discussed prioritizing projects like the high desert corridor. He noted for the record that the Nisqually Interchange Project was voted down by the SANBAG Board by a vote of 16 – 8.

Councilman Nassif spoke on the success of the Cal Pal Program which is modeled after other communities. He also commented on a presentation that was given with all leaderships in the community regarding the importance of water resources and he thanked the Mojave Water Agency for their assistance.

Mayor Jasper stated that he presented the Senior of the Year Award to Mr. Al Bessant, attended the ribbon cutting for Petsmart, spoke in Lucerne Valley on the growth in Apple Valley, spoke to the Hispanic Chamber of Commerce and also attended the groundbreaking for the Phase 3 of the Jess Ranch Market Place. He stated that he has had a very busy week.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Sagona presented to the Council a copy of the Regional Recharge and Recovery (R3) Project. The Council recommended that a Resolution for Support of the R3 Program be prepared for a future agenda.

Mayor Pro Tem Sagona recommended, with the consensus of the Council, an item be agendaized for discussion at a future meeting to review an exit strategy for the three major capital improvement programs currently being done at the Town (Animal Control facility, Public Works facility, Town Hall expansion project).

Councilman Allan expressed concern regarding property being placed for sale at the corner of Yucca Loma Road and Apple Valley Road near the Fountains Project. He requested, with the consensus of the Council, an agenda item to be prepared regarding placing a time limit on zoning. He recommended that we receive a legal opinion from the Town Attorney on this issue.

Councilman Roelle stated that he previously requested an agenda item be prepared regarding the need for a signal at Highway 18 and Kasota Road near St. Mary's Hospital. He questioned the status of that item.

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

A. Regular Meeting – Tuesday, March 25, 2008, 6:30 p.m. – Council Chambers

CONSENT AGENDA

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, to approve and adopt the Consent Calendar items numbered 2 – 11, and that item number 12 be pulled for discussion.

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. **Special Meeting – February 15, 2008**
 - B. **Regular Meeting – February 26, 2008**
 - C. **Special Meeting – March 3, 2008**

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. **Adopt Ordinance No. 376, to Amend Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of The Code As They Relate To The Regulations For Developing Guest Quarters Within Single-Family Residential Zoning Districts.**

Recommendation:

Adopt Ordinance No. 376.

4. **Adopt Ordinance No. 377, To Amend Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Various Sections Of The Code As They Relate To Giving The Authority To The Economic And Community Development Director To Review And Approve Development Permits For Commercial, Office And Industrial Development (Industrial Projects Outside The North Apple Valley Industrial Specific Plan) For Projects Less Than 50,000 Square Feet In Size Within Code Section 9.17 “Development Permits”.**

Recommendation:

Adopt Ordinance No. 377.

5. **A Resolution of the Town of Apple Valley approving the filing of a Grant Application for the Land and Water Conservation Fund Civic Center Park Project**

Recommendation:

Approve Resolution No. 2008-09, authorizing submittal of an application for Land and Water Conservation Funds and designating the Town Manager, or his designee, as the authorized signer on behalf of the Town.

6. **A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing the submittal of Applications to the California Integrated Waste Management Board for all Grants for which the Town of Apple Valley is Eligible, Time Period not to Exceed Five (5) Years**

Recommendation:

Adopt Resolution No. 2008-10, a resolution of the Town of Apple Valley authorizing the submittal of application(s) to the California Integrated Waste Management Board, for all grants for which The Town is eligible.

7. **Treasurer's Report – Month of January 2008**

Recommendation:

Receive and file.

8. **Award Contract for the Rincon Road and Rancherias Road Reconstruction, Project Number 2008-03**

Recommendation:

Award a contract to Cooley Construction for the Rincon Road and Rancherias Road Reconstruction Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

9. **Award Contract for Traffic Signal at Navajo Road and Powhatan Road, Project 2008-02**

Recommendation:

Award a contract to EBS Incorporated for the Traffic Signal at Navajo Road and Powhatan Road Project, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

10. **Commercial Warrant Schedule**

Recommendation:

That the Town Council of the Town of Apple Valley ratify, receive and file the commercial warrant schedule as presented.

11. **Payroll Warrants Schedule**

Recommendation:

That the Town Council of the Town of Apple Valley ratify, receive and file the payroll warrant schedule as presented.

PULLED FOR DISCUSSION

12. **A Resolution Of The Town Council Of The Town Of Apple Valley, California, Requesting The Board Of Administration Of The Public Employees' Retirement System To Approve An Extension Of Allowed Employment For A Retired Employee Pursuant To California Government Code Section 21221(H)**

Bill Pattison, Apple Valley, presented the staff report as filed with the Town Clerk. He noted for the record that the article listed in the Daily Press was incorrect.

MOTION

Mayor Pro Tem Sagona, Councilman Allan, that the Town Council adopt Resolution 2008-11 stating its intention to request approval from the Cal-PERS Board to extend the temporary employment of the Interim Town Manager

Vote: Motion carried 5-0-0-0

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

PUBLIC HEARINGS

- 13. A Request To Consider An Amendment To The Land Use Element Of The General Plan And Development Code By Assigning General Plan Land Use Designations And 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 Land Use Designation And Zoning Assignments, Amendments To The Development Code Relating To Residential Zones, And Their Development Standards, Are Also Proposed.**

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

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

Councilman Allan wanted to ensure that current property owners do not suffer any consequences based on this amendment.

Councilman Roelle questioned whether or not the Town would need to annex the property to have jurisdiction.

Ms. Lamson stated that the Town would need to annex the property to have jurisdiction. She believed this is one step toward the working agreement with the County toward future development in this area. She explained that this item is presented to the Council to prezone the sphere of influence to match the County's zoning.

Mayor Pro Tem Sagona expressed concern regarding the mention of "Planned Unit Development" in the current General Plan. He wanted this language removed from the plan.

Mayor Pro Tem Sagona also recommended that the Town Council invite LAFCO to the Council Meeting to hear their concerns and issues on this item. He recommended the Council continue this item until representatives from LAFCO can be present.

Nicole Cristi, Consultant reminded the Council that the reference to "Planned Unit Development" is existing text. She explained that the only revisions made to this ordinance are in bold on the document.

Ms. Lamson stated that the General Plan is currently being reviewed by the GPAC and she recommended the Council allow the GPAC to complete its review of the General Plan before choosing to make changes. However, if the GPAC does not address this issue, the Council can choose to have the item brought back to the Council for possible modification.

Larry Kempton, Apple Valley, explains that he lives in the area in question. He expressed concern regarding the water.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 7:43 p.m.

MOTION

Motion by Councilman Nassif, seconded by Mayor Jasper, and unanimously carried, to:

1. **Determine**, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.
2. **Adopt** the Negative Declaration and Initial Study prepared for General Plan Amendment No. 2007-007 and Development Code Amendment No. 2007-004.
3. **Find** that the proposed Ordinance and Resolution are consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and, as such, shall promote the health, safety and general welfare of the citizens of Apple Valley, and that Ordinance No. 378, approving conforming zoning and amendments to the Development Code are consistent with the General Plan Amendment established by Resolution No. 2008-008.
4. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the General Plan, Zoning Map and Development Code and adopt the Findings.
5. **Move** to waive the reading of Ordinance No. 378 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 378.

MOTION

Motion by Councilman Nassif, seconded by Mayor Jasper, to:

6. **Introduce** Ordinance No. 378 amending that portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the proposed zoning designations of the Sphere of Influence and territory north of the Town boundaries, amend Table A of Section 9.05.030-A "Zoning Districts", amend Section 9.05.110 "Rezoning", amend Section 9.28.010 "Purpose and General Plan Consistency", amend Section 9.28.020 "Residential Districts", amend Section 9.28.040 "Site Development Standards", amend Section 9.35.010 "Purpose and General Plan Consistency", amend Section 9.45.010 "Purpose and General Plan Consistency" and amend Section 9.55.010 "Purpose and General Plan Consistency".
7. **Adopt** Town Council Resolution No. 2008-008 amending the Land Use Element of the General Plan by modifying the specific changes proposed to the Land Use Map of the Land Use Element of the General Plan.
8. **Direct** staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

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

14. A Resolution of the Town Council Of The Town Of Apple Valley, California, Establishing Sewer Fees And Establishing An Operative Date Therefor

Mayor Jasper opened the public hearing at 7:46 p.m.

Bill Pattison, Director of Finance, presented the staff report as filed with the Town Clerk. He stated that the Town received 491 letters of opposition to the proposed fee increase.

Claire Johnson, Apple Valley, spoke against the proposed increase.

There being no additional requests to speak, Mayor Jasper closed the public hearing at 7:50 p.m.

Mr. Pattison stated that if the fee increase is not adopted it will cost the Town approximately \$350,000. He explained clearly that the Town is not increasing its fees, only passing the fees through.

Mayor Pro Tem Sagona stated that it is vital that this fee be increased.

Dennis Cron, Director of Public Works, explained the costs associated with sewer fees for homeowners.

MOTION

Motion by Mayor Pro Tem Sagona, seconded by Councilman Allan, to adopt Resolution 2008-12, revising the sewer user fees for the use of Town sewers.

Vote: Motion carried 5-0-0-0

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

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

15. Granite Mountain Wind Energy Project

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

Kari Hyke, Principal Planner, Advanced Planning Division for San Bernardino County Land Use Department, briefed the Town Council on this project. She stated that a meeting would be held on Tuesday, March 18, at the Mojave Mesa Elementary School in Apple Valley from 6:00 p.m. to 8:00 p.m. on the scoping of the project.

Yaron Larson, President, Sierra Wind Mobiles, stated that his company is working on the Granite Mountain Wind Energy Project, presented a presentation to the Town Council regarding this project and the plan to sell energy back to Edison. He stated that the noise will be 36.8dba for approximately 37 miles out. He also spoke of the jobs and sales tax that will be generated by this project.

Ruth Rieman, Vice-Chair of Desert Coalition, encouraged the Town Council to do diligence on this project through the Environmental Impact Review process. She was also concerned that the Bureau of Land Management would not have the time to review this thoroughly.

Claudia Sall, Desert Coalition, stated that the coalition is fighting the Green Path North. She believed that property values would decrease with the completion of this project. She also stated that the desert is being asked to sacrifice its beauty for wind generators.

April Gower, Fairview Valley, spoke in opposition of this project. She too believed that it would affect the property values in the area. She believed this project would be a visible and audible nuisance.

Chuck Bell, Lucerne Valley, stated that the Lucerne Valley Economic Development Association has not taken a position to this project; however, they do oppose the Green Path North Project.

Richard Cambridge, Apple Valley, supports green power; however, he commented on the extensive amount of earth that would have to be moved and the need to maintain that area to support this project. He recommended more due diligence be done on this project.

Nancy Jackson, Edison, stated that Edison is working to reduce emissions. She explained that Edison will report back to the Town Council with more specifics once they get additional information.

Councilman Nassif expressed his concern regarding the proposed project. He recommended the Town Council take a stand on this issue.

Mayor Jasper recommended that staff monitor the EIR process closely and update the Council and the public on this issue.

It was the consensus of the Town Council to direct staff to prepare a resolution in opposition of the project for discussion at a future meeting.

This was a receive and file item only.

16. Request by Equestrian Advisory Committee to Link Town's Trail System to the Pacific Crest Trail

Patty Saady, Deputy Town Manager, presented the staff report as filed with the Town Clerk.

It was the consensus of the Town Council to direct staff to draft a letter for the Mayor's signature asking Supervisor Brad Mitzelfelt for his assistance on this issue.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

ADJOURNMENT

MOTION

Motion by Councilman Allan, seconded by Councilman Roelle, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:08 p.m.