

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

**REGULAR MEETING  
MINUTES – July 14, 2009**

**OPENING CEREMONIES**

**CALL TO ORDER:**

Mayor Roelle 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 Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman.

Mayor Roelle announced that it has come to the attention of the Town that there is a need to take action on an item that arose after the posting of the agenda. Based on this information we need a motion to add Item Number 15A to the agenda – Request from F. Rodgers Construction to terminate the prime contract for Gypsum Board Bid Package # 23 for the Town Animal Shelter Project.

**MOTION**

Motion by Councilman Sagona, seconded by Councilman Allan, that based on the need to take action on an item that arose after the posting of the agenda, add Item Number 15A to the agenda – Request from F. Rodgers Construction to terminate the prime contract for Gypsum Board Bid Package # 23 for the Town Animal Shelter Project.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman.

**TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION**

Mayor Roelle announced that there was no need for Closed Session.

**INVOCATION:** None

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

**PRESENTATIONS:**

Proclamation – Larry Cusack

Presentation – Nancy Jackson – Update on Edison and Energy Usage

**SPECIAL ANNOUNCEMENTS:** None

**PUBLIC COMMENTS**

William Furmage, Apple Valley, expressed concern regarding the need for a bicycle park in Apple Valley.

Chuck Hanson, Apple Valley, presented the Town Council with information on bicyclist in our community.

Paul Hood, Apple Valley, expressed concern regarding various issues concern surrounding the Town of Apple Valley.

Salvador Ortiz, Apple Valley, expressed concern regarding the inability to complete his project due issues with the Fire District. He asked for assistance from the Town Council.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Councilman Allan stated that he attended the SCLA graduation. Out of 16 graduates, 6 were from Apple Valley. He commented that this program is part of the County's workforce development which helps to create jobs.

Councilman Sagona stated VVWRA had a meeting to handle the second reading of the connection fees and rate increases.

Mayor Pro Tem Nassif stated that he attended the PAL Shock Program graduation. He also gave an update to the status of the bicycle park.

Mayor Roelle announced that the State of the Town Address would be aired at the Apple Valley Country Club and is being sponsored by the Chamber of Commerce, Wednesday, July 15, 2009 at 11:30 a.m.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

Mayor Pro Tem Nassif would like to have an update of the Development Code in relation to Windmills. He is requesting that it be agendized to the next meeting.

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

**A. Regular Meeting – Tuesday, July 28, 2009, 6:30 p.m. – Council Chambers**

**TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

Mayor Roelle announced due to a potential conflict of interest, Mayor Pro Tem Nassif will be disqualifying himself from voting on Item Number 10.

**MOTION**

Motion by Councilman Allan, seconded by Councilman Sagona, to approve agenda items numbered 2 – 15A, as amended.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman. **(Mayor Pro Tem Nassif abstained on Item Number 10).**

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

**A. Regular Meeting – June 23, 2009**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Award Contract for the Furniture for Town Hall Annex and the Animal Shelter Buildings**

**Recommendation:**

Award Contract to Systems Source in the amount not to exceed, seven hundred thirty-two thousand two hundred eight dollars (\$732,208.00).

**4. Adopt Ordinance No. 397 Amending to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Amending Chapters 9.16 “Conditional and Special Use Permits” and 9.17 “Development Permits” of the Development Code As It Relates to Providing Administrative Authority to Approve Extensions of Time for Conditional/Special Use Permits (CUP and SUP) and Development Permits (DP).**

**Recommendation:**

Adopt Ordinance No. 397

**5. Adopt Ordinance No. 398 Amending title 9 “Development code” of the Town of Apple Valley Municipal Code by Amending Chapter 9.74 “Signs and Advertising Displays” of the Development code as it Relates to Modifying Requirements for Human-Operated Signs Adjacent to Emergency Service Facilities That Will Include a Separation Distance of 200 Feet from Access Areas to Any Public Safety or Emergency Facilities in the Town.**

**Recommendation:**

Adopt Ordinance No. 398

**6. Adopt Ordinance No. 399 Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, by Amending Section 9.29.140 “Residential Care Facilities Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations for Residential Districts” of title 9 “Development Code” of the Apple Valley Municipal Code and Establish Separate Requirements for Residential Care Facilities for the Elderly.**

**Recommendation:**

Adopt Ordinance No. 399

**7. Acceptance of Work, Notice of Completion and Release of Retention for Traffic Signal Modification at Apple Valley Road and Pimlico Road, Project Number 2009-01**

**Recommendation:**

1. Accept the work for the Traffic Signal Modification at Apple Valley Road and Pimlico Road Project for a total cost of \$34,000.
2. Direct the Town Clerk to file the Notice of Completion for the contract work, notify surety and to exonerate contract bonds.

3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.
  
8. **Review and Approve Construction Plans and Specifications for the Corwin Road Street Improvement Project, and Authorize Staff to Proceed with Advertisement for this Project**  
**Recommendation:**  
Review and approve specifications for the Corwin Road Street Improvement Project and direct staff to proceed with the project.
  
9. **Payroll/Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council of the Town of Apple Valley receive, ratify, and file the payroll warrant schedule as presented.
  
10. **Commercial Warrant Schedule**  
**Recommendation:**  
That the Town Council of the Town of Apple Valley receive, ratify, and file the commercial warrants as presented.
  
11. **Treasurer's Report – Month of May 2009**  
**Recommendation:**  
Receive and file.
  
12. **Resolution Establishing the 2009-10 Fiscal Year Appropriation Limit**  
**Recommendation:**  
Adopt Resolution 2009-27, Establishing the 2009-10 Fiscal Year Appropriation Limit for the Town of Apple Valley.
  
13. **Ratify Purchase of the Overhead Coiling Doors for the Apple Valley Municipal Animal Shelter**  
**Recommendation:**  
Ratify the purchase of overhead coiling doors from Doorworks Garage Door Systems, Inc.
  
14. **Approve Resolution Number 2009-29, Amending the Records Retention Schedule for the Town of Apple Valley, Authorizing Appropriate Document Destruction and Rescinding Resolution Number 2007-57**  
**Recommendation:**  
That the Town Council approve and adopt Resolution Number 2009-29, amending the Records Retention Schedule for the Town of Apple Valley, authorizing appropriate destruction of records if consistent with the Records Retention Schedule and Rescinding Resolution Number 2007-57.
  
15. **Claimant – Cook-Compton, Lylith J.**  
**Recommendation:**  
Reject the claim of Lylith J. Cook-Compton.
  
- 15A. **Request From F. Rodgers Construction To Terminate The Prime Contract For Gypsum Board Bid Package # 23 For The Town Animal Shelter Project.**  
**Recommendation:**
  - a. Terminate Contract to F. Rodgers Construction for Gypsum Board bid package #23 on the Apple Valley Animal Shelter Project under the terms proposed

- b. Award Gypsum Board contract bid package #23 to Sierra Lathing for not to exceed \$139,900.00

**PUBLIC HEARINGS**

**16. A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified User and Program Fees for Certain Park and Recreation Services**

Mayor Roelle opened the public hearing at 7:19 p.m.

Joseph Ramos, Recreation Coordinator, presented the staff report as filed with the Town Clerk. Mr. Ramos explained new fees that are included in the Resolution.

Councilman Sagona had questions regarding the fees and Day Camp hours.

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

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilman Sagona, to adopt Resolution 2009-28, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified Park and Recreation User and Program Fees for Certain Park and Recreation Services for 2009-2010 Fiscal Year.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman.

**17. General Plan Amendment No. 2008-001: A Request To Consider A Comprehensive Update Of The Town Of Apple Valley General Plan, Including All Mandated Elements.**

**Annexation 2008-001: A Request To Consider The Annexation Of 4.3 Square Miles Known As The "Golden Triangle," And Located East Of Interstate 15, North Of Johnson Road, West Of Dale Evans Parkway, And South Of Morro Road.**

**Annexation 2008-002: A Request To Consider The Annexation Of 1.3 Square Miles Located South Of Quarry Road And East Of Central Road.**

Mayor Roelle opened the public hearing at 7:26 p.m.

Nicole Christi, Consultant, presented the staff report as filed with the Town Clerk. She made a correction to the Resolution provided by staff and stated that staff is respectfully requesting that Council adopt the Resolution with the corrections that have been made which will be incorporated to the final document of the General Plan.

Dan Seagondollar, Apple Valley, expressed concern regarding the document being reviewed by the Council and the community. He stated that he was told that the document was not the final document and recommended that the Council approve in concept the General Plan and that the final document be approved once the document is completed.

Ms. Christi explained the concerns expressed by Mr. Seagondollar.

Discussion ensued regarding the number of changes that have been made to the document after the agenda was distributed.

Kenneth Henderson, Assistant Town Manager, Economic and Community Development, explained the approval process for the General Plan. He also explained the public's involvement in this process.

Councilman Sagona recommended the approval process be delayed until a final document is prepared.

Mayor Pro Tem Nassif stated that he understood the concerns expressed by staff and the Council.

Ms. Christi explained when the document can be made available to the Council for review.

### **MOTION**

Motion by Councilman Sagona, seconded by Councilman Allan, to table this item until staff can provide a complete package for public hearing and final approval.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman.

## **LEGISLATIVE MATTERS**

### **18. Nominees to the Town of Apple Valley Development Code Advisory Committee Members**

It was the consensus of the Town Council to continue this item to the meeting of July 28, 2009

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

### **19. Dissolution of County Service Area Seventeen (CSA #17) and Assumption of Street Light Maintenance Responsibilities by the Town of Apple Valley**

Frank Robinson, Town Manager, presented the staff report as filed with the Town Clerk.

Councilman Sagona had questions regarding the location of CSA #17.

### **MOTION**

Motion by Councilman Allan, seconded by Mayor Pro Tem Nassif, that the Mayor and Town Council approve and adopt the attached agreement between Town and the County of San Bernardino, which provides for the dissolution of County Service Area 17 and the assumption by Town of the street lighting and maintenance function, and authorize the Town Manager to execute the attached agreement.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: Councilwoman Coleman.

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

Frank Robinson, Town Manager, stated that an item would be presented to the Town Council at its next meeting on public facilities and windmills. He also announced that the presentation by Housing Partners, Inc., would be given at the next meeting.

Kathie Martin, Public Information Officer, presented a few highlights of the July 4<sup>th</sup> event and also discussed the concert series.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

Further Closed Session, if necessary and if not completed during the above 6:30 p.m. portion of this agenda, including any or all items described in that portion of this agenda. Reportable actions during closed session will be announced.

**ADJOURNMENT**

Motion by Councilman Allan, seconded by Councilman Sagona, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council 8:23 p.m.

Town Clerk

Mayor