

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

**REGULAR MEETING
MINUTES – December 14, 2010**

OPENING CEREMONIES

CALL TO ORDER:

Mayor Allan called to order the meeting of the Apple Valley Town Council at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Councilwoman Coleman; Boardmember/Councilman Nassif; Boardmember/Councilman Roelle; Vice Chair/Mayor Pro Tem Sagona; Chair/Mayor Allan. Absent: None.

OPENING CEREMONIES

INVOCATION: Pastor Doris Eddy, Valley Christian Fellowship

PRESENTATION OF FLAGS: Boy Scout Troops

CANVASS OF ELECTION RETURNS

CANVASS OF ELECTION RETURNS

2. **Results of Canvass of Election Returns of the Town of Apple Valley, General Municipal Election Held November 2, 2010, and adopt Resolution No. 2010-52 Reciting the Fact of the Election and Such Other Matters Provided by Law.**

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Mayor Allan, seconded by Mayor Pro Tem Sagona, to adopt Resolution No. 2010-52 reciting the fact of the election and such other matters provided by law.

Vote: Motion carried 5-0-0-0

Yes: Councilmember Coleman; Roelle; Nassif; Mayor Pro Tem Sagona; Mayor Allan. Absent: None. Abstain: None

SPECIAL PRESENTATIONS:

Closing Remarks were made by Mayor Allan, thanking the Town and the community for supporting him during his tenure on the Apple Valley Town Council.

Closing Remarks were made by Mayor Pro Tem Sagona, also thanking the Town and the community for supporting him during his tenure on the Apple Valley Town Council.

Recognition of Council Member Service

Proclamation to Mayor Pro Tem Sagona for his service on the Mojave Desert Air Quality Management District.

The Town Council presented plaques to Mayor Allan and Mayor Pro Tem Sagona for their service to the community on behalf of the Town Council, staff and the community.

3. Installation of Newly Elected Council Members Pursuant to the Results of the General Municipal Election Held November 2, 2010.

Administration of Oaths to newly elected Council Members.

Council Member-Elect Barb Stanton – Oath Administered by Pastor Steve Colangelo
Council Member-Elect Curt Emick – Oath Administered by Town Clerk
Council Member Scott Nassif – Oath Administered by Town Clerk
Town Clerk to present each newly elected Council Member a Certificate of Election.

4. Selection of Mayor and Mayor Pro Tempore

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman to nominate Scott Nassif as Mayor of the Town of Apple Valley.

ROLL CALL VOTE

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Nassif; Roelle; Stanton. Absent: None. Abstain: None

MOTION

Motion by Mayor Nassif, seconded by Councilman Roelle to nominate Barb Stanton as Mayor Pro Tem of the Town of Apple Valley.

ROLL CALL VOTE

Vote: Motion carried 5-0-0-0

Yes: Councilmembers Coleman; Emick; Roelle; Stanton; Mayor Nassif. Absent: None. Abstain: None

RECESS FOR REORGANIZATION

Mayor Nassif reconvened the meeting of the Apple Valley Town Council at 7:02 p.m.

PRESENTATION:

Night at the Shelter – Gina Schwin-Whiteside
Animal Services Recognition – Gina Schwin-Whiteside
Blue Ribbon Award – Sycamore Elementary School
Multi Species Habitat Conservation Plan Progress Report

SPECIAL PRESENTATIONS:

Supervisor Brad Mitzelfelt, First District, San Bernardino County Board of Supervisors presented a plaque to former Mayor Pro Tem Bob Sagona and former Mayor Peter Allan for their outstanding service and leadership while serving on the Apple Valley Town Council.

PUBLIC COMMENTS

Rita Vogler, City of Hesperia, welcomed the new Council Members to the Town of Apple Valley. She thanked Mr. Bob Sagona for his hard work and dedication on the Town Council.

Pat Hanson, Apple Valley, welcomed the new Council Members. Ms. Hanson commented on her previous request to place the Ten Commandments in the Council Chambers. She respectfully requested that "In God We Trust" be placed in the Chambers.

Chuck Hanson, Apple Valley, concurred with the statements made by Ms. Hanson. He read a statement into the record regarding prayers that were conducted into the records by "historians".

Bruce Kallen, Apple Valley, thanked Peter Allan for allowing him to serve on the Planning Commission and also thanked Bob Sagona for his accomplishments on the Town Council. He commended staff for their work and he commented on the success of the Planning Department.

Gilbert Scott, Apple Valley, congratulated the new Town Council members. He wished all the members a wonderful New Year.

Patricia Winkler, Tea Party, Apple Valley, welcomed the new members and thanked the former members for their service in the high desert. She commented on being allowed to work on the campaign for Councilwoman Stanton and thanked her for her service to the community.

Paul Hood, Apple Valley, respectfully requested that the Town Council use the microphones when speaking. He expressed concern regarding the lack of a cover for the Apple Valley Pool.

Rube Wolf, Past President, Los Robles Mobile Home Park, expressed concern regarding the lack of a bus stop under three miles near the Mobile Home senior park. He stated that there is not public transportation in their area and he requested their assistance in obtaining public transportation in their area.

Marilyn Reed, Apple Valley, requested the new Council take a partnership with Happy Trails Villas. She expressed concern regarding this project that she believes will be a detriment to her neighborhood.

William Furmage, Apple Valley, congratulated the new members to the Town Council. He also thanked the former Council Members for their hard work on the BMX Bike Park.

David Mueller, High Desert Politics.org, thanked the former members for their hard work on the Council. He expressed concern regarding the lack of the Warrant Schedule on the webpage. He also expressed concern regarding the MOU with the City of Victorville listed on the agenda.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Emick commented on his experience during the election process. He thanked those individuals that assisted him during his campaign.

Mayor Pro Tem Stanton also thanked those individuals who assisted her during her campaign. She also commented on the humbling experience during this process and thanked the current Council Members for their support. She also responded to statements made by the public during public comments. She stated that she will listen to the concerns expressed by the public. She also thanked Chief Art Bishop for the tour he provided of various buildings.

Councilwoman Coleman welcomed the new members to the Town Council. She commented on the meetings that she has attended since the last Town Council Meeting. She also commented on several ceremonies she attended including the tree lighting ceremony.

Councilman Roelle thanked all former commissioners for their hard work on the Commission. He also congratulated and welcomed the new members on the Council.

Mayor Nassif also welcomed the new Town Council Members and he thanked the voters for their support. He also thanked the volunteers for their hard work during his campaign.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Mayor Pro Tem Stanton recommended that an item be placed on the agenda as soon as possible to discuss placing "One Nation Under God" or "In God We Trust" in the Council Chambers. She would also like to see an item placed on the agenda to discuss e-verify, a service provided by Homeland Security.

Mayor Pro Tem Stanton expressed concern regarding the hours that Animal Services is open and hope that maybe we can open on Saturday.

Councilwoman Coleman would like a workshop to discuss affordable housing either in January, no later than February. She suggested that a joint meeting be scheduled with the Planning Commission.

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

A. Regular Meeting – Tuesday, January 11, 2011 at 6:30 p.m. – Council Chambers

CONSENT AGENDA

Dave Mueller, High Desert Politics.org, commented on Agenda Item Number 14, regarding the Climate Action Plan. He commented on AB32 and questioned the impacts which could result by not complying with the regulations by the State of California.

Mayor Nassif stated that due to a potential conflict of interest, he would be abstaining from voting on Item Number 7.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Roelle, to approve and adopt the Consent Calendar items numbered 2, 3, 4, 5, 6, 7, 8, 9, 10,12, 13, 14, 15, 16 and 17, and pulling Agenda Item Number 11 for discussion.

Vote: Motion carried 5-0-0-0

Yes: Councilmember Coleman; Emick; Roelle; Mayor Pro Tem Stanton; Mayor Nassif. Absent: None. Abstain: None. **Mayor Nassif abstained from voting on Agenda Item Number 7.**

5. Approval of Minutes of the Town Council

A. Regular Meeting – November 9, 2010

B. Special Meeting – November 30, 2010

Recommendation:

Approve the subject minutes as part of the consent agenda.

6. Treasurer's Report – October 2010

Recommendation:

Receive and file

7. Commercial Warrants Schedule – October 2010

Recommendation:

Receive, ratify, and file the commercial warrants as presented.

8. Payroll/Benefits Warrant Schedule – October 2010

Recommendation:

Receive, ratify, and file the payroll/benefits warrants as presented.

9. Acceptance of Work, Notice of Completion and Release of Retention for Dale Evans Parkway Reconstruction, Otoe Road to Waalew Road, Town Project 2010-03.

Recommendation:

1. Accept the work for the roadway improvements on Project Name for a total cost of \$432,439.82.
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.
10. **Amendment to Sheriff's Contract – Vehicle Exchanges**
Recommendation:
Approve the amendment to the Sheriff's Contract involving the addition of two COP vehicles and one unmarked detective unit at an additional contract cost of \$3,224.00.
12. **Fee Waiver Request for the Lifestream Blood Drives During 2011 at the Apple Valley Conference Center**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$2,730.00.
13. **Approve Resolution No. 2010-53, Amending the Records Retention Schedule for the Town of Apple Valley, Authorizing Appropriate Document Destruction and Rescinding Resolution Number 2009-29.**
Recommendation:
That the Town Council approve and adopt Resolution Number 2010-53, 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 2009-29.
14. **Town of Apple Valley Climate Action Plan: A Request to Add an Implementation Plan to the Town's Adopted Climate Action Plan**
Recommendation:
Adopt Town Council Resolution No. 2010-54, adding an Implementation Plan to the Town of Apple Valley Climate Action Plan.
15. **Reallocation of Legal Fees Charged to the Golf Course Fund for Water and Reversionary Rights to the Wastewater Fund**
Recommendation:
Authorize the transfer of Legal expenditures related to water and reversionary rights (\$633,423) to the Wastewater Fund and, in accordance with Town Policy, amend the Wastewater legal expense budget in an equal amount. Credit the Golf Course Fund \$633,423 Legal Expenditure Account accordingly.
16. **Acceptance of Work, Notice of Completion and Release of Retention for the Town of Apple Valley Development Services and Conference Center Building**
Recommendation:
 1. Accept the work of the attached three (3) prime contractors for the work performed at the Development Services and Conference Center; release the total retention in the amount of \$179,955.77. Direct the Town Clerk to file a Notice of Completion for their contract work, notify surety, exonerate bonds and notify prime contractors escrow account holders to release with held retention funds provide no claims are filed against the contractor or Town
 2. Direct the Finance Director to release retained funds 30 days after the acceptance of work and filing of the Notice of Completion, or notify prime contractors escrow account holders to release the withheld retention funds provided no claims are filed against the contractor or Town.

17. Resolution of the Town Council of the Town of Apple Valley Designating the Tort Liability Claims Handling Responsibilities to the California Joint Powers Insurance Authority

Recommendation:

That the Town Council adopt Resolution No. 2010-55 of the Town Council of the Town of Apple Valley Designating the Tort Liability Claims Handling Responsibilities to the California Joint Powers Insurance Authority.

PULLED FOR DISCUSSION

11. Approval of a Memorandum of Understanding (MOU) with the City of Victorville for Animal Services

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

Mayor Pro Tem Stanton asked questions regarding whether or not the Town could use funding generated through a MOU to open the facility on Saturday's.

Ms. Schwin-Whiteside discussed the current business hours of the Animal Services facility and why the hours were changed.

Discussion ensued regarding the current staff available for the services needed by taking on another community.

Mayor Nassif recommended that an item be presented to the Town Council regarding the issues expressed by staff prior to approving an MOU.

Richard Clayhorn, Wee Bar None Ranch Pet Placement, thanked the Council for the action they took with the High Desert Community Foundation regarding the water rights for the golf course. He commented on his experience in working with rescued animals. He spoke against this item and felt it would only increase the number of animals being euthanized.

Kathy Williamson, Manager, Victor Valley Animal Protective League, commended the Town on their facility; however, she did not agree with contracting services with the City of Victorville. She believed that taken on additional animals would only increase euthanasia rates.

Kathy Bayless, Pets Forever Found, expressed concern regarding the Town of Apple Valley contracting services with the City of Victorville. She too expressed concern regarding the number of animals that will be euthanized.

Mayor Pro Tem Stanton questioned whether or not we have a spay/neuter ordinance for Pit Bulls.

Ms. Schwin-Whiteside stated that we do not have a mandatory spay/neuter ordinance for Pit Bulls; however, she recommended that all breeds be addressed and not limited to Pit Bulls.

MOTION

Councilman Roelle made a motion, seconded by Councilwoman Coleman, to approve the attached Memorandum of Understanding with the City of Victorville for Animal Sheltering Services.

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None

PUBLIC HEARINGS

18. **A Request To Amend The General Plan From Single Family Residential (R-SF, 1 DU 0.4 To 0.9 Net Acres) And Open Space (OS) To Specific Plan (SP) And Zoning From Single Family Residential (R-SF, 1 DU Per 0.4 To 0.9 Net Acres) And Open Space Conservation (OS-C) To Specific Plan (SP). The Specific Plan Addresses Future Development, Including Expansion Of The Existing K-12 Lewis Center For Educational Research School Site (The “Academy For Academic Excellence”), Along With Future Development Plans For A College/University Campus. The Project Is 150-Acres In Size; APNs 0474-183-21 And -22.**

Mayor Nassif opened the public hearing at 9:10 p.m.

Doug Fenn, Senior Planner, presented the staff report as filed with the Town Clerk.

Carl Ballard, Kunzman Associates, commented on the traffic flow surrounding the school as well as future plans to access Highway 18 including a new signal. He stated once the signal is open, approximately 85% of the traffic will be coming to and from the school.

Rick Piercy, President/CEO, Lewis Center for Educational Research School, commented on the different phases of the project and how they will benefit the new students as well as help to accommodate the new traffic flow.

Mr. Piercy addressed concerns from the Council regarding the Potomac Rd intersection with respect to possible incidents that may occur as a result of increased traffic.

Larry Hannah, Apple Valley, expressed concern regarding the traffic on Mondamon Road.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 9:29 p.m.

Councilman Roelle recommended staff come back to the Council in the future to look at adding a signal at the intersection of Symeron Rd and Mondamon Rd to help relieve traffic in that area.

MOTION

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

1. **Determine**, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), that:
 - a. The proposed General Plan Amendment, Specific Plan and Zone Change will not have a significant effect on the environment with adherence to the Mitigated Negative Declaration and Mitigation Monitoring Plan recommended by the Planning Commission; and
 - b. The proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of the California Department of Fish and Game fees at the time of the Notice of Determination filing with the County.
2. **Find** that, based on the whole record before the Town Council, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
3. **Find** that Ordinance No 415 is 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. 415 approving conforming rezoning is consistent with the Specific Plan established by said Ordinance.
4. **Find** the facts presented within this staff report, including the attached Planning Commission staff report for October 6, 2010, support the required Findings for approval of the proposed General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001.
5. **Adopt** Resolution No. 2010-51 approving General Plan Amendment No. 2009-001.
6. **Move** to waive the reading of Ordinance No. 415 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 415.

MOTION

Motion by Councilman Roelle, seconded by Mayor Pro Tem Stanton, to:

7. **Introduce** Ordinance No. 415 approving Specific Plan No. 2009-001 and 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" zoning from Single Family Residential (R-SF, 1 du per 0.4 to 0.9 net acres) and Open Space Conservation (OS-C) to Specific Plan (SP), regarding parcels APNs 0474-183-21 and 22.
8. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board.

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

19. Adoption of the Mitigated Negative Declaration and Approval of the Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project

Mayor Nassif opened the public hearing at 9:34 p.m.

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented a background of the Yucca Loma Bridge and those individuals involved in the project.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

Mr. Miller commented on the changes that have occurred involving inclusions of sound walls in some areas.

The Town Council asked a series of questions regarding the location of the sound walls as well as the traffic flow on Bear Valley Road.

Councilman Roelle thanked staff for their hard work on the project.

Dave Mueller, High Desert Politics.org, questioned whether or not this project would impact the conservation program.

There being no requests to speak, Mayor Nassif closed the public hearing at 9:57 p.m.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Roelle, to:

1. In conformance with the requirements of the California Environmental Quality Act (CEQA), and the State Guidelines to Implement CEQA, that the Town Council:
 - a. **Adopt** Resolution No. 2010-56 adopting the Mitigated Negative Declaration, including all recommended environmental findings and all measures found in the Environmental Commitments Record.
 2. **Approve** as the locally preferred alternative: Alternative "B" from the Environmental Document which includes the entire Yucca Loma Road/Yates Road/Green Tree Boulevard Project from Apple Valley Road to Hesperia Road and avoids acquisition of residents along the roadway alignment.
 3. **Direct** staff to file the Notice of Determination with the San Bernardino County Clerk of the Board.
 4. **Direct** Town of Apple Valley staff to advance final design and right of way acquisition for the Town and work with the City of Victorville and San Bernardino County staff to develop a Memorandum of Understanding for completion of County and City portions as amended.

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

LEGISLATIVE MATTERS

20. Vacancies on the Town of Apple Valley Committees/Commissions due to Reorganization of the Town Council

MOTION

Motion by Councilman Emick, seconded by Councilwoman Coleman, to appoint the following individuals to the Committees/Commissions as listed below:

David Greiner – Community Development Citizens Advisory Committee

Trish Gee – Equestrian Advisory Committee
Jason Lamoreaux – Planning Commission

Vote: Motion carried 5-0-0-0

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

Absent: None.

Abstain: None

Councilman Emick noted that he would make appointments to the Parks and Recreation Commission and the Historical Advisory Committee at the next regularly scheduled meeting.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Councilman Roelle, to appoint the following individuals to the Committees/Commissions as listed below:

William Rorex – Community Development Citizens Advisory Committee
Bob Sagona – Historical Advisory Committee
Tony Tyler – Equestrian Advisory Committee
Dan Seagondollar – Planning Commission
Jiles Smith – Parks and Recreation Commission

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

21. Vacancies on the Town of Apple Valley Equestrian Committee

MOTION:

Motion by Councilmember Coleman, seconded by Mayor Nassif, to nominate Paul Johnson to the Town of Apple Valley Equestrian Advisory Committee.

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

MOTION:

Motion by Councilmember Roelle, seconded by Mayor Nassif, to nominate Randy Coleman, to the Town of Apple Valley Equestrian Advisory Committee.

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

22. Council Members Representation on Various Boards, Committees and Commissions

MOTION:

Motion by Mayor Nassif, seconded by Councilman Roelle, to approve the appointments to the Boards, Committees, and Commissions as listed below:

CITIZEN ADVISORY COMMITTEES

HISTORICAL ADVISORY COMMITTEE (HAC)

Mayor Nassif

Meets every 3rd Thursday of each month at 2:00 p.m., (location may vary)

SPECIAL ADVISORY COMMITTEES

DISASTER PREPAREDNESS*

Mayor - Chairman

Meets quarterly at 1:30 p.m., Fire District Office, Headquarters Drive, Apple Valley.

TRAFFIC ADVISORY COMMITTEE (TAC)

Mayor Pro Tem Stanton

Alternate – Councilman Roelle

As needed.

Town Council Chambers

TOWN PERSONNEL COMMITTEE

Mayor Nassif

Councilwoman Coleman

Meets as Needed

AD HOC COMMITTEES

APPLE VALLEY ROAD AD HOC COMMITTEE

Mayor Pro Tem Stanton

Mayor Nassif - Alternate

VILLAGE MERCHANTS AD HOC COMMITTEE

Councilman Emick

PARK AND RECREATION AD HOC COMMITTEE

Councilman Roelle

Mayor Nassif

AGENCY - BOARDS/COMMITTEES & COMMISSIONS

CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA)

Mayor Nassif – Director

Exec. Committee meets every 4th Wednesday of each month at 7:00 p.m., La Palma, CA.

LEAGUE OF CALIFORNIA CITIES/DESERT MOUNTAIN DIVISION (LOCC/DMD)

Mayor Nassif- Voting Delegate

Councilwoman Coleman – Alternate

Meets quarterly on the 4th Friday of the other month at 10:00 a.m., rotating cities.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD)

Mayor Pro Tem Stanton-- Delegate

Mayor Nassif – Alternate

Meets every 4th Monday of each month at 10:00 a.m., 14306 Park Avenue, Victorville

MOJAVE DESERT SOLID WASTE JOINT POWERS AUTHORITY (MDSWJPA)

Mayor Nassif – Delegate

Councilman Roelle – Alternate

Meets 2nd Thursday of each month at 10:00 a.m.

at the Materials Recovery Facility, 17000 Abbey Lane, Victorville

SAN BERNARDINO ASSOCIATION OF GOVERNMENTS (SANBAG)

Councilman Roelle - Board Member

Councilwoman Coleman – Alternate

Meets 1st Wednesday of each month at 9:30 a.m.,

SANBAG – 1170 West 3rd St.

San Bernardino

SAN BERNARDINO COUNTY

FLOOD CONTROL DISTRICT ZONE 4

ADVISORY COMMITTEE

Mayor Nassif

Meets annually during business hours. Time, date & place determined at that time.

SOUTHERN CALIFORNIA ASSOCIATION

OF GOVERNMENTS (SCAG)

Councilwoman Coleman – Board Member

Meets 1st Thursday of each month at 9:00 a.m.

In Los Angeles

VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY (VVEDA)

(George Air Force Base Reuse Task Force)

Councilman Emick – Commissioner

Mayor Nassif – Alternate

Meets every 2nd Wednesday of each quarter at 5:00 p.m., Victorville City Hall

VICTOR VALLEY TRANSIT AUTHORITY (VVTA)

Mayor Pro Tem Stanton – Representative

Councilwoman Coleman - Alternate

Meets every 3rd Monday of each month at 9:30 a.m., Victorville City Hall

VICTOR VALLEY WASTE WATER RECLAMATION AUTHORITY (VWVRA)

Mayor Nassif – Commissioner
Mayor Pro Tem Stanton – Alternate
Meets every 3rd Thursday at 7:30 a.m.
VVWRA Offices

APPLE VALLEY CHAMBER OF COMMERCE

GOVERNMENTAL RELATIONS COMMITTEE

Mayor Nassif – Representative

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

REPORTS, REQUESTS AND COMMUNICATIONS

RECESSED MEETING

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 10:10 p.m.

RECONVENED MEETING

Mayor Nassif reconvened the meeting of the Apple Valley Town Council at 10:24 p.m.

BUSINESS OF THE COUNCIL

23. **An Ordinance Of The Town Council Of The Of The Town Of Apple Valley, California, Amending Title 8 Of The Town Of Apple Valley Municipal Code By Amending Chapters 8.10, 8.12, 8.16, 8.18, 8.21, 8.22, And 8.26, Adding Chapters 8.13, 8.15 And Repealing Chapter 8.14, Adopting As Modified The 2010 Edition Of The California Building Code Volumes 1, 2 Including The Appendix And Standards, The 2010 Edition Of The California Electrical Code, The 2010 Edition Of The California Plumbing Code, The 2010 Edition Of The California Mechanical Code, The 2008 Edition Of The Uniform Solar Energy Code, The 2010 Edition Of The California Residential Code, 2010 Edition Of The California Green Building Code And Adopting Other Regulations Relating To Building Requirements.**

Claude Stewart, Building Official, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilman Roelle, seconded by Councilman 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), 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 Municipal Code, and adopt the Findings.
3. **Find** that the proposed Town 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. 416 in it's entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 416.

MOTION

Motion by Councilman Roelle, seconded by Councilman Emick, to:

5. **Introduce** Ordinance No. 416, amending Chapter 9.21 of the Development Code as it relates to the adoption of the Building Code
6. **Direct** staff to file a Notice of Exemption

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

24. Award of Contracts for Phase I – Project 2010-PRO1 – Skate Park Expansion and Renovation & Operations Discussion

Ralph Wright, Parks and Recreation Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Stanton asked questions regarding concurrent use of the facility.

Councilwoman Coleman commented on the orderly behavior among the BMX riders at Skate Parks. She recommended that there be adequate signage in the Skate Park with respect to conduct and the requirement to wear safety gear.

Mayor Pro Tem Stanton requested to know the timeline to complete the facility.

William Furmage, Apple Valley, thanked staff and Council for their work on this project.

MOTION

Motion by Councilwoman Coleman, seconded by Mayor Pro Tem Stanton, to:

1. Award the contract to California Landscape and Design Inc. in the not to exceed amount of \$242,000
2. Award the contract to Action Sport Development in the not to exceed amount of \$6,902
3. Authorize a budget amendment in the amount of \$248,902 from the General Fund to 2510-6910-9555-0000

Vote: Motion carried 5-0-0-0

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

Absent: None. Abstain: None.

Discussion ensued regarding whether or not there should be multi-use in the facility.

Ralph Wright, Parks and Recreation Manager, requested clarification by the Town Council regarding the use of the facility.

It was consensus of the Town Council for concurrent use of the facility.

25. Authorize Mayor to Execute Amendment to Victor Valley Transit Authority (VVTA) Joint Powers Agreement

Councilwoman Coleman presented the staff report as filed with the Town Clerk.

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Emick, and unanimously carried, to authorize Mayor to execute amendment to Victor Valley Transit Joint Powers Agreement.

Mayor Nassif announced that the Town of Apple Valley is now in charge of the finances for the MURF.

TOWN MANAGER'S COMMENTS AND LEGISLATIVE UPDATE

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, commented on actions taken regarding Proposition 22 protecting local government revenues. He also provided an update to the Town Council regarding the flooding that occurred in the Development Services Building.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

ADJOURNMENT

MOTION

Motion by Councilman Roelle, seconded by Councilwoman Coleman, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:55 p.m.

Town Clerk

Mayor

