

**TOWN OF APPLE VALLEY
TOWN COUNCIL – REGULAR MEETING
MINUTES – December 11, 2007**

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 Nassif; Councilman Sagona; Mayor Pro Tem Jasper; Mayor Roelle.

Absent/Excused: None.

OPENING CEREMONIES

INVOCATION: Pastor Doris Eddy, Valley Christian Fellowship

PLEDGE OF ALLEGIANCE: Flag Ceremony – Boy Scout Troop 356

1. Closed Session

Mayor Roelle announced, with the consent of the Council, it would be necessary to add an additional item to the Closed Session agenda, and to defer Closed Session to the end of the meeting.

2. Selection of Mayor and Mayor Pro Tempore

Mayor Roelle recognized Mr. James Cox, Interim Town Manager, on behalf of the family of Councilman Bob Sagona. Mayor Roelle stated that Mr. Cox recognized the symptoms that Councilman Sagona was having during a meeting at Town Hall and immediately took Councilman Sagona to the hospital. He stated that the quick thinking of Mr. Cox possibly resulted in the saving of Councilman Sagona's life and he wanted to publicly thank Mr. Cox on behalf of the Council and the Sagona Family.

Mayor Roelle thanked the Town Council and the public for the ability to serve as Mayor this past year. He spoke of the Town Council's process in choosing a Mayor by rotation. He commented that some jurisdictions choose the Mayor by selecting the highest vote receiver from the last election and asked the Town Council for their input on this issue.

Discussion ensued regarding other methods in choosing a Mayor and whether or not the Mayor should be elected or whether or not the Mayor should continue to be chosen by rotation or by selecting the highest vote getter.

It was the consensus of the Town Council to place this issue on a future agenda for discussion.

MOTION

Motion by Councilman Nassif, seconded by Councilman Allan, to nominate Timothy Jasper as Mayor for the Town of Apple Valley.

Vote: Motion carried 4-1.

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

MOTION

Motion by Mayor Roelle, seconded by Mayor Pro Tem Jasper, to nominate Bob Sagona as Mayor Pro Tem.

Vote: Motion carried 4-1.

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

RECESS FOR REORGANIZATION

The Mayor declared a recess of the Town of Apple Valley Town Council for the reorganization of the Town Council at 6:40 p.m.

RECONVENED MEETING

Mayor Jasper reconvened the meeting of the Apple Valley Town Council at 7:00 p.m.

PRESENTATIONS:

- a. Mayor's Plaque – Mayor Roelle for his term as Mayor on the Town Council for the period December 2006 to December 2007.
- b. Proclamation - Katrina Lopez – Apple Valley Fire Protection District
- c. Proclamation – Katrina Lopez – Town of Apple Valley
- d. Certificates of Appointment – General Plan Advisory Committee
- e. SANBAG Presentation – Ryan Graham – J.D. Douglas

Discussion ensued regarding the presentation given by SANBAG and also the possibility of creating toll roads in Apple Valley.

Councilman Nassif commented on the formation of a Victor Valley Transit Committee that would review the best interest for the high desert corridor. He recommended, with the consensus of the Town Council, that a future agenda item be prepared on this issue.

PUBLIC COMMENTS

Janice Moore, CEO, Chamber of Commerce, thanked the Town Council for their hard work for the community. She stated that the Chamber is very happy to work with the Town Council and congratulates them on a job well done.

Chuck Hanson, Apple Valley, expressed concern regarding the recent approval of the Mansion project. He believed that the community was not in favor of this project and he did not believe that the Town Council should have approved this project. He also recommended that English be the official language of the Town of Apple Valley.

Mark Shoup, Apple Valley, congratulated the Mayor and Mayor Pro Tem on their appointment.

Mr. Shoup expressed concern regarding the inability to use Don Ferraisse Park. He proposed arranging an agreement with the school district so that the public could use the park during non-school hours and the school could use it during school hours. He also commented on proposed options for selecting a Mayor.

Paul Hood, Apple Valley, expressed concern regarding the approval of the Mansion Project at its proposed location.

Scott Weldy, Apple Valley Ranchos Water, stated that Ranchos Water is preparing to review its water rates for possible increases in water fees. He spoke of the process that will take place and stated that he wanted to keep the Town Council informed of the progress.

William Furnage, Apple Valley, stated that he spoke with Mr. Cox regarding the feasibility of a BMX Bikepark at the current Skatepark. He recommended the Town provide land to the residents for a BMX Bikepark.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Councilman Allan commented on his meeting at Victor Valley Wastewater Reclamation Authority (VWVRA) where they discussed the need for a new sewer plant. He stated that the next meeting will be on Friday, December 21.

Councilman Roelle stated that he attended the Measure I meeting and that he will be traveling to Washington DC with SANBAG in February to lobby for funds for transportation.

Councilman Nassif stated that he attended a Desert Mountain Division Meeting where discussions were held regarding a possible trauma center in the Victor Valley. He spoke of upcoming meetings that will be held next year. He also commented on his attendance at the League of Cities Training Meeting held in San Jose. He announced that Diana McKeen, Municipal Services was appointed to the policy committee.

Councilman Nassif also commented on discussions that were held regarding solar energy and its benefit. He recommended that a future item be prepared on this issue.

Mayor Jasper reminded the public to remove the frost from their windshields in the morning and to turn off their sprinklers to eliminate freezing during the cold months.

Mayor Jasper commented on E220 and stated that it is still eligible for funding.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

James Cox, Interim Town Manager, recommended Town Manager's Comments be moved to the end of the meeting.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Councilman Roelle – Would like a comprehensive report of the Mojave Water Agency. He would like to know how the new super wells will affect the citizens of Apple Valley; how much is the water; what will the future cost of the water be for Apple Valley; how will the new wells affect the quantity and quality of the water; why are the wells being placed; are there any other options. Also would like to review the possibility of forming a committee to review the water issues.

Councilman Allan spoke of his request for an item to freeze projects in the Deep Creek area.

James Cox, Town Manager, stated that after meeting with the Town Attorney, he recommended that this not be done at this time. He stated that the Town Attorney is preparing a report and will present it to the Town Council in the near future.

Councilman Allan – A joint meeting with the Planning Commission to discuss land use and the legal requirements for both the Planning Commission and the Town Council.

Mayor Jasper – A report on the Community Resource Foundation. Would like to know where we are with the foundation and what we have done. Would also like an update on grants – how many we have applied for and how many we have received.

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

A. Regular Meeting – Tuesday, January 8, 2008, 6:30 p.m. – Council Chambers

CONSENT AGENDA

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to approve and adopt the Consent Calendar items numbered 2 – 13.

Vote: Motion carried 4-1.

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

3. [Approval of Minutes of the Town Council](#)
 - A. [Regular Meeting – November 13, 2007](#)

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. [Adopt Ordinance No. 366 an Ordinance of the Town Council of the Town of Apple Valley to Amend the Provisions of the Development Code Pertaining to Regulations to Allow Barbed Wire and Razor Wire for Enclosure of Vehicle Impound Storage Yards within the Town of Apple Valley.](#)
Recommendation:
Adopt Ordinance No. 366
5. [Adopt Ordinance No. 368 an Ordinance of the Town Council of the Town of Apple Valley to Amend the Provisions of the Development Code Pertaining to Regulations for Carports, RV Shelters and Accessory Buildings for Vehicle Storage Within the Single-Family Residential Zoning Districts.](#)
Recommendation:
Adopt Ordinance No. 368.
6. [Adopt Ordinance No. 369, an Ordinance of the Town Council of the Town of Apple Valley to Amend the Provisions of the Development Code Pertaining to Regulations Prohibiting Chain Link Fencing in the Front and Street Side Yards of Residential Lots within the R-SF and R-EQ Zoning Districts.](#)
Recommendation:
Adopt Ordinance No. 369.
7. [A Resolution of the Town Council of the Town of Apple Valley, California, Redesignating and Authorizing Signatores for the Town of Apple Valley.](#)
Recommendation:
Adopt Resolution Number 2007-51, A Resolution of the Town Council of the Town of Apple Valley, California, Redesignating and Authorizing Signatories for the Town of Apple Valley.
8. [Acceptance of Work, Notice of Completion, Release of Retention for Sports Field Lighting Project #2006-1206](#)
Recommendation:
 1. Accept the work completed for the Sports Field Lighting Project #2006-1206.
 2. Direct the Town Clerk to file the Notice of Completion for the contract work.
 3. Direct the Finance Director to release retained funds (final payment) 35 days after the filing of the Notice of Completion, provided no claims are filed against the contractor.
9. [A Resolution of the Town Council of the Town of Apple Valley Designating an Authorized Signatory for all California Integrated Waste Management Board Grant Documents on Behalf of the Town of Apple Valley.](#)
Recommendation:
Adopt Resolution No. 2007-52, authorizing submittal of applications for all available grants under the California Oil Recycling Enhancement Act and all available Household Hazardous Waste Grants, and designating the authorized signer on behalf of the Town.
10. [Accept the Final Map for Tract Map No. 17247](#)
Recommendation:
 1. Adopt Resolution No. 2007-54 (A Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1, L-24)
 2. Receive and approve the Engineer's Report as filed or as amended (Note: The Engineer's report has all ready been filed and is made a part of this agenda item for the Council's review and approval)

3. Receive and approve the Landowner's consent
 4. Adopt Resolution No. 2007-55 (A Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-24 ordering improvements, and declaring the right to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).
 5. Move to approve the final map, securities and agreements for Tract Map No. 17247 subject to approval as to form by the Town Attorney and as to content by the Town Manager, accept the "Agreement for Construction of Improvements" and the bonds subject to approval by the Town Attorney and accept the cash deposit for survey monumentation.
11. [Request to Vacate a Portion of Outer Highway 18 South Adjacent to Parcel 1 of Parcel Map No. 346.](#)
Recommendation:
1. Find that a 20-foot wide portion of the street easement of Outer Highway 18 South, located adjacent to Parcel 2 as shown on Parcel Map 346, is in excess of right-of-way not required for street purposes; and the proposed vacation is exempt from CEQA;
 2. Adopt Resolution No. 2007-56 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of street easement at Parcel 1, Parcel Map 346, pursuant to the Streets and Highway Code Section 8333-8334.5";
 3. Instruct the Town Clerk to cause the Resolution vacating a portion of the street easement to be recorded in the office of the County Recorder of the County of San Bernardino pursuant to Section 8336 of the Streets and Highways Code.
12. [Acceptance of Certified Site Program Funds from the County of San Bernardino](#)
Recommendation:
- That the Town Council approve the acceptance of the grant between the County of San Bernardino and the Town of Apple Valley for the McCallum Sweeney/Southern California Edison Certified Site Program; and authorize the Town manager to execute the accompanying agreement, and any other necessary documents relative to this grant, on behalf of the Town.
13. [Approve Resolution No. 2007-57 Amending the Records Retention Schedule for the Town of Apple Valley, Authorizing Appropriate Document Destruction and Rescinding Resolution Number 2001-38](#)
Recommendation:
- That the Town Council approve and adopt Resolution Number 2007-57, 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 2001-38.

PUBLIC HEARINGS

14. [Public Hearing Regarding the Amendment of the Arterial Street System Development Impact Program](#)

Mayor Jasper opened the public hearing at 8:15 pm.

Richard Pedersen, Deputy Town Engineer, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Jasper closed the public hearing at 8:19 pm.

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, to:

1. Approve the recommendation to revise the Town's Arterial list to include Bear Valley Road /Interstate 15 interchange and to adjust the Town's fair share contributions to other interchanges along Interstate 15 as described within the report.
2. Adopt Resolution No. 2007-53, a Resolution of the Town Council of the Town of Apple Valley Amending Resolution No. 2006-86, relating to the formula for calculating the amounts of the Arterial Street System Development fee.

Vote: Motion carried 4-1.

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

15. [A Request To Amend Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code, By Amending Section 9.28.090 Of Chapter 9.28 As It Relates To Implementing The California State Government Code Section 65915 And The General Plan Housing Element To Provide Incentives For The Creation Of Affordable Housing Through The Implementation Of Two Density Bonus Provisions Including Increases In Density And Incentives Or Concessions For The Incorporation Of On-Site Amenities.](#)

Mayor Jasper opened the public hearing at 8:20 p.m.

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

Mayor Jasper stated that this is state law and Measure N does not protect us from the density laws.

There being no requests to speak, Mayor Jasper closed the public hearing at 8:27 p.m.

Councilman Allan expressed concern regarding this issue. He did not feel the state should have the ability to dictate to local cities how they should handle affordable housing.

MOTION

Motion by Councilman Nassif, seconded by Mayor Jasper, 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. 370 in its entirety and read by title only.

Vote: Motion failed 2-2-1.

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

Neal Singer, Town Attorney, stated that the Ordinance cannot supersede state law. He explained the process and what can be done with a tie-vote.

Mr. Henderson stated that staff finds the implication of the state law distasteful; however, the Town Council is required by state law to approve this ordinance. He explained that if the item is not approved, the Town would not receive funding for its housing element. He noted that a density bonus law or lack of for the Town inhibits our ability to have our applications approved. After a brief discussion on this issue, the Council chose to re-vote on this item.

MOTION

Motion by Councilman Nassif, seconded by Mayor Jasper, 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. 370 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 370.

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.28.090 OF CHAPTER 9.28 AS IT RELATES TO IMPLEMENTING THE CALIFORNIA STATE GOVERNMENT CODE SECTION 65915 AND THE GENERAL PLAN HOUSING ELEMENT TO PROVIDE INCENTIVES FOR THE CREATION OF AFFORDABLE HOUSING THROUGH THE IMPLEMENTATION OF TWO DENSITY BONUS PROVISIONS INCLUDING INCREASES IN DENSITY AND INCENTIVES OR CONCESSIONS FOR THE INCORPORATION OF ON-SITE AMENITIES.

MOTION

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

5. **Introduce** Ordinance No. 370, amending Section 9.28.090 as it relates to implementing the California State Government Code Section 65915 and the General Plan Housing Element to provide incentives for the creation of affordable housing through the implementation of two (2) Density Bonus provisions, including increases in density and incentives or concessions for the incorporation of on-site amenities.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 3-1-1.

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

16. [A Request to Consider an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Amending Chapter 9.19 "Home Occupation Permits" to Restrict the Number of Employees, to Prohibit Outdoor Storage Visible from Public View and Change the Revocation Process to an Administrative Hearing by a Hearing Officer.](#)

Mayor Jasper opened the public hearing at 8:41 p.m.

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

There being no requests to speak, Mayor Jasper closed the public hearing at 8:45 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), 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.
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. 371 in its entirety as amended and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 371.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT NO. 2007-016 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, CHAPTER 9.19 "HOME OCCUPATION PERMITS", TO RESTRICT THE NUMBER OF EMPLOYEES, PROHIBIT OUTDOOR STORAGE VISIBLE FROM PUBLIC VIEW, ADD OPERATING HOURS AND CHANGE THE REVOCATION PROCESS TO AN ADMINISTRATIVE HEARING BY A HEARING OFFICER.

MOTION

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

5. **Introduce** Ordinance No. 371, amending Section 9.19 "Home Occupation Permits" as it relates to modifying the operating standards of a Home Occupation Permit application anywhere within the Town of Apple Valley.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 4-1.

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

17. [A Request to Amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code, by Amending Section 9.05.070 of Chapter 9.05 as it Relates to Similar uses by Confirming that Unlawful uses such as Medical Marijuana Dispensaries Shall not be Treated as Permitted uses and Shall not be Determined to be Permitted Similar uses and Amending Chapter 9.08 to add a new Definition of Medical Marijuana Dispensary.](#)

Mayor Jasper opened the public hearing at 8:48 p.m.

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

There being no requests to speak, Mayor Jasper closed the public hearing at 8:50 p.m.

MOTION

Motion by Councilman Roelle, seconded by Councilman Nassif, 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. 372 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 372.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.05.070 OF CHAPTER 9.05 AS IT RELATES TO SIMILAR USES BY CONFIRMING THAT UNLAWFUL USES SUCH AS MEDICAL MARIJUANA DISPENSARIES SHALL NOT BE TREATED AS PERMITTED USES AND SHALL NOT BE DETERMINED TO BE PERMITTED SIMILAR USES AND AMENDING CHAPTER 9.08 TO ADD A NEW DEFINITION OF MEDICAL MARIJUANA DISPENSARY.

MOTION

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

5. **Introduce** Ordinance No. 372, amending Section 9.05.070 of Chapter 9.05 of the Development Code as it relates to similar uses by confirming that unlawful uses such as medical marijuana dispensaries shall not be treated as permitted uses and shall not be

determined to be permitted similar uses and amending Chapter 9.08 to add a new definition of medical marijuana dispensary.

6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 4-1.

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

LEGISLATIVE MATTERS

18. Council Member Representation on Various Boards, Committees and Commissions

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, and unanimously carried, to approve the list of Council Boards, Committees and Commissions as listed below:

HISTORICAL ADVISORY COMMITTEE (HAC)

Councilman Nassif

Meets every 3rd Thursday of each month at 1:00 p.m., (location may vary)

DISASTER PREPAREDNESS*

Mayor Jasper - Chairman

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

TRAFFIC ADVISORY COMMITTEE (TAC)

Mayor Pro Tem Sagona

Alternate – Mayor Jasper

Meets every 2nd Thursday at 1:30 p.m.,

Town Council Chambers

TOWN PERSONNEL COMMITTEE

Mayor Pro Tem Sagona

Mayor Jasper

Meets as Needed

APPLE VALLEY ROAD AD HOC COMMITTEE

Mayor Jasper

Councilman Allan

Councilman Nassif - Alternate

VILLAGE MERCHANTS AD HOC COMMITTEE

Mayor Pro Tem Sagona

Councilman Allan

PARK AND RECREATION AD HOC COMMITTEE

Mayor Pro Tem Sagona

Councilman Nassif

CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA)

Councilman 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)
Councilman Nassif- Voting Delegate
Mayor Jasper – 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 Sagona– Delegate
Councilman 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)
Councilman Nassif – Delegate
Councilman Roelle – Alternate
Meets 1st Thursday of each month at 10:00 a.m.
at the Materials Recovery Facility, 17000 Abbey Lane, Victorville

MOUNTAIN DESERT MEASURE I COMMITTEE
Councilman Roelle - Representative
Mayor Jasper – Alternate
Meets every 3rd Friday at 9:00 a.m., Apple Valley

SAN BERNARDINO ASSOCIATION OF GOVERNMENTS (SANBAG)
Councilman Roelle - Board Member
Mayor Jasper – 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
Councilman Nassif
Meets annually during business hours. Time, date & place determined at that time.

SOUTHERN CALIFORNIA ASSOCIATION
OF GOVERNMENTS (SCAG)
Mayor Jasper
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 Allan – Commissioner
Councilman Nassif – Alternate
Meets every 1st Wednesday of each quarter at 5:00 p.m., Victorville City Hall

VICTOR VALLEY TRANSIT AUTHORITY (VVTA)

Mayor Jasper – Representative

Mayor Pro Tem Sagona - Alternate

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

VICTOR VALLEY WASTE WATER RECLAMATION AUTHORITY (VWRA)

Mayor Pro Tem Sagona – Commissioner

Councilman Allan– Alternate

Meets every 3rd Friday at 7:30 a.m.

VWRA Offices

AV CHAMBER OF COMMERCE GOVERNMENTAL RELATIONS COMMITTEE

Councilman Nassif – Representative

Mayor Jasper - Alternate

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

19. Feasibility of BMX Bike use at Three Diamond Skate Park

James Cox, Interim Town Manager, presented the staff report as filed with the Town Clerk.

It was the consensus of the Town Council to receive and file this staff report.

20. Establishment of Consolidated Plan Priorities

Emily Wong, Assistant Director of Economic Development, presented the staff report as filed with the Town Clerk.

Ms. Wong stated that the Town would receive approximately \$645,000 in block grant funds and approximately \$657,000 in home funds that will be split between Apple Valley and the City of Victorville, 60/40 with the Town receiving the 40 percent.

The Town Council reviewed the priorities listed in the existing Five-Year Consolidated Plan.

Mayor Jasper, with the consensus of the Town Council, recommended that priority number 10, "Create Safer, More Attractive and More Accessible Neighborhoods and Stimulate Economic Growth Through the Improvement of Infrastructure", be added.

MOTION

Motion by Councilman Nassif, seconded by Councilman Roelle, to approve the following list of Community Development Block Grant and HOME priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee in making funding recommendations to the Town Council for the 2008-2009 Action Plan.

1. Preserve the Existing Housing Stock (Single-Family Housing Rehabilitation)
2. Expand the Supply of Affordable Housing (Home Buyer Assistance and potential New Development of Workforce Housing)
3. Address Public Service Needs

4. Affirmatively Further Fair Housing to Ensure Equal Access to Housing Lower Income, Ethnic Minorities and Special Needs Groups (Fair Housing Program)
5. Create Safer, More Attractive and More Accessible Neighborhoods and Stimulate Economic Growth Through the Improvement of Infrastructure

Vote: Motion carried 4-1.

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

21. General Plan Update Community Issues Report

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

Ms. Nicole Sauviat Criste, Consultant, presented the report submitted to the Town Council for their review.

That the Town Council receive and file this staff report.

22. Request for Revisions to Chapter 12.36 of the Town of Apple Valley Municipal Code Relating to Truck Routes

Richard Pedersen, Deputy Town Engineer, presented the staff report as filed with the Town Clerk.

Ian Bryant, Deep Creek Agricultural Association, stated that he would like to see Central Road and Kiowa Road also opened up as Truck Routes.

Lonnie Johnson, Apple Valley, expressed concern regarding the truck traffic on Deep Creek Road. She recommended the Town Council work with the County of San Bernardino on this issue.

Bill Deppy, Apple Valley - Unincorporated, expressed concern regarding the increase in the number of trucks that drive through the neighborhood. He spoke of the discussions that were held regarding this issue and the concern expressed by the residents.

Greg Dineen, representing the trucking industry, commented on their desire to work with the county on this issue. He spoke of the numerous requests to meet with the county that have gone unanswered.

David Holtz, Apple Valley, expressed concern regarding a proposed truck route through the Deep Creek area. He suggested restricting the truck route during daylight hours.

MOTION

Motion by Councilman Nassif, seconded by Councilman Allan, to direct staff to prepare the requested changes to the Apple Valley Truck Route Ordinance and bring such changes to the Town Council after the County Board of Supervisors takes action in keeping with its request to the Town of Apple Valley.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

James Cox, Interim Town Manager, presented a brief report to the Town Council on issues that his office had addressed per requests from the Town Council.

CLOSED SESSION

1. **Closed Session**

MOTION

Motion by Councilman Allan, seconded by Councilman Nassif, based upon finding the need to consider attitional Closed Session Item 1, C, which came to the attention of the Town after the agenda was posted, that item be added to the Closed Session, and unanimously carried, to adjourn to closed session to consider:

- A. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to Government Code Section 54956.9(b) (one potential case).
- B. Conference with Legal Counsel-Existing Litigation under Government Code Section 54956.9(a) – Deep Creek Agricultural Association vs. Town of Apple Valley, HDC Group LLC, San Bernardino Superior Court Case No. CIVSS 709146.”
- C. Conference with legal counsel – Existing Litigation – Pursuant to Government Code Section 54956.9(a). Name of case: Town of Apple Valley v. Calderon, et al, San Bernardino County Superior Court Case No. VCVVS 039190 (including Shahin ownerships).

Upon returning from Closed Session at 10:21 p.m., Mayor Jasper announced the following:

Concerning Agenda Item 1B, approval was unanimously given for the firm of Gresham, Savage, Nolan & Tilden and the Town Attorney's firm to defend the Town in that action in which the Petitioner, Deep Creek Agricultural Association, is seeking a writ of mandate against the Town and the Developer, HDC Group, LLC, challenging on environmental and other grounds the Council's recent approval of the Mansions Specific Plan project; and the Town Manager was authorized to enter into a related defense and indemnity agreement relating to the joint defense of the action entitled Agricultural Association vs. Town of Apple Valley, HDC Group, LLC, pending in San Bernardino Superior Court Case No. CIVSS 709146.

ADJOURNMENT

MOTION

Councilman Allan made a motion, seconded by Councilman Nassif, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:23 p.m.

Town Clerk

Mayor