

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

**REGULAR MEETING  
MINUTES – January 10, 2012**

**CALL TO ORDER:**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 5:35 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Council Member Emick; Boardmember/Council Member Nassif; Boardmember/Council Member Roelle; Vice Chair/Mayor Pro Tem Coleman; Chair/Mayor Stanton.  
Absent: None.

**TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION**

**1. Closed Session**

- A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Manager.

Upon returning from Closed Session at 6:34 p.m., Mayor Stanton announced that there was no reportable action taken.

**OPENING CEREMONIES**

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 6:30 p.m.

**INVOCATION:** The invocation was led by Mr. Jim Andersen, Code Enforcement Manager

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council Member Roelle

**PRESENTATIONS:**

- a. Girl Scout Troop 357 Certificate of Appreciation presented to Alicia Lennartz, Troop Leader
- b. Presentation by Chairman Coleman, Blue Ribbon Water Committee
- c. Blue Ribbon Water Committee Powerpoint Presentation
- d. Blue Ribbon Water Committee Recognition

**SPECIAL ANNOUNCEMENTS:** None.

**PUBLIC COMMENTS**

Larry Warren, Apple Valley, expressed concern regarding the lack of support that he has received from the Veterans Association. He stated that he is seeking help to fight this issue.

Butch Butcher, Apple Valley, commented on the need for the Town of Apple Valley to spend its money on local businesses. He asked the Town Council to direct staff to prepare a Comprehensive Report on this issue.

**APPLE VALLEY RANCHOS WATER COMPANY UPDATE**

Scott Weldy, General Manager, Apple Valley Ranchos, presented an update to the Town Council regarding recent events and its Urban Water Management Plan.

**COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION**

Council Member Nassif commented on committees and events that he attended.

Council Member Roelle spoke of the passing of Sergeant Randy Gwaltney, a 25 year employee of the San Bernardino County Sheriff's Department and also a member of the Apple Valley Station for eight years. He thanked the Town for flying the flags at half staff in his honor. He announced that the services will be held on Friday, January 13 at 10:00 a.m.

Council Member Emick commented on committees and events that he attended.

Mayor Pro Tem Coleman commented on committees and events that she attended.

Mayor Stanton commented on committees and events that she attended.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for next agenda:**

Council Member Nassif recommended that a future agenda item be prepared to discuss the business retention program for the Apple Valley Chamber of Commerce.

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

- A. Joint Special Meeting – Wednesday, January 11, 2012, 6:00 p.m. – Council Chambers**
- B. Regular Meeting – Tuesday, January 24, 2012 – Council Chambers**
  - Closed Session at 5:00 p.m.**
  - Regular Session at 6:30 p.m.**

**TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA**

Mayor Stanton announced that Councilman Nassif has a remote interest in certain warrants on tonight's commercial warrants for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore he will be abstaining from voting on agenda item number 4.

**MOTION**

Motion by Council Member Roelle, seconded by Mayor Pro Tem Coleman, to approve and adopt the Consent Calendar items numbered 2-7.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Council Member Nassif abstained from voting on Agenda Item Number 4.**

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

**A. Regular Meeting – December 13, 2011**

**B. Special Meeting – December 15, 2011**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Treasurer's Report – Month of November 2011 and Schedule of Revenues, Expenditures and Changes in Fund Balance for the Parks & Recreation Fund and the Apple Valley Golf Club Fund**

**Recommendation:**

Receive and file.

**4. Commercial Warrants Schedule – Month of November 2011**

**Recommendation:**

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

**5. Payroll/Benefits Warrants Schedule – Month of November 2011**

**Recommendation:**

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

**6. Apple Valley Plaza Sewer Lift Station Acceptance**

**Recommendation:**

Find that the construction of the sewer lift station and sewer improvements required for the Apple Valley Plaza (Tentative Parcel Map No. 19260) are complete and accept the improvements into the Town's maintained system.

**7. Reduction of Maintenance Securities for Completed Street Improvements on Tract Map 16134**

**Recommendation:**

Approve new securities and agreements reflecting a two-year extension of the Agreement, and 25% maintenance level security for the work that is completed, and 100% security for the remaining un-finished improvements, (The adjusted securities and agreements will remain in place until all public improvements within Tract Map No. 16134 are complete and eligible for the one-year maintenance period to begin.) subject to approval as to form by the Town Attorney and as to content by the Town Manager.

**PUBLIC HEARINGS**

**8. Golden Triangle Amnesty Program - Annexation No. 2008-001**

Mayor Stanton opened the public hearing at 7:37 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 Stanton closed the public hearing at 7:39 p.m.

**MOTION**

Motion by Council Member Roelle, seconded by Council Member Emick, to adopt Resolution No. 2012-001, approving the Amnesty Program for the Golden Triangle (Annexation No. 2008-01).

Vote: Motion carried 5-0-0-0

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

Absent: None.

**9. General Plan Amendment No. 2011-001: A Request To Consider A Change To The General Plan Land Use Designation From Planned Industrial (I-P) To Specific Plan (Sp) For The Amendment Area.**

**Zone Change No. 2011-001: A Request To Consider A Change To The Zoning Designation From Planned Industrial (I-P) To Specific Plan (Sp) For The Amendment Area. Specific Plan 2005-001 Amendment No. 5, Amends Exhibit li-2 (Land Use Map) To Indicate Industrial - Specific Plan (I-Sp) For The Amendment Area.**

**Specific Plan No. 2005-001 Amendment No. 5: A Request To Consider An Amendment To The North Apple Valley Industrial Specific Plan (NAVISP) To Add 1,120 Acres To The Industrial Specific Plan Area Between Quarry And Langley Roads And The Northeast Area (Annexation No. 2008-002); Amend Specific Text To Reflect Corrected Land Use Acreage, Square Footage Calculations, Exhibits To Reflect The New Specific Plan Boundary And Amend Exhibit li-2 (Land Use Map) To Reflect Industrial - Specific Plan (I-SP) For The Amendment Area.**

Mayor Stanton opened the public hearing at 7:40 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 7:41 p.m.

### **MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, and unanimously carried to:

1. **Determine**, in conformance with the requirements of the California Environmental Quality Act (CEQA), and the State Guidelines to Implement CEQA, the Town Council finds the existing conditions, impacts and mitigation measures for all the CEQA issue areas, categorically, relating to the land being considered in this Specific Plan Amendment were studied in the General Plan Environmental Impact Report (EIR), under the discussion labeled "Annexation No. 2008-002". Furthermore, the land use designation proposed in the General Plan Land Use Map is consistent with the land use proposed in the Specific Plan Amendment. Conditions in the Specific Plan Amendment area have not changed since the preparation and certification of the General Plan EIR. Therefore, the conclusions of that document are applicable to the proposed Specific Plan Amendment, and no further environmental analysis under CEQA is required.
2. **Find the facts presented within the staff report, including the attached Planning Commission staff report for September 7, 2011, support the required Findings for approval of the proposed Specific Plan and Zoning Map amendment and adopt the Findings.**
3. **Adopt** Town Council Resolution No. 2012-02, approving General Plan Amendment No. 2011-001;
4. **Move** to waive the reading of Ordinance No.427 and Ordinance No.428 in their entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinances No. 427 and 428

### **MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Nassif, and unanimously carried to:

5. **Introduce** Ordinance No. 427, approving Specific Plan No. 2005-001 Amendment No. 5, the North Apple Valley Industrial Specific Plan; and
6. **Introduce** Ordinance No. 428, approving Zone Change No. 2011-001.
7. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 5-0-0-0

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

Absent: None.

## LEGISLATIVE MATTERS

### 10. Council Member Representation on Various Boards, Committees and Commissions

#### MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried, to designate Mayor Stanton as the delegate to the Solid Waste Advisory Task Force (SWAT).

## REPORTS, REQUESTS AND COMMUNICATIONS

### BUSINESS OF THE COUNCIL

### 11. A Professional Services Contract For The Preparation Of The Sewer Master Plan Update

Lance Miller, Public Works Manager, presented the staff report as filed with the Town Clerk. He explained the process that was conducted during the review and selection process..

Butch Butcher, Raventek, urged the Town Council to direct staff to resubmit the solicitation for services for this project. He believed the cost for this project was excessive.

Lawrence McCarthy, Apple Valley, expressed concern regarding the bids that were submitted for this project.

Carl Coleman, Apple Valley, stated that he does not believe the contract should be awarded at this time to the firm recommended in the report. He too recommended that this project be resubmitted.

#### MOTION

Council Member Roelle made a motion, seconded by Council Member Nassif, to

1. Award the professional services contract in the not-to-exceed amount of \$263,097.00 to URS Corporation, for professional services for the preparation and development of the Sewer Master Plan Update subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
2. This project is currently budgeted in FY 11-12 to the amount of \$250,000, and is projected for completion during FY 12-13.

Mayor Pro Tem Coleman stated that she reviewed the Request for Quotes that was submitted and she believed that it was not done properly. She believed that the Town Council should look at hiring locally when qualified local companies are available and able to complete the project. She recommended that this item be tabled.

Council Member Emick stated that he concurred with the statements made by Mayor Pro Tem Coleman.

Council Member Nassif commented on his goal of promoting local businesses in the Town; however he believed the Town must adhere to the rules that it has set forth regarding the review process.

Mr. Miller provided additional clarification regarding the concerns expressed by the Town Council.

Mayor Stanton asked for clarification on the scoring as listed in the staff report.

Vote: Motion carried 3-2-0-0

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

Absent: None.

**12. Discussion Regarding Speaking Time Limits For Public Comments During Town Council Meetings**

Mayor Stanton stated that she requested that this item be presented for review and input by the Town Council.

La Vonda M-Pearson, Town Clerk, presented the staff report as filed in the Town Clerk's Office. She commented on the Town Council's previous action to reduce the speaking time limit to three (3) minutes and reminded the Council that it is at their discretion to allow a speaker additional time if needed.

It was the consensus of the Town Council that no action be taken at this time.

**13. Town Of Apple Valley Electing To Become The Successor Agency Of The Redevelopment Agency Of The Town Of Apple Valley Pursuant To Part 1.85 Of Division 24 Of The California Health And Safety Code As Provided By Ab 1x 26; and**

**Redevelopment Agency Of The Town Of Apple Valley Approving And Adopting An Amendment To Its Enforceable Obligation Payment Schedule Pursuant To Part 1.8 Of Division 24 Of The California Health And Safety Code As Provided By Ab 1x 26**

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

Chief Bishop, Apple Valley Fire Protection District, commented on the funding that the Apple Valley Fire Protection District has received through the Victor Valley Economic Development Authority and the impact that the dissolution will have on the district.

Discussion ensued regarding the dissolution timeline and the legislative bills seeking to amend the dissolution deadline. Also discussed were the number of projects that would be affected by the dissolution.

Frank Robinson, Town Manager, spoke of the need for additional meetings to be held in order to meet the current dissolution deadline of February 1, 2012. He stated that staff would contact

the Council to set a special meeting for possibly Tuesday, January 17, 2011 to continue discussions on this issue.

**MOTION**

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

1. That the Town Council adopt the attached Resolution No. 2012-03 which, upon adoption, sets forth the election of the Town of Apple Valley ("Town") to serve as the successor agency of the Redevelopment Agency of the Town of Apple Valley ("Agency").
2. That the Redevelopment Agency adopt the attached RDA Resolution No. 2012-01 revising the previously adopted Enforceable Obligation Payment Schedule ("EOPS") to extend the operative period of the EOPS from December 31, 2011 to April 30, 2012.

Vote: Motion carried 5-0-0-0

Yes: Boardmembers/Councilmember's Emick; Roelle; Nassif; Vice-Chair/Mayor Pro Tem Coleman; Chair/Mayor Stanton.

Absent: None.

**14. Discussion of Fees Charged For Records Requests**

**MOTION**

It was the consensus of the Town Council that this item be continued to a future meeting.

**15. Designation of Alternate Representative to the Solid Waste Advisory Task Force (SWAT).**

Dennis Cron, Assistant Town Manager, Municipal Operations/Contract Services, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried, to designate Council Member Nassif as the alternative representative to the Solid Waste Advisory Task Force (SWAT) and send formal notice to the County Solid Waste Management Division to be agendized for consideration at the next SWAT meeting.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**



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

Jim Andersen, Code Enforcement Manager, commented on the Town Council's previous action to authorize the Code Enforcement Department to issue third party citations (citizen's arrest) that would be signed by a business manager or owner after the manager or owner from the business had told the solicitor/petitioner gatherer to leave the property. He explained that upon their refusal to leave, Code Enforcement issues a misdemeanor notice to appear court citation for the violation.

Mr. Anderson stated that a notice had been issued to a solicitor in front of a local business and the individual took the issue to court. He reported that the Judge upheld the violation and ruled in favor of the business.

Frank Robinson, Town Manager, announced that SANBAG allocated funds for the Bear Valley Road Bike Path Project.

**ADJOURNMENT**

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:08 p.m. in memory of Sergeant Randy Gwaltney.

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Mayor

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Town Clerk