

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

**REGULAR MEETING
MINUTES – October 22, 2013**

CALL TO ORDER:

La Vonda M-Pearson, Town Clerk announced that Closed Session was moved to the end of the meeting. The Town Clerk recessed the meeting until 6:30 p.m.

TOWN COUNCIL REGULAR SESSION

CALL TO ORDER:

Mayor Emick called to order the regular session of the Apple Valley Town Council at 6:35 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Cusack; Nassif; Stanton; Mayor Emick.

Absent: Mayor Pro Tem Bishop.

OPENING CEREMONIES

INVOCATION:

The invocation was given by Jim Andersen, Code Enforcement Manager.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Nassif.

PRESENTATIONS:

Victor Valley Global Medical Center – Suzanne Richards, Chief Executive Officer, briefed the Council and the community on the improvements to Victor Valley Hospital.

PUBLIC COMMENTS

Chuck and Pat Hanson, thanked the Town Council for their support at the 2013 Chuck Hanson Tour de Apple Valley Ride. They stated that they had over 100 riders and hoped to expand the event next year for a Tour de High Desert Ride.

Kerry Canon, Apple Valley, stated that she is suffering because she does not have access to her medical marijuana. She commented on the number of Apple Valley residents who depend on medical marijuana for a better quality of life. She spoke of the problems that prescription drugs cause individuals.

Salvador Ortiz Lopez, Apple Valley, expressed concern regarding the Apple Valley Property Business Improvement District and the assessment that is imposed on the owners in that area.

Tara Lloyd, Apple Valley, stated that she was an advocate for no smoking in Apple Valley parks. She commented on a need to change the laws of the Town in order for the parks to be non-smoking.

APPLE VALLEY CHAMBER OF COMMERCE - BUSINESS RETENTION UPDATE

Janice Moore, CEO, Apple Valley Chamber of Commerce, thanked the Town Council for their support in approving the Chamber's Business Retention Agreement with the Town of Apple Valley. She commented on the recent Grand Openings for new businesses within the Town. She also commented on the group that the Chamber sent to Italy as part of their first launch for an out of the country trip as well as the election for board members. Ms. Moore announced that the next Chamber luncheon in November would feature a speaker on the topic of toll lanes in the Inland Empire. She also commented on possibly moving future luncheons to the Spring Valley Lake Country Club.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Cusack commented on committee meetings and events that he attended.

Council Member Nassif commented on committee meetings and events that he attended.

Council Member Stanton commented on committee meetings and events that she attended.

Mayor Emick commented on committee meetings and events that he attended. He shared an award that he was presented at the Indian Independence Day Celebration.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Cusack recommended that a future item be prepared regarding smoking in the parks within the Town limits.

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

- A. Regular Meeting – Tuesday, November 12, 2013**
 - Closed Session at 5:00 p.m.**
 - Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Council Member Cusack announced that he had a potential conflict of interest on Agenda Item Number 6 regarding the Agreement between the Town of Apple Valley and Lewis Center, for Traffic Signal Design and Construction at the Intersection of Apple Valley Road and Tuscola Road. Therefore due to the conflict, he stated that he would be abstaining from voting on this item.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 2-6.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Cusack; Nassif; Stanton; Mayor Emick.

Absent: Mayor Pro Tem Bishop.

Council Member Cusack abstained from voting on Agenda Item Number 6.

2. Approval of Minutes of the Town Council

A. Regular Meeting – October 8, 2013

B. Special Meeting – October 16, 2013

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Adopt Ordinance No. 453

Recommendation:

Adopt Ordinance No. 453.

4. A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual

Recommendation:

That the Town Council adopt the attached Resolution No. 2013-39, a Resolution of the Town Council of the Town of Apple Valley amending Rule 6, Section 6.1.1 Sick Leave of the Personnel Policies and Procedures for the Town of Apple Valley.

5. Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner November 28, 2013 at the James Woody Community Center

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$121.88.

6. Agreement Between the Town of Apple Valley and Lewis Center, for Traffic Signal Design and Construction at the Intersection of Apple Valley Road and Tuscola Road

Recommendation:

That the Town Council approve and authorize the Town Manager to execute an Agreement with the Lewis Center for Educational Research for traffic signal design and construction at the intersection of Apple Valley Road and Tuscola Road.

PUBLIC HEARINGS

7. Conditional Use Permit No. 2013-006 & Deviation No. 2013-001, A Request to Construct A Sixty-Five (65)-Foot Tall Wireless Telecommunication Facility Designed as a Clock Tower Within the Town's Complex of Government Buildings and Deviation to Allow an Encroachment Of Approximately 620 Feet Into The Required 750-Foot Separation Requirement Between the Wireless Telecommunication Facilities.

Mayor Emick opened the public hearing at 7:17 p.m.

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

Council Member Stanton asked a series of questions regarding the proposed clock tower, its location and maintenance.

Mayor Emick questioned the number of requests for cell towers that the Town may receive in the future. He expressed concern regarding an inundation of towers within the community and wanted to ensure that the process was closely monitored.

Council Member Stanton expressed concern regarding the height.

Hans Wolff, Apple Valley, expressed concern regarding the proposed clock tower.

Dino Defazio, Apple Valley, recommended that the Town propose that other companies be allowed to utilize the tower and also that the funding generated from the tower be feasible.

Ms. Miller confirmed that the Tower is designed for one additional carrier if needed.

Marc Puckett, Assistant Town Manager, Finance and Administration, discussed the potential funding from this project.

There being no requests to speak, Mayor Emick closed the public hearing at 7:38 p.m.

Linda Hernandez, Applicant, WDR, LLC, stated that she was available to answer any questions of the Council. She said that she would be working with the Finance Department on this matter.

The Town Council Members each provided comments regarding the proposed cell tower and its location.

MOTION

Motion by Council Member Nassif, seconded by Council Member Cusack, to:

1. Find that pursuant to the California environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2013-006 and Deviation Permit No. 2013-01.
3. Approve Conditional Use Permit No. 2013-006 and Deviation Permit No. 2013-01, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Cusack; Nassif; Stanton; Mayor Emick.

Absent: Mayor Pro Tem Bishop.

8. Public Hearing #1 – Public Input for 2014-2015 Third Year Action Plan

Mayor Emick opened the public hearing at 7:49 p.m.

Christopher Moore, Economic Development Specialist II, presented the staff report as filed with the Town Clerk.

Council Member Stanton expressed concern regarding the lack of individuals present to speak to this item under this public hearing.

Mr. Moore commented on his outreach efforts through the non-profit agencies. He stated that the Apple Valley Chamber of Commerce has been very helpful in getting the word out to the

community. He also commented on the communication efforts through the use of Facebook and Twitter.

There being no requests to speak, Mayor Emick closed the public hearing at 7:54 p.m.

There was no action required.

LEGISLATIVE MATTERS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Vacancy on the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC)

Motion by Council Member Stanton, seconded by Council Member Nassif, and unanimously carried, to nominate Jill Hemingway to the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC).

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced that the bid opening for the Yucca Loma Bridge was complete and the award of contract will be presented to the Town Council for their review at the next Town Council Meeting. Mr. Robinson stated that upcoming items for discussion include a capital funding program for the amphitheater and smoking in the parks as requested.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, and unanimously carried, to adjourn to Closed Session at 8:00 p.m. to discuss the following:

1. Closed Session

A. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one or more potential cases).

Upon returning from Closed Session at 8:22 p.m., Mayor Emick announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Nassif, seconded by Council Member Cusack, and unanimously carried to adjourned the meeting of the Apple Valley Town Council at 8:23 p.m. in loving memory of Mr. Bob Greiner

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk