

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

**REGULAR MEETING  
MINUTES – April 22, 2014**

**CALL TO ORDER:**

Mayor Bishop called to order the regular session of the Apple Valley Town Council at 6:32 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

<b>OPENING CEREMONIES</b>
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**INVOCATION:**

The Invocation was given by Mr. Jim Andersen, Code Enforcement Manager.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mr. Gabe Lovato.

**PRESENTATION:**

Proclamation - American Legion Auxiliary Unit 256 to the Apple Valley Town Council – Presented by Ms. Judy Samples

Proclamation - Denim Day – Mr. Darryl Evey

Employee of the Quarter – Paul Ruggles, Maintenance Worker II, Public Works Department

<b>PUBLIC COMMENTS</b>
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Patrick Doran, Apple Valley Little League, expressed concern regarding various user groups that utilize James Woody Park. He commented on the Park and Recreation policy for youth organizations that allow priority selection on facilities. He stated for the past two years, the two diamond fields at Brewster Park have been given to other baseball organizations that do not meet the criteria. He respectfully requested the Town Council's support with the field reservations. Mr. Doran also expressed concern regarding the ten dollar participation fee implemented for youth organizations. He stated that due to budget constraints, the fee has become a hardship.

Manual Elizalde, Apple Valley, expressed concern regarding the ability to keep his pigmy. He stated that he was not aware that he was not in the correct zoning law for his animal. He respectfully requested the Town Council allow him to become exempt from the zoning rules.

Josette Meals, USPS Apple Valley, commented on the upcoming food drive to be held on May 10, 2014. She stated this is the 22<sup>nd</sup> year of the food drive for the NALC. She also stated there are 20 organizations in the high desert that participate in the community food bank. She invited the Town Council Members to come see the organizations at work.

Will Mayfield, USPS, introduced himself as the new Postmaster. He stated that the Post Office continues to strive for improvements to deliver the mail in a timely manner.

Linda Delay, CFW Literacy School, invited the Town Council to the End of the Year Celebration for the Literacy Center on Tuesday May 20, 4:30 p.m. to 5:30 p.m. at the Church for Whosoever.

Eric Rivera, Friends of Tent City, has a goal of building a homeless area for long term housing with solutions. He stated that his organization is visiting the homeless in the area and assisting them in whatever way possible. He asked for future consideration for a grant to help with homelessness.

#### **COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

Council Member Emick commented on committee meetings and events that he attended. He commented on the Town Council workshop and thanked the staff for their participation. He commented on an issue that is currently taking place at SANBAG as it relates to AB2574. He also commented on securing additional funding for the Music Man.

Council Member Stanton commented on committee meetings and events that she attended. She also commented on the Town Council workshop and commended the Town Manager, the Marketing and Public Affairs Officer as well as the Information Technician Department on the hard work making the workshop a success. She commented on the passing of Mr. Scott Weldy.

Council Member Nassif commented on committee meetings and events he attended. He also agreed on the success of the workshop. He commented on the contributions of the Weldy family to the Town of Apple Valley and recommended that the meeting be adjourned in his memory.

Mayor Pro Tem Cusack commented on committee meetings and events that he attended. He thanked the staff for the presentations at the workshop and the hard work to make the event a success. He also commented on the passing of Scott Weldy and his involvement in the community.

Mayor Bishop commented on committee meetings and events that he attended. He thanked staff for the great presentations made at the workshop and ended his comments with the commitment and service made by Scott Weldy to the community. He announced that the services will be held tomorrow at 11:00 a.m. at Sunset Hills.

## TOWN COUNCIL ANNOUNCEMENTS

### Suggested items for future agenda:

Council Member Nassif requested, with the consensus of the Town Council, to add an item to a future agenda regarding the user fee for Parks and Recreation services for out of Town residents as it relates to the usage of facilities in Apple Valley. He recommended that the policy be amended to include a process on how to interact with out of Town residents to accommodate their needs for the use of fields in Apple Valley.

Frank Robinson, Town Manager, recommended adding that item to a future agenda for discussion, and to have the Town Council provide direction to the Parks and Recreation Commission to come back to the Town Council with recommendations.

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

- A. Regular Meeting – Tuesday, May 13, 2014 – Council Chambers**  
**At 6:30 p.m.**

## TOWN COUNCIL CONSENT AGENDA

Mayor Bishop announced that there is an immediate need to take action on an item that came to the attention of the Town after the agenda was posted. The need is to add Agenda Item Number 6A – Discussion of Cancellation of the Town Council Meeting of May 27, 2014 and Continuance of a Public Hearing Regarding the Proposed Sewer User Fee Increase.

### **MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, that there is an immediate need to take action on an item that came to the attention of the town after the agenda was posted. Motion to add Agenda Item Number 6A – Discussion of Cancellation of the Town Council Meeting of May 27, 2014 and Continuance of a Public Hearing Regarding the Proposed Sewer User Fee Increase.

Vote: Motion carried 5-0-0-0

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

Absent: None.

### **MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to approve the Consent Calendar items numbered 1-3, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – April 8, 2014**

#### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. Resolution No. 2014-11 – 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. 2014-11, a Resolution of the Town Council of the Town of Apple Valley adding Rule 20 – Fraternalization Policy to the Personnel Policies and Procedures for the Town of Apple Valley.

**3. Accept the Final Map for Tract Map No. 18917-1**

**Recommendation:**

Move to accept the final map, securities and agreements for Tract Map No. 18917-1.

**PUBLIC HEARINGS**

**4. Public Hearing No. 2 - Consolidated Plan Third-Year Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) Programs for Fiscal Year 2014-2015**

Mayor Bishop opened the public hearing at 7:45 p.m.

Christopher Moore, Housing and Community Development Specialist II, presented the staff report as filed with the Town Clerk. He stated that the funding for CDBG had been decreased by 5%; however HOME funds saw an increase of 7.5%.

Gabe Lovato, Chairman, Community Development Citizens Advisory Committee (CDCAC), commented on the process used to recommend funding for the various agencies. He thanked the committee for their hard work.

Anita Gomez, A Better Way Domestic Violence, commented on the services that they provide to the community. She thanked the Town Council for their commitment to her organization.

Lorraine Eichorst, A Better Way Domestic Violence, provided statistics to the Town Council regarding the number of individuals assisted through their shelter who were residents of the Town of Apple Valley.

Cheri Cervantes, Newton T. Bass Apple Valley Library, Apple Valley Literacy Program, commented on the number of individuals assisted through the literacy program and the need for basic computer skills for members of the community.

Dennis Morris, Moses House Ministries, commented on the collaborative application submitted for CDBG funding. He stated that over 2300 individuals were serviced within the last year.

There being no additional requests to speak, Mayor Bishop closed the public hearing at 7:57 p.m.

Council Member Emick praised the committee for their efforts and dedication on a difficult job.

Council Member Stanton complimented each of the organizations on their work in the community.

Council Member Nassif concurred with the comments made by the Council. He too thanked them for their hard work despite funding cutbacks.

Mayor Pro Tem Cusack commented on his previous experience on this committee. He stated that he is aware of the hard decisions that must be made and thanked the committee for their work.

Mayor Bishop also thanked the committee for the tremendous job that they do.

Mr. Lovato recognized the other members of the Community Development Citizen's Advisory Committee: Ronald J. Barbieri, David Greiner, Jill Hemingway and Dawn Harrison. He again thanked them for their work.

### **MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Cusack, to approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2014-2015 CDBG and HOME programs as part of the Town's Third-Year Action Plan; approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town.

Vote: Motion carried 5-0-0-0

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

Absent: None.

## **LEGISLATIVE MATTERS**

None.

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **5. Presentation Regarding the Application of Apple Valley Ranchos Water Company to Increase Water Rates**

John Brown, Town Attorney, presented the staff report as filed with the Town Clerk. He commented on the fact that the Apple Valley Ranchos Water Company is a privately owned water company. He spoke of the importance of maintaining transparency during the CPUC process.

Jason Ackerman, Best, Best and Krieger, presented a PowerPoint presentation regarding the history of Apple Valley Ranchos Water Company, key issues, previous rate increases, proposed new increases, and why rates are higher than municipally owned public utilities.

Tom Piper, Apple Valley, commented on the need for Apple Valley to have a foundation that includes water. He believes that the water we have will be used for other communities; therefore he feels we need to spend the necessary funds to purchase the water.

John Laraway, Apple Valley, asked a series of questions regarding the cost of the water and water usage in the future.

Mr. Ackerman provided clarification to the questions asked by members of the public.

Mayor Bishop announced that the California Public Utilities Commission will have two meetings at the Town of Apple Valley Conference Center to give the public an opportunity to voice their concerns regarding the increases. The meetings will be held on Wednesday, April 30, 2014 at 1:00 p.m. and 6:00 p.m. He also asked for the presentation that was shown tonight to be made available on the Town of Apple Valley website for the public's review.

The Town Council members each expressed their concern regarding Apple Valley Ranchos, the rate increases and the effect that these increases have on the community.

This was an informational item only. The purpose was to inform the Town Council and residents about Apple Valley Ranchos Water Company's application to increase water rates.

**6. Resolution No. 2014-12 - A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing the Town Manager to Enter into Contracts on the Town's Behalf for Professional and Consulting Services Related to Apple Valley Ranchos Water Company's Application to Increase Water Rates**

John Brown, Town Attorney, presented the staff report as filed with the Town Clerk.

Bernadette McNulty, Apple Valley, commented on her work as a member of the Blue Ribbon Water Committee as well as previous experience dealing with rate matters. She commented on the amount of funding that Apple Valley Ranchos is requesting. She spoke of the need for the community to come out and be involved in this process.

Paul Smith, Apple Valley, asked a series of questions regarding the intent of Apple Valley Ranchos Water and questioned what would be required to create a municipal water agency.

Jason Ackerman, Best, Best and Krieger, provided clarification to the Town Council as it relates to advice letters.

**MOTION**

Motion by Mayor Pro Tem Cusack, seconded by Council Member Emick, to adopt Resolution No. 2014-12, a Resolution of the Town Council of the Town of Apple Valley, California, authorizing the Town Manager to enter into contracts on the Town's behalf for Professional, and Consulting Services related to Apple Valley Ranchos Water Company's application to increase water rates.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**ADDED ITEM**

**6A. Discussion of Cancellation of the Town Council Meeting of May 27, 2014 and Continuance of a Public Hearing Regarding the Proposed Sewer User Fee Increase.**

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

John Brown, Town Attorney, provided clarification on the steps needed should the Town Council adopt this item, in order to continue the public hearing regarding the Proposed Sewer User Fee Increase. He also commented on the notice requirements by the Town Clerk.

**MOTION**

Motion by Council Member Stanton, seconded by Mayor Pro Tem Cusack, to cancel the meeting of the Apple Valley Town Council on May 27, 2014 and to continue the public hearing regarding the Proposed Sewer User Fee Increase to the meeting of June 11, 2014.

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

Frank Robinson, Town Manager, commented on Opportunity High Dessert receiving another award and he thanked Orlando Acevedo for his work on the Opportunity High Desert Committee.

Mr. Robinson also announced the upcoming Economic Summit on April 30, 2014.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**7. Closed Session**

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to:  
A. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation: Title: Town Manager

Vote: Motion carried 5-0-0-0

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

Absent: None.

Upon returning from closed session, Mayor Bishop announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 10:28 p.m. in memory of Mr. Scott Weldy.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk