

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

**REGULAR MEETING**

**MINUTES – October 28, 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:** Minister James Campbell, JC Enterprise

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

**PRESENTATIONS:**

Presentation –Mr. Richard Nino, Burrtec Waste Industries presented a check in the amount of \$500.00 to the Town of Apple Valley on behalf of a citizen.

Presentation - California Writers Club Proclamation

Presentation of Employee of the Quarter to Heather Wylie, Housing and Community Development Specialist I

Presentation – Hispanic Chamber of Commerce, Eric Camarena to the Town of Apple Valley

Presentation – Apple Valley Legacy Group, Steve Richard and Donald Tatera

<b>PUBLIC COMMENTS</b>
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Tony Penna, General Manager, Apple Valley Ranchos Water District, commented on the programs offered to the community to reduce water usage. He spoke of the annual water savings as a result of these programs that equate to 155 million gallons of water per year. He also commented on the feasibility study performed by the Town of Apple Valley which he believed, contains areas that are flawed in both data analysis and conclusion. He concluded by stating that the price to purchase AVRWC will, most likely, be decided by the court, but stated that it was not for sale.

Al Rice, Apple Valley, commented on two issues affecting the community. He spoke of increases in his property taxes and solicitation phone calls.

Eric Larsen, Finance Director, Apple Valley Ranchos Water District, commented on eminent domain as it relates to water agencies.

Timothy Stewart, Apple Valley, wished the Council Members that are running for office well on Election Day.

Roger Wagner, President, Victor Valley Community College, wanted to make the Council aware that the college intends to be a good partner with all of the communities. They are also committed to partnering with the Town, in particular in the areas of economic development and growth. He was also proud to inform the Council that Victor Valley College is ranked 18<sup>th</sup> in the state in football.

Don Brown, President, Victor Valley Community College Foundation, commented on the donations received at the College.

Dino DeFazio, Apple Valley, commented on the fees approved by the Town of Apple Valley as it relates to energy codes. He also expressed concern regarding the notices that go out to the public regarding fee increases.

Tom Piper, Apple Valley Candidate, commented on the election period.

Salvador Ortiz-Lopez, Apple Valley Candidate, expressed concern regarding not being allowed to utilize his choice for a ballot designation. He also commented on issues that he believes are currently affecting the Town of Apple Valley.

#### **COUNCIL MEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

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

Council Member Nassif commented on committee meetings and events that he attended. He also announced that the Town of Apple Valley won and retained the Victorville Trophy during the Golf Course Tournament.

Mayor Pro Tem Cusack commented on committee meetings and events that he attended.

Mayor Bishop commented on committee meetings and events that he attended.

#### **TOWN COUNCIL ANNOUNCEMENTS**

##### **Suggested items for future agenda:**

Mayor Pro Tem Cusack, with the consensus of the Town Council, requested a future agenda item be presented regarding fees for building permits.

Council Member Stanton, with the consensus of the Town Council requested a future agenda item be presented to discuss a process for reporting overgrowth in alleys or easements, and if there is a way to centralize the process. She also commented on waterless urinals and questioned if they are used to save water.

Council Member Emick commented on solicitation within the community. He requested, with the consensus of the Town Council, that a report be given to discuss panhandling.

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

- A. Adjourned Regular Meeting – Tuesday, November 18, 2014 – Council Chambers at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

Mayor Bishop announced that Council Member Nassif has a remote interest in specific warrants on tonight's commercial warrants dealing with NAPA Auto Parts for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore, he will be abstaining from voting on the Warrants for NAPA Auto Parts listed under Agenda Item Number 6. He stated that Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's commercial warrants dealing with Apple Valley Communication for the Town of Apple Valley as owner of Apple Valley Communications. Therefore, he too will be abstaining from voting on warrants for Apple Valley Communications listed under Agenda Item Number 6.

Council Member Stanton, with the consensus of the Town Council, requested that Agenda Item Number 4 and Number 13 be pulled for discussion.

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1 - 13, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Mayor Pro Tem Cusack abstained from voting on Agenda Item Number 6.**

**Council Member Nassif abstained from voting on Agenda Item Number 6.**

1. **Approval of Minutes of the Town Council**
  - A. **Joint Special Meeting – August 14, 2014**
  - B. **Regular Meeting – September 23, 2014**
  - C. **Special Meeting – October 20, 2014**

**Recommendation:**

That the Town Council approve the subject minutes as part of the consent agenda.

2. **Claimant – Rene Hamel**

**Recommendation:**

Reject the claim of Rene Hamel.

**3. Accept the Final Map for Tract Map No. 17494**

**Recommendation:**

1. Adopt Resolution No. 2014-38, a Resolution of the Town Council of the Town of Apple Valley, California, initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1.
2. Receive and approve the Engineer's Report as filed or as amended. Note: The Engineer's Report has already been filed and is included as part of this agenda item for the Council's review and approval.
3. Receive and approve the Landowner's consent.
4. Adopt Resolution No. 2014-39, a Resolution of the Town Council of the Town of Apple Valley, California, declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, ordering improvements, and 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. 17494.

**5. Measure I, Five Year Plan**

**Recommendation:**

1. That the Town Council Approve FY 2014/2015 through 2018/2019 Measure I, Five Year Plan.
2. Adopt Resolution No. 2014-36, A Resolution of the Town Council of the Town of Apple Valley, California, Adopting the Measure I, Five Year Capital Improvement Program.

**6. August 2014 Commercial Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

**7. August 2014 Payroll/Benefits Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

**8. Treasurer's Report – Month of August 2014 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**

**Recommendation:**

That the Town Council receive and file the August 2014 Treasurer's Report.

**9. Treasurer's Report – Month of September 2014 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**

**Recommendation:**

That the Town Council receive and file the September 2014 Treasurer's Report.

**10. Carryover of Appropriations from FY 2013-14 to FY 2014-15**

**Recommendation:**

That the Town Council:

1. Adopt Resolution No. 2014-40, approving the carryover of certain appropriations totaling \$1,297,182 from fiscal year 2013-14 to fiscal year 2014-15.
2. Approve Budget Adjustment 2015-06, to reflect the necessary changes to the FY 2014-15 Budget (Various Funds).

**11. Adopt Ordinance No. 465 – An Ordinance of the Town Council of the Town of Apple Valley Pertaining to Allowing Light Industrial Uses in Vacant Commercial Buildings Greater Than 40,000 Square Feet in General Commercial (C-G) Zone**

**Recommendation:**

Adopt Ordinance No. 465.

**12. Amendment to Grant Agreement with the County of San Bernardino for Preservation and Operation of the Victor Valley Museum**

**Recommendation:**

1. That the Town Council approve an increase in the amount of \$10,000.00 for a total of \$25,000.00 in annual financial support provided to the Victor Valley Museum in partnership with the San Bernardino County Museum.
2. That the Town Council approve Budget Amendment BA 15-05 in the amount of \$10,000.00 increasing the appropriation for annual financial support for the Victor Valley Museum to \$25,000.00 (General Fund).

**PULLED FOR DISCUSSION**

**4. Review and Approval to Advertise the Deep Creek Road Overlay – Project No. 2014-03**

Council Member Stanton recommended this item be described for the benefit of the public.

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

**MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to:

1. That the Town Council review and approve the project plans, specifications, and bid documents for the Deep Creek Road Overlay – Project No. 2014-03.
2. That the Town Council authorize staff to solicit bids for construction of said project.

Vote: Motion carried 5-0-0

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

Absent: None.

**PULLED FOR DISCUSSION**

**13. Agreement for Information System Services with Top Notch Networking**

Council Member Stanton recommended this item be described for the benefit of the public.

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

**MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to:

Approve a three (3) year service agreement between Top Notch Networking and the Town of Apple Valley in an amount not to exceed \$225,000.00 per fiscal year.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**14. Public Hearing No. 1 (Consolidated Plan – 2015-2016 Fourth Year Action Plan) – Establishing Date and Time Certain**

Christopher Moore, Housing Specialist, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, to establish November 18, 2014, at 6:30 p.m., as the date and time certain, for the purpose of conducting the first of two (2) Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs (HOME) public hearings necessary to develop the Town's Consolidated Plan - Fourth Year Action Plan for FY 2015-2016.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**15. Adopt Resolution No. 2014-37, A Resolution of the Town Council of the Town of Apple Valley, California, Approving and Authorizing Revision to the Town of Apple Valley Emergency Operations Plan (EOP) dated November 1, 2014**

Joe Guarrera, Emergency Operations Manager, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, that the Town Council adopt Resolution No. 2014-37, a Resolution of the Town Council of the Town of Apple Valley, California, approving and authorizing revisions to the Town of Apple Valley Emergency Operations Plan ("EOP") dated November 1, 2014.

Vote: Motion carried 5-0-0-0

Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.  
Absent: None.

**16. Adopt Resolutions Number 2014-41 And 2014-42 Authorizing The Town Of Apple Valley To Apply For State And Federal Grant Funding For Property Acquisition Grants**

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

Discussion ensued regarding the property owner and whether or not there is a time frame for the applications, as well as, the award grants that will occur the later part of next year. Discussion continued regarding how to guarantee that the property is off the market, and whether or not the owner will wait for the Town to get everything underway before they consider selling the property.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, that the Town Council adopt Resolution Numbers 2014-41 and 2014-42 authorizing the Town to apply for State and Federal Grant funding for the acquisition of a 20.75 acre parcel, APN 3112-181-01-0000, south of Highway 18 between Dale Evans Parkway and Standing Rock Avenue.

Vote: Motion carried 5-0-0-0

Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.  
Absent: None.

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

Frank Robinson, Town Manager, reminded the Town Council that the California JPIA Risk Management Conference will be held tomorrow, and that two staff members, Nikki Salas, Human Resources Director, and Dennis Cron, Assistant Town Manager, are two out of the five finalists nominated to receive the California Joint Powers Insurance Agency Capstone Award.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**17. Closed Session**

The Town Council adjourned to Closed Session at 8:22 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Paragraph (2) of subdivision (d) of Section 54956.9: one or more potential cases.
- B. Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: one potential case.
- C. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-01-002, In the Matter of the Application of Park Water Company-Apple Valley Ranchos Water Company Water System (U346W) for Authority to Increase Rate Charges for Water Service by \$3,127,463.00 or 14.88% in 2015, \$2,056,455.00 or 8.48% in 2016, and \$2,160,731.00 or 8.19% in 2017.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Mayor Pro Tem Cusack, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:23 p.m.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk