

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

REGULAR MEETING

MINUTES – December 9, 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.

OPENING CEREMONIES

INVOCATION: Pastor Mark Mikels, Sonlife Community Church

PRESENTATION OF FLAGS: Posting of the Colors by the Academy for Academic Excellence Air Force Jr. ROTC Color Guards led by George A. Armstrong III, Colonel, USAF (Ret)

NATIONAL ANTHEM: Granite Hills High School Choir

MAYOR'S YOUTH LEADERSHIP SUMMIT – MOCK COUNCIL PRESENTATION

1. New Hotel Marketing Campaign

Mayor Art Bishop introduced the members of the 2014 Mayor's Youth Leadership Summit. He commented on the success of the event and thanked the students for their attendance.

Alexandria Gessesse, Student, presented the staff report as filed with the Town Clerk. She introduced members of the youth summit who were present at the meeting.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to approve an expenditure of up to \$1000.00 to fund a New Hotel Marketing Campaign Project and that the mock Council work together with staff.

Vote: Motion carried 5-0-0-0

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

Absent: None.

CANVASS OF ELECTION RETURNS

2. Results of Canvass of Election Returns of the Town of Apple Valley General Municipal Election held November 4, 2014, and adopt Resolution No. 2014-47 Reciting the Fact of the Election and Such Other Matters Provided by Law

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk's Office.

MOTION

Motion by Council Member Cusack, seconded by Council Member Nassif, to adopt Resolution No. 2014-47 reciting the fact of the election and such other matters provided by law.

Vote: Motion carried 5-0-0-0

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

3. Installation of Newly Elected Council Members Pursuant to the Results of the Special Municipal Election Held November 4, 2014

Recommendation:

(1) Installation of Officers.

Oath of Office to be administered to Council Member Curt Emick
Oath of Office to be administered to Council Member Scott Nassif
Oath of Office to be administered to Council Member Barb Stanton

The Town Clerk presented each newly elected Council Member a Certificate of Election.

4. Selection of Mayor and Mayor Pro Tempore

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to nominate Larry Cusack as Mayor of the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

Motion by Council Member Cusack, seconded by Council Member Nassif, to nominate Barb Stanton as Mayor Pro Tem of the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

RECESS FOR REORGANIZATION AT 7:08 P.M.

Mayor Cusack reconvened the meeting of the Town Council at 7:24 p.m.

PRESENTATION:

Mayor's Plaque – Mayor Bishop for his term as Mayor on the Town Council for the period December 2013 to December 2014.

PUBLIC COMMENTS

Salvador Lopez-Ortiz, Apple Valley, commented on ordinances within the Town of Apple Valley that he does not understand. He also commented on ordinances that relate to rental property.

Regina Witherspoon-Bell, representing First District Supervisor Robert Lovingood, congratulated the re-elected Council Members and thanked Council Member Art Bishop for his service as Mayor. She stated that Supervisor Lovingood wishes everyone a Happy New Year and he looks forward to working with each of the Town Council Members and staff in the future.

Richard Rorex, Apple Valley, commented on a letter to the editor regarding the November 18, 2014 meeting. He expressed concern regarding the Town's intent to take over Park Water Company.

Tom Piper, Apple Valley, requested a report from the Sheriff's Department outlining the recent killing in the Town of Apple Valley. He would also like an update on body cameras to be worn by police officers and the homeless in Apple Valley. He also requested to see a report listing all of the warrants issued for the golf course over the last five (5) years.

Alvin Rice, Apple Valley, expressed concern regarding re-zoning and signage requirements for the Town of Apple Valley. He also commented on information given to the Daily Press regarding the issues surrounding Apple Valley Ranchos Water Company. He also commented on the opinion survey conducted, which he felt should be compared to other utility surveys that use customer satisfaction for ongoing service providers.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Nassif commented on committee meetings and events that he attended. He announced that he was appointed to represent the Mountain Desert Division on the League of California Cities Board.

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

Mayor Pro Tem Stanton commented on committee meetings and events that she attended.

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Mayor Pro Tem Stanton recommended, with the consensus of the Town Council, that a future item be prepared on synthetic drugs in the Town of Apple Valley.

Time, Date & Place for Next Town Council Regular or Special Meeting:
A. Regular Meeting – Tuesday, January 27, 2015 – Council Chambers
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Mayor Cusack 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 he, too, had 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 will be abstaining from voting on warrants for Apple Valley Communications listed under Agenda Item Number 6.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 5 – 14.

Vote: Motion carried 5-0-0-0

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

Absent: None.

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

Mayor Cusack abstained from voting on Agenda Item Number 6.

5. Approval of Minutes of the Town Council

A. Regular Meeting – November 18, 2014

Recommendation:

Approve the subject minutes as part of the consent agenda.

6. October 2014 - Commercial Warrants Schedule

Recommendation:

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

7. October 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 October 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 October 2014 Treasurer's Report.

9. **Amendment No. 1 to Cooperative Agreement 13-705 between the Town of Apple Valley and the County of San Bernardino for a Chip Seal Project on Kiowa Road**
Recommendation:
Approve Amendment No. 1 to Cooperative Agreement No. 13-705 between the Town of Apple Valley and The County of San Bernardino for a Chip Seal Project on Kiowa Road
10. **Award Contract for Town Hall Driveway Improvements – Project No. 2014-02**
Recommendation:
Award a contract to TSR Construction and Inspection in the amount of \$54,476.00 for the Town Hall Driveway Improvements Project No. 2014-02, subject to “Approval as to Form” by the Town Attorney, and “Approval as to Content” by the Town Manager.
11. **Award Contract for Deep Creek Road Overlay - Project No. 2014-03**
Recommendation:
Award a contract to Sully-Miller Contracting Co. in the amount of \$245,000.00 for the Deep Creek Road Overlay Project No. 2014-03, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
12. **Award Contract for Construction of Bear Valley Road and Mohawk Road Traffic Signal – Project No. 2012-07**
Recommendation:
Award a contract to DBX, Inc. in the amount of \$346,788.50 for the Bear Valley Road and Mohawk Road Traffic Signal – Project No. 2012-07, subject to “Approval as to Form” by the Town Attorney, and “Approval as to Content” by the Town Manager.
13. **Fee Waiver Request for No Drugs America for April 25, 2015 for Use of the Civic Center Amphitheatre**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$871.30.
14. **Appropriation of Asset Seizure Funds**
Recommendation:
That the Town Council approve the attached Budget Amendment No.15-11 appropriating available Asset Seizure Fund resources for the purchase of equipment and other expenditures as discussed herein.

PUBLIC HEARINGS

15. **Appeal of the Intent to Revoke Business License #00004615 Issued to Apple Valley Recycling**

Mayor Cusack opened the public hearing at 8:04 p.m.

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Officer Lee Weast, Code Enforcement, clarified that the business owner resides in Fontana, California.

There being no requests to speak, Mayor Cusack closed the public hearing at 8:11 p.m.

Discussion ensued amongst the Town Council members regarding the illegal dumping conducted by the business owners.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Bishop, to:

1. **Find** the Facts presented within the staff report for the Council hearing of December 9, 2014 and the record as a whole as discussed by the Council, support the recommendation to revoke Business License #00004615; and
2. **Deny** the appeal of Apple Valley Recycling (Salome and Elida Vidana), and uphold the recommendation of the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

Absent: None

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

16. Vacancy on the Equestrian Committee

Motion by Council Member Emick, seconded by Council Member Nassif, to nominate Thurston "Smitty" Smith to the Town of Apple Valley Equestrian Committee.

Vote: Motion carried 5-0-0-0

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

Absent: None

17. Council Members Representation on Various Boards, Committees and Commissions

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to make the following changes to the Council Member representation on the boards listed below:

Mojave Desert Air Quality Management District (MDAQMD)

- Mayor Pro Tem Stanton – Delegate
- Council Member Bishop – Alternate

San Bernardino Associated Governments (SANBAG)

- Council Member Emick – Board Member
- Mayor Pro Tem Stanton - Alternate

Vote: Motion carried 5-0-0-0

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

18. Establishment of Consolidated Plan / Fourth Year Action Plan Priority Needs for FY 2015-2016

Christopher Moore, Housing Specialist II, presented the staff report as filed with the Town Clerk. Mr. Moore commented on the survey used to present this information and receive input from the public.

MOTION

Motion by Mayor Pro Tem Stanton, seconded by Council Member Emick, to approve the following list of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee (CDCAC) in making recommendations to the Town Council for the 2015-2016 Action Plan.

Vote: Motion carried 5-0-0-0

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

19. Discussion of Cancellation of Town Council Meeting of January 13, 2015

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Emick, seconded by Council Member Bishop, to cancel the meeting of the Apple Valley Town Council on January 13, 2015.

Vote: Motion carried 5-0-0-0

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, announced the following future agenda items to be discussed: homeless, panhandling, a report with information on a system that will monitor utilities in alleyways, as well as, a presentation on synthetic drugs. He also congratulated the Council Members that were re-elected.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

20. Closed Session.

- 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 Stanton, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:23 p.m.

Larry Cusack, Mayor

La Vonda M-Pearson, Town Clerk