

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

**REGULAR MEETING AND ADDENDUM**

**MINUTES – November 10, 2015**

**CALL TO ORDER:**

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

**OPENING CEREMONIES**

**INVOCATION:** Pastor Peter Uwarow, Community Church at Jess Ranch

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Stanton

**PRESENTATION:** Town of Apple Valley Special Recognitions

- Nikki Salas, Human Resources Director/Risk Management
- Kathie Martin, Marketing and Public Affairs Officer
- Gina Schwin-Whiteside, Director of Animal Services
- Animal Shelter Services Department

Town of Apple Valley Calendar Award Recipients

Victor Valley Bicycle Tour Review – Mayor Pro Tem Stanton/  
Victor Valley Bicycle Tour Committee Member Thurston “Smitty”  
Smith

Presentation - Prescription Drug Addiction, Council Member  
Emick

**PUBLIC COMMENTS**

Bill Holland, Mayor Pro Tem, City of Hesperia, pledged his support to the Town of Apple Valley in its quest to provide optimal service to its residents through water services.

Logan Olds, General Manager, Victor Valley Water Reclamation Authority, announced that a grant award was just received for \$9,181,841.00 to the Town of Apple Valley for its subregional plant. He stated that this grant would cover approximately thirty percent (30%) of the total project cost.

Regina Weatherspoon-Bell, Field Representative for Supervisor Robert Lovingood, briefed the Town Council and the public on the status of the Apple Valley Library. She spoke of the structural damage that has occurred in the building and indicated that the most recent proposal for repairs had indicated that further evaluation and repairs would probably take several months with an anticipated re-opening date in late June 2016. She stated that the County of San Bernardino would be providing a bookmobile van in the next few months for the community. She indicated that the van would provide books, but not computer and/or copy services.

Rusty Green, Board Member, Sun City Apple Valley, thanked the Town Council for their assistance in getting the stop signs located in the Sun City neighborhood.

Salvador Ortiz, Apple Valley, believed that he had been unfairly targeted by members of the Apple Valley staff when attempting to conduct business in the community.

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

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

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

Council Member Emick 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:**

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

- A. Special Meeting – Tuesday, November 17, 2015 – Council Chambers at 5:30 p.m.**
- B. Regular Meeting – Tuesday, December 8, 2015 – Council Chambers  
Regular Session at 6:30 p.m.**

#### **TOWN COUNCIL CONSENT AGENDA**

Motion by Council Member Emick, seconded by Mayor Pro Tem Stanton, to approve the Consent Calendar items numbered 1, 2, 3, 4, 6, 7, 8, 9 and 10, respectfully, and that agenda item number 5 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Council Member Nassif and Mayor Cusack abstained from voting on specific warrants listed under Agenda Item #2.**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – October 27, 2015**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **September 2015 Commercial Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.
  
3. **September 2015 Payroll/Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify, and file the Payroll/Benefits Warrants as presented.
  
4. **Treasurer’s Report – September 2015 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 Town Council receive and file the September 2015 Treasurer’s Report.
  
6. **Change of Ownership, Release of Original Securities, Approve New Agreements and Securities for Parcel Map No. 18893**  
**Recommendation:**  
That the Town Council approve new securities and agreements, subject to approval as to form by the Town Attorney and as to content by the Town Manager, reflecting 100% security for the remaining improvements yet to be completed. The securities and agreements will remain in place until all public improvements within Parcel Map No. 18893 are complete and eligible for the one (1) year maintenance period to begin.
  
7. **Set Date for Public Hearing No. 1 (Consolidated Plan – 2016-2017 Fifth-Year Action Plan) – Establishing Date and Time Certain**  
**Recommendation:**  
That the Town Council establish December 8, 2015 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 - Fifth Year Action Plan for FY 2016-2017.
  
8. **Adopt Resolution No. 2015-40, a Resolution of the Town Council of the Town of Apple Valley Amending the Classification Plan for the Town of Apple Valley**  
**Recommendation:**  
That the Town Council adopt the attached Resolution No. 2015-40, a Resolution of the Town Council of The Town of Apple Valley amending the current Classification Plan.
  
9. **Adopt Ordinance No. 477, An Ordinance of the Town of Apple Valley Amending the Zoning Map by Changing the Zoning Designations from R-E ( 1 DU Per 1 To 2.5**

**Gross Acres) to General Commercial (C-G) Located at 21482 Yucca Loma Road;  
APN: 3112-482-13**

**Recommendation:**

Adopt Ordinance No. 477.

- 10. Amendment No. 1 to Cooperative Agreement 14-144 for Services Necessary to Manage and Construct the Existing Sewer Testing Station and Appurtenances to be Relocated as Part of the Yates Road Improvement Project**

**Recommendation:**

That the Town Council approves Amendment No. 1 to Cooperative Agreement 14-144.

**PULLED FOR DISCUSSION**

- 5. Adopt Resolution No. 2015-41, a Resolution of the Town Council of the Town of Apple Valley Supporting the California Minerals, Off-Road Recreation and Conservation Act**

Jim Conkle, Victorville, recommended approval of the continued support of the Desert Conservation Plan.

April Sall, Citizen, recommended the Town continue the pledged support of the Desert Conservation Plan. She recommended that the Town Council continue this item until an appropriate companion bill is developed.

Kevin Chang, Field Representative for Senator Dianne Feinstein, spoke of the discussions with Representative Paul Cook in an effort to establish a joint bill that would be agreed upon by both parties. He spoke of the differences in the bills and encouraged the Town Council to continue its support of the Desert Conservation Act.

Dakota Higgins, Field Representative for Congressman Paul Cook, urged the Town Council to support Resolution No. 2015-41. He clearly outlined the reasons why the bill should be supported listing the benefits that the bill would bring to the high desert region.

Bill Holland, Hesperia, believed that there were more similarities in the two (2) bills than differences and urged the Town Council to support the bill presented by Congressman Cook. He explained the difficulty with the Antiquities Act stating the reasons why the act is not beneficial for the community. He believed it was appropriate for the Town to support the efforts of both Senator Feinstein and Congressman Cook.

Discussion ensued regarding Town Council's thoughts on the Antiquities Act, and hope that Senator Feinstein and Congressman Cook's offices would be able to come together to work out the differences between their two (2) conservation bills. The Town Council also commented that one of the most important issues is protecting and preserving our desert.

Council Member Nassif noted, with the consensus of the Town Council, that support of this bill did not affect the support of the bill presented by Senator Feinstein that was previously supported by the Town Council through adoption of Resolution No. 2015-10.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Emick, to adopt the attached Resolution No 2015-41, a Resolution of the Town of Apple Valley in support of The California Minerals, Off-Road Recreation and Conservation Act.

Vote: Motion carried 5-0-0-0

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

Absent: None.

## PUBLIC HEARINGS

**11. Introduce Ordinance No. 478, An Ordinance of the Town Council of the Town of Apple Valley Adding Title 10 Entitled “Public Utilities” and Adding a New Chapter 10.01 Entitled “Wastewater Services”, to the Town of Apple Valley Municipal Code**

Mayor Cusack opened the public hearing at 8:45 p.m.

Dennis Cron, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Cusack closed the public hearing at 8:50 p.m.

### **MOTION**

Motion by Mayor Pro Tem Stanton, seconded by Council Member Nassif, to waive the reading of Ordinance No. 478 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 478.

### **MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Stanton, to introduce Ordinance No. 478, adding Title 10 entitled “Public Utilities” and adding a new Chapter 10.01 entitled “Wastewater Services”, to the Town of Apple Valley Municipal Code.

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**

None.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**CLOSED SESSION**

**12. Closed Session.**

Mayor Cusack announced that, if necessary, he would be abstaining from one or more of the Closed Session items as it pertains to Apple Valley Ranchos Water Company, due to a potential conflict of interest as his company does business with the above company.

Mayor Cusack adjourned the meeting of the Apple Valley Town Council at 8:52 p.m.

- 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 or more potential cases.
- 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.
- D. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-11-013 Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, Park Water Company (U314W), and Apple Valley Ranchos Water Company (U346W) for Authority for Liberty Utilities Co. to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company.
- E. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; Authority Negotiator: Town Manager; Negotiating Parties: Chris Schilling, Chief Executive Officer, Park Water Company, The Carlyle Group, Carlyle Infrastructure Partners, Western Water Holdings LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and Terms of Payment.
- F. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Standing Rock, Apple Valley;

Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) -Town Manager.  
Negotiations involve both price and terms.

- G. Negotiations with Real Property Negotiator – Parcel Numbers: 0399-251-01, 0399-261-01 and 02, located south of Bear Valley Road and west of Jess Ranch Road.  
Negotiating Parties: Gary Ledford, et.al; Town Negotiator(s) -Town Manager and/or his Designee. Negotiations involve both price and terms.

Upon returning from Closed Session at 10:20 p.m., Mayor Cusack reported that the Town Council had no reportable action.

<b>ADJOURNMENT</b>
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Motion by Council Member Emick, seconded by Council Member Bishop, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:21 p.m.

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk