

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

REGULAR MEETING

MINUTES – March 8, 2016

CALL TO ORDER:

Mayor Stanton called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:33 p.m.

Roll call was taken with the following members present:

Roll Call

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

OPENING CEREMONIES

INVOCATION: Jim Andersen, Code Enforcement Manager

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

PRESENTATIONS: Knights of Columbus, Lena Quinonez, Recreation Supervisor
Economic Development Update, Orlando Acevedo, Economic Development Manager

PUBLIC COMMENTS

Chuck Hanson, Apple Valley, questioned the need to bring unity to Town Council.

Tom Piper, Apple Valley, expressed concern regarding the Town of Apple Valley's mid-year budget presentation.

Joe Garcia, Apple Valley Lions Club, commented on volunteering with the Heart Games in the Town of Apple Valley. He thanked the Town for supporting the event.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

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

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

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

- A. Regular Meeting – Tuesday, March 22, 2016 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Mayor Stanton announced that Mayor Pro Tem 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 2. Council Member Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications 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 2.

Mayor Stanton, with the consensus of the Town Council, pulled Agenda Item Number 5 for discussion. Council Member Bishop, with the consensus of the Town Council, pulled Agenda Item Number 8 for discussion.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1, 2, 3, 4, 6 and 7, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Council Member Cusack abstained from voting on specific warrants listed under Agenda Item Number 2. Mayor Pro Tem Nassif abstained from voting on specific warrants listed under Agenda Item Number 2.

1. **Approval of Minutes of the Town Council**

A. **Special Meeting – February 8, 2016**

B. **Regular Meeting – February 23, 2016**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. **January 2016 Commercial Warrants Schedule**

Recommendation:

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

3. **January 2016 Payroll/Benefits Warrants Schedule**

Recommendation:

That the Town Council receive, ratify and file the Payroll/Benefits Warrants as presented.

4. **Treasurer's Report – January 2016 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 January 2016 Treasurer's Report.

6. **Adopt Ordinance No. 484, An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 12.20, entitled "Special Speed Limits" of Title 12 of the Town of Apple Valley Municipal Code**
Recommendation:
Adopt Ordinance No. 484

7. **Request to Vacate a Road Easement on Parcel Map 11292**
Recommendation:
That the Town Council:
 1. Find that the road easement as shown on Parcel Map 11292, has:
 - (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel and;
 - (b) No public money was expended for maintenance on the street or highway during such period.

 2. Adopt Resolution No. 2016-07 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a road easement on Parcel Map 11292, pursuant to the Streets and Highways Code Section 8331."

 3. Direct the Town Clerk to cause the Resolution vacating the road easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.

PULLED FOR DISCUSSION

5. **Review Bid Documents for Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project Re-Establishing Site**

Greg Snyder, Public Works Manager, presented the staff report as filed with the Town Clerk.

MOTION

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

1. Approve the bid documents for Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road, Yates Road and Green Tree Boulevard Transportation Improvement Re-Establishment Site – Project no. PW2016-01;

2. That the Town Council authorize staff to advertise and solicit bids for maintenance of said project.

Vote: Motion carried 5-0-0-0

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

Absent: None.

8. Adopt a Resolution Authorizing the Emergency Services Officer or Designee to Apply and Access Grant Documents on Behalf of the Town of Apple Valley and Receive and Ratify the Memorandum of Understanding Between the City of Riverside Office of Emergency Management and the Town of Apple Valley Office of Emergency Preparedness

Council Member Bishop thanked the Town for moving forward with this item.

MOTION

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

1. Adopt Resolution No. 2016-08 A Resolution of the Town Council of the Town of Apple Valley, California Authorizing the Emergency Services Officer or Designee to Apply and Access Grant Documents for the Town of Apple Valley; and
2. That the Town Council receive, ratify, and file the Memorandum of Understanding (MOU) between the City of Riverside Office of Emergency Management and the Town of Apple Valley regarding Urban Area Security Initiative (UASI) Grant Funding.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Discussion on Digital Signs

Pam Cupp, Associate Planner, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Nassif commented on the need to revisit this item as it related to the size of the digital portion of signs.

Discussion ensued regarding the need to make amendments to this issue and possibly establish an Ad Hoc committee to discuss this item and forward it to the Planning Commission and Town Council for review and approval.

It was the consensus of the Town Council to establish an Ad Hoc Committee to include Mayor Pro Tem Nassif and Council Member Cusack to review the issue of digital signs in the Town of Apple Valley.

10. Vacancy on the Parks and Recreation Committee

MOTION

Motion by Council Member Cusack, seconded by Council Member Bishop, to nominate Valerie Smith to the Parks and Recreation Committee.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

Mayor Stanton announced that Council Member Cusack would be abstaining from one (1) or more of the closed session items as it pertained to Liberty Utilities if needed, due to a potential conflict of interest. She stated that his company does business with the above referenced company.

Mayor Stanton adjourned to Closed Session at 7:50 p.m. to discuss the following:

11. 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 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. 14-11-013 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.
- D. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; Authority Negotiator: Town Manager; Negotiating Parties: Liberty Utilities Co., Liberty WWH, Inc., Algonquin Power & Utilities Corp., Park Water Company, Western Water Holdings LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and Terms of Payment.

- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- H. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 9:04 p.m., Mayor Stanton announced that during Closed Session, the Town Council authorized a total amount of \$335,000 from the general fund balance for the purchase of the Hilltop House, APN #3112-181-01.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Bishop, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:05 p.m.

Barb Stanton, Mayor

La Vonda M-Pearson, Town Clerk