

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

**REGULAR MEETING**

**MINUTES – June 14, 2016**

**CALL TO ORDER:**

Mayor Stanton 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; Mayor Pro Tem Nassif; Mayor Stanton

Absent: Council Member Cusack

**OPENING CEREMONIES**

**INVOCATION:** Pastor Mark Mikels, Sonlife Community Church

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

**PRESENTATIONS:** Greener Way of Life, Joseph Moon, Environmental & Transit Services Manager

Apple Valley Rider Challenge, Ralph Wright, Parks and Recreation Manager

Victor Valley Museum Melissa A. Russo, San Bernardino Museum

**PUBLIC COMMENTS**

Thurston "Smitty" Smith, Victor Valley Bicycle Tour, provided Town Council with an update on the Youth Victor Valley Bicycle Rodeo. He stated the group is going to provide helmets for giveaway at the upcoming Safety Fair. In addition the next Victor Valley Bicycle Tour is scheduled for October 29, 2016.

Matthew Fairchild, Apple Valley, spoke on the need for sidewalks and curbs for health and safety in Apple Valley.

Doug Shumway, Friends of the Victor Valley Museum, thanked the Town Council for their continued support of the museum.

Kevin Mahany, Apple Valley Chamber of Commerce, provided the Town Council with an update on the Chamber activities.

Lawrence McCarthy, Apple Valley, was concerned with what he believed was Town Council endorsing an ad with respect to First District Supervisor, Robert Lovingood.

Katie Manning, Apple Valley, expressed concern regarding water taken from Liberty Utilities and used to water the Apple Valley Golf Course over a two-day period.

Tom Piper, Apple Valley, expressed concern regarding the Town's FY 2016-2017 proposed budget. He also stated he supports the need for sidewalks and curbs.

Leane Lee, Apple Valley, accused the Town of stealing water from Liberty Utilities. She informed the Town Council that she has filed a complaint with Cal EPA.

Christina Burton, Apple Valley, asked where the Town's transparency reports are that were promised back in 2015. She pointed out that she has seen only two (2) transparency reports.

Graeme Carr, Apple Valley, requested that the Town revisit its regulations on property development requirements.

Diana Carloni, Apple Valley, asked the Town Council to support Chuck and Pat Hanson's ballot measure.

Michael Hughes, Apple Valley, has requested an oversight committee be created comprised of members of the public to monitor the local police department and its behavior.

John Laraway, Apple Valley, expressed his concern with the new transgender laws.

Salvador Ortiz-Lopez, Apple Valley, is concerned with the amount of items placed under consent and believes more time should be spent on those staff reports and no longer placed under consent.

Cecil Volsch, Apple Valley, is working with First District Supervisor, Robert Lovingood on legislation that will help protect and educate homeowners when they purchase products under the PACE and HERO programs.

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

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

Council Member Bishop 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:**

Mayor Stanton requested that signs in languages other than English be addressed; she would like to see the English language added to those signs. John Brown, Town Attorney, stated he would conduct research on this issue and then bring the item back to the Town Council before the item is agendized.

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

- A. Regular Meeting – Tuesday, June 28, 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.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-11, as amended.

Vote: Motion carried 4-0-1-0

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

Absent: Council Member Cusack

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

**A. Regular Meeting – May 10, 2016**

**B. Special Meeting – May 31, 2016**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. April 2016 - Commercial Warrants Schedule**

**Recommendation:**

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

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

**Recommendation:**

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

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

**5. Adopt Resolution No. 2016-10 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2016**

**Recommendation:**

Adopt Resolution No. 2016-10 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

6. **Adopt Resolution No. 2016-11, a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements for the General Municipal Election, November 8, 2016**

**Recommendation:**

Adopt Resolution No. 2016-11 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election, November 8, 2016.

7. **Accept the Final Map for Tract Map No. 18917-3, Applicant: Pulte Homes**

**Recommendation:**

Move to accept the final map, securities and agreements for Tract Map No. 18917-3.

8. **Claimant – Stephen De La Cruz**

**Recommendation:**

Reject the claim of Stephen De La Cruz.

9. **Yucca Loma Bridge Contract Amendment #11 of the Yucca Loma Bridge/Yates Road/Green Tree Boulevard Project Contract Agreement, in the amount of \$470,532.00, for Restoration Area Permit Support; Grant Support; and Interagency Closeout Services**

**Recommendation:**

Approve the Yucca Loma Bridge Project Contract Amendment #11 with Dokken Engineering, the project's design contractor, in the Not-to-Exceed amount of \$470,532.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

10. **Award Phase II for the Rehabilitation and Widening of the Bear Valley Road Bridge over the Mojave River**

**Recommendation:**

That the Town Council continue the contract with Dokken Engineering for engineering services for the Bear Valley Road Bridge over Mojave River Rehabilitation and Widening Services, Phase II in an amount not to exceed \$551,384, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager, with a provision that the contract may be continued for Phase III once the necessary Federal and/or State funding becomes secured.

11. **Authorize Contract Change Order No. 1 for Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School – Project No. 2014-04**

**Recommendation:**

Approve Contract Change Order No. 1 for the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School et al. – Project No. 2014-04 to overlay Dale Evans Parkway from Thunderbird Road to Otoe Road.

Mayor Stanton recessed the Town Council meeting at 8:31 p.m.

Mayor Stanton reconvened the Town Council meeting at 8:38 p.m.

**PUBLIC HEARINGS**

**12. Adopt Resolution No. 2016-14 – A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for all Funds for Fiscal Year 2016-2017**

Mayor Stanton opened the public hearing at 8:40 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 8:46 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to adopt Resolution No. 2016-14 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2016-2017.

Vote: Motion carried 4-0-1-0

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

Absent: Council Member Cusack

**13. Adoption of Fiscal Year 2016-2017 Appropriations Limit**

Mayor Stanton opened the public hearing at 8:47 p.m.

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

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

**MOTION**

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to adopt Resolution No. 2016-15 of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2016-2017 Appropriations Limit for the Town at \$35,563,611 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 4-0-1-0

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

Absent: Council Member Cusack

**14. Review of the Fiscal Year 2016-2017 Statement of Investment Policy**

Mayor Stanton opened the public hearing at 8:51 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 8:55 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to adopt Resolution No. 2016-16 approving the Statement of Investment Policy for Fiscal Year 2016-2017 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 4-0-1-0

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

Absent: Council Member Cusack

**15. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services**

Mayor Stanton opened the public hearing at 8:56 p.m.

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

Mr. Puckett pointed out that the Development Impact Fees are not changing and have not changed since 2008. Other fees include annual increases based on the Consumer Price Index, which Town Council has the discretion to waive. Overall, an additional \$100,000 will be collected as a result of the adopted fee schedule.

There being no requests to speak, Mayor Stanton closed the public hearing at 9:07 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, to Adopt Resolution No. 2016-17, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services for Fiscal Year 2016-2017.

Vote: Motion carried 4-0-1-0

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

Absent: Council Member Cusack

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**16. Discussion of Cancellation of Town Council Meetings Scheduled for August 9, August 23 and October 11, 2016; and Reschedule the Meeting of November 8, 2016 Due to the Presidential Election**

Debra Thomas, Deputy Town Clerk, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to approve the cancellation of the following meetings: August 23, 2016, October 11, 2016; and reschedule the meeting of November 8, 2016 to November 15, 2016 due to the Presidential Election.

Vote: Motion carried 4-0-1-0  
Yes: Council Members Bishop; Emick; Mayor Pro Tem Nassif; Mayor Stanton.  
Absent: Council Member Cusack

## TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

### DEPARTMENTAL REPORTS AND BUSINESS

Frank Robinson, Town Manager reported to the Town Council that the State of California reached an agreement with the Governor's office and legislature on the FY 2016-2017 budget and must act by June 15, 2016 midnight to approve. He highlighted the following:

- Repeals limit on welfare payments for people that have more children (will cost state \$100 million in the 1<sup>st</sup> year)
- Boosts state's rainy day reserve by \$2 billion
- Increases childcare and preschool programs by \$100 million (including minimum wage increase for providers and additional preschool slots)
- \$270 million for jail construction funded by lease revenue bonds (instead of general fund)
- \$1.3 billion to pay for three state building projects in Sacramento (including renovation and/or replacement of the state Capitol Annex)
- Talks continue regarding ways to increase housing affordability and fund other programs using the state's cap-and-trade program.

Mr. Robinson informed the Town Council that the Town closed on the purchase of the Hilltop House and have filed all necessary documents establishing the CC&Rs; the grant application is being completed for the \$160,000 grant reimbursement.

Mr. Robinson also commented on Assembly Bill 45. He stated that the League of California Cities has opposed this bill, unless amended. Additionally Mr. Robinson commented on the water used at the Apple Valley Golf Course and explained the steps that were taken and the confusion that ensued.

## CLOSED SESSION

### 17. Closed Session

Mayor Stanton adjourned the regular session of the Apple Valley Town Council at 9:20 p.m. to closed session 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 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.

Upon returning from Closed Session at 11:10 p.m., Mayor Stanton announced that there was no reportable action taken.

<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 11:11 p.m. in memory of Tiffany Shroyer, a ten (10) year volunteer with the Town of Apple Valley Animal Services Division, as well as, the June 13, 2016 Orlando shooting victims.

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Barb Stanton, Mayor

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Debra Thomas, Deputy Town Clerk