

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

REGULAR MEETING/ADDENDUM

MINUTES – July 12, 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; Cusack; Emick; Mayor Pro Tem Nassif; Mayor Stanton

Absent: None

OPENING CEREMONIES

INVOCATION: Pastor Josh Gerbracht, First Assembly of God

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

PRESENTATIONS: None

PUBLIC COMMENTS

Katie Manning, Apple Valley, requested all contracts, requests for proposal and correspondence between the Town of Apple Valley and Best, Best & Krieger.

Matthew Fairchild, Apple Valley, spoke on the need for sidewalks throughout Apple Valley.

Tom Piper, Apple Valley, commented on the tragedies that have occurred over the past week in the United States. He also spoke of misconduct that he believes occurs within the prison system.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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:

Council Member Bishop requested, with the consensus of the Town Council, that staff prepare a report on the Town's ordinance that regulates garage sales.

Council Member Bishop requested that the president of the Apple Valley Fire Protection District Board or Fire Chief Hultquist be invited to provide the Town Council with an update regarding the Fire District's measure that will be placed on the November 2016 ballot.

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

- A. Regular Meeting – Tuesday, July 26, 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.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-7, as amended.

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. Regular Meeting – June 28, 2016

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. May 2016 - Commercial Warrants Schedule

Recommendation:

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

3. May 2016 Payroll / Benefits Warrants Schedule

Recommendation:

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

4. **Approval to Advertise Request for Proposals (RFP) for Energy Supply, Resource Capacity and Scheduling Services for the Apple Valley Choice Energy (AVCE) CCA**
Recommendation:
 1. That the Town Council review and approve the RFP for Energy Supply, Resource capacity and Scheduling Services for the Apple Valley Choice Energy (AVCE) CCA.
 2. That the Town Council authorize staff to solicit bids for procurement of said services.

5. **Approval to Advertise Request for Proposals (RFP) for Data Management and Customer Call Center Services for the Apple Valley Choice Energy (AVCE) CCA**
Recommendation:
 1. That the Town Council review and approve the RFP for Data Management and Customer Call Center Services for the Apple Valley Choice Energy (AVCE) CCA.
 2. That the Town Council authorize staff to solicit bids for procurement of said services.

6. **Claimant – Ronald J. McRae, Jr.**
Recommendation:

Reject the claim of Ronald J. McRae, Jr.

7. **Legislation Requiring Local Agencies to Review its Conflict of Interest Code to Comply with the Political Reform Act.**
Recommendation:

Direct the Town Manager to review its code and submit a notice, by October 1, 2016, to the Town Council that either amendments are required or that no amendments are necessary.

PUBLIC HEARINGS

8. **A Request to Consider an Amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Modifying Section 9.74.110.G "Digital Advertising Displays"**

Mayor Stanton opened the public hearing at 6:59 p.m.

Pam Cupp, Assistant Planner, presented the staff report as filed with the Town Clerk. She clarified the title of the ordinance that was incorrectly noted on the agenda recommendation.

The Town Council thanked staff and the Planning Commission for their work on resolving issues dealing with the digital signs.

Council Member Bishop questioned, and staff confirmed, that owners of existing digital sign displays would need to re-apply for new permits if they chose to modify their signs to meet the new requirements.

There being no requests to speak, Mayor Stanton closed the public hearing at 7:20 p.m.

MOTION

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 485 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 485

MOTION

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

5. **Introduce** Ordinance No. 485, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapter 9.74 "Signs and Advertising Displays" as it relates to development standards for digital advertising displays.
6. Direct staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. Request to Name the Gymnasium at James Woody Park in Honor of Michael H. Martin

Ralph Wright, Parks and Recreations Manager, presented the staff report as filed with the Town Clerk. He stated that contributions would be raised to cover the cost of the plaque for the gymnasium.

On behalf of the family, Kathie Martin, Marketing and Public Affairs Officer and wife of Mike Martin, thanked the Town Council and community for the outpouring of love and support for Mike and the entire Martin family.

MOTION

Motion by Council Member Cusack, seconded by Council Member Nassif, to approve and adopt Resolution No. 2016-20 naming the Town's gymnasium in honor of Michael H. Martin.

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

Frank Robinson, Town Manager, commented on the deficit in the state budget and the reduction in the gas tax due to the shifting to electric vehicles. He stated that there is an effort to develop a new way of funding transportation. He stated that they are going to be introducing a program that will provide data toward the amount of trips and mileage that vehicles travel in order to develop a mileage surcharge. He also noted that AB45 introduced by Mullen regarding the Household Hazardous Waste bill, opposed by the League of California Cities is now dead.

Mr. Robinson announced that there is a GoFundMe account set up for those who wish to contribute to the fundraising efforts for the Mike H. Martin Gymnasium.

CLOSED SESSION

10. Closed Session

Mayor Stanton adjourned the meeting of the Apple Valley Town Council at 7:25 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. 14-11-013 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. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No. 5:16-cv-01278-DTB – John Doe vs. Town of Apple Valley Et Al.

ADDENDUM

- I. Conference with Legal Counsel - Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS160498 – Christina Lopez- Burton vs. Town of Apple Valley

Upon returning from Closed Session at 9:07 p.m., Mayor Stanton announced that there was no reportable action taken.

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 9:08 p.m.

Barb Stanton, Mayor

La Vonda M-Pearson, Town Clerk