TOWN OF APPLE VALLEY
TOWN COUNCIL/SUCCESSOR AGENCY

REGULAR MEETING

MINUTES – December 8, 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 Royce Beserra, Church for Whosoever

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

MAYOR'S YOUTH LEADERSHIP SUMMIT – MOCK COUNCIL PRESENTATION

1. Get a Job – Shop Local Campaign

Members of the Mayor's Youth Leadership Summit Winning Project Team presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Stanton, to approve an expenditure of up to $1000.00 to fund a Shop Local Campaign Project.

Vote: Motion carried 5-0-0-0
Yes: Council Members Bishop; Emick; Nassif; Mayor Pro Tem Stanton; Mayor Cusack.
Absent: None.

2. Selection of Mayor and Mayor Pro Tempore

MOTION

Motion by Council Member Nassif, seconded by Mayor Cusack, to nominate Barb Stanton as Mayor.

Vote: Motion carried 5-0-0-0
Yes: Council Members Bishop; Emick; Nassif; Mayor Pro Tem Stanton; Mayor Cusack.
Absent: None.

MOTION

Motion by Mayor Cusack, seconded by Council Member Emick, to nominate Scott Nassif as Mayor Pro Tempore.

Vote: Motion carried 5-0-0-0
Yes: Council Members Bishop; Emick; Nassif; Mayor Pro Tem Stanton; Mayor Cusack.
Absent: None.

RECESS FOR REORGANIZATION

MEETING RECONVENED

Mayor Stanton reconvened the meeting of the Apple Valley Town Council at 7:00 p.m.

PRESENTATIONS:

Mayor's Plaque – Mayor Cusack for his term as Mayor on the Town Council for the period December 2014 to December 2015.

Green Spirit Award - Presenter: Joseph Moon, Environmental & Transit Services Manager
- Desert Knolls Elementary School
- Jayco Industries

Town of Apple Valley Special Recognition
- Dennis Cron, Assistant Town Manager for his 27 years of service to the Town of Apple Valley.

PUBLIC COMMENTS

Frank Kelly, Apple Valley, commented on his non-profit organization and its upcoming No Drugs America Day. Mr. Kelly presented the Town of Apple Valley with a Certificate of Recognition honoring the Town for its support of No Drugs America Incorporated.

Matthew Fairchild, Apple Valley, commented on the need for sidewalks in the Town of Apple Valley so that residents could walk safely in the community.

Kelly Maxwell, Orenda Veterans Project, stated that they would be collaborating with the Victor Valley Transit Authority and the Employment Development Department on job preparations and opportunities for veterans.

Dr. McReynolds, Cal State San Bernardino, spoke on the services that the school would provide including assistance to veterans who suffer from neuro related injuries.

Richard Rorex, Apple Valley, presented Mayor Stanton with a CD entitled the New Stanton Band.

Rusty Green, Sun City, commented on the proposed Riverwalk projected. He announced that the Sun City Board of Directors and members of the Sun City community were in support of the project.

Tom Piper, Apple Valley, wished the Town Council and the public a Merry Christmas and a Happy New Year.

Bill Morgan, Sun City Cruisers, spoke of his work with the Orenda House and the services that they provide to veterans.

John Laraway, Apple Valley, spoke on the terrorist act that occurred in our community and the need for the Town Council to encourage open carry firearms in the Town of Apple Valley.

Rachel (no last name provided), Apple Valley, spoke in support of the trucking community in the Town of Apple Valley. She respectfully requested the Town Council consider amending the ordinance to allow trucks to park in areas with one or more acres.

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:

Council Member Bishop requested that staff meet with the San Bernardino County Flood Control, Zone 4 and request that a county employee attend a meeting of the Town Council to provide an update on the Desert Knoll Wash.

Council Member Bishop also requested that Pulte Homes provide a status of the gate, roadwork and main entrance at Jess Ranch.

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

A. Regular Meeting – Tuesday, January 12, 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 4. 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 4.

Also, Agenda Item Number 12 is amended to read "Award of a Construction Contract" instead of a "Professional Services Agreement."

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 3-16, respectfully.

Brad Miller, Town Engineer, provided a brief update to the Town Council and the public on the status of the Mojave Riverwalk South – Project No. 2015-08, provided as Agenda Item #8.

Vote: Motion carried 5-0-0-0
Yes: Council Members Bishop; Cusack; Emick; Mayor Pro Tem Nassif; Mayor Stanton.
Absent: None.

3. Approval of Minutes of the Town Council
A. Regular Meeting – November 10, 2015
B. Special Meeting – November 17, 2015
Recommendation:
Approve the subject minutes as part of the consent agenda.

4. October 2015 Commercial Warrants Schedule
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

5. October 2015 Payroll/Benefits Warrants Schedule
Recommendation:
That the Town Council receive, ratify, and file the Payroll/Benefits Warrants as presented.

6. Treasurer's Report – October 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 October 2015 Treasurer's Report.

7. Adopt 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
Recommendation:
That the Town Council adopt Ordinance No. 478.

8. Approve a Memorandum of Understanding with San Bernardino County Flood Control District for the Mojave Riverwalk South – Project No. 2015-08
Recommendation:
Approve the Memorandum of Understanding (MOU) between the San Bernardino County Flood Control District and the Town of Apple Valley for the construction of multi-use trails within the District's easements.

9. Review and Approve Bid Documents for the Yucca Loma Road Widening Project – Project No. 2015-02
Recommendation:
1. That the Town Council review and approve the bid documents for the Yucca Loma Road Widening – Project No. 2015-02;

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

10. Authorize Letter of Support for the Victor Valley Wastewater Reclamation Authority Advanced Water and Energy Project

Recommendation:

That the Town Council authorize a Letter of Support for the Victor Valley Wastewater Reclamation Authority Advanced Water and Energy Project.

11. Adopt Resolution No. 2015-48 - A Resolution of the Town Council of the Town of Apple Valley, California, in Support of a Transportation Infrastructure Funding Plan Utilizing Existing Resources

Recommendation:

That the Town Council adopt Resolution No. 2015-48 supporting a plan to fund transportation infrastructure utilizing existing resources.

12. Award Professional Services Agreement to Conco Construction for Albertsons/Apple Valley Inn Accessible Pathway Improvements - Project No. 2015-07

Recommendation:

Award a Professional Services Agreement to Conco Construction in the amount of $27,153.00 for the Albertsons/Apple Valley Inn Accessible Pathway Improvements – Project No. 2015-07 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

13. Authorization to Execute a Restricted Grant Agreement with the California Department of Transportation for the Apple Valley Safe Routes to School Master Plan – Project No. 2015-05

Recommendation:

Authorize the Mayor to execute the Sustainable Communities Grants (State) Restricted Grant Agreement between the Town of Apple Valley and the State of California Department of Transportation (Caltrans), subject to Town Council review and approval as to form, in substantially the form attached to this staff report.

14. Approval to Advertise Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School - Project No. 2014-04

Recommendation:

1. That the Town Council review and approve the project plans, specifications, and bid documents for the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School – Project No. 2014-04.
2. That the Town Council authorize staff to solicit bids for construction of said project.

15. Adopt Resolution No. 2015-46, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Classification Plan for the Town of Apple Valley

Recommendation:

That the Town Council adopt the attached Resolution No. 2015-46, a Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.

16. Adopt Resolution No. 2015-47, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Personnel Policy and Procedure Manual for the Town of Apple Valley

Recommendation:

That the Town Council adopt the attached Resolution No. 2015–47, a Resolution of the Town Council of The Town of Apple Valley amending the Personnel Policy and Procedure Manual for the Town of Apple Valley.

PUBLIC HEARINGS

17. Public Hearing #1 – Public Input for 2016-2017, Fifth Year Action Plan

Mayor Stanton opened the public hearing at 8:32 p.m.

Christopher Moore, Housing Specialist II, presented the staff report as filed with the Town Clerk.

Marilyn Reed, Apple Valley, recommended that this funding be used for road repair in her neighborhood.

Carole Voll, Program Director, Our Children Project, commented on the services that the organization provides. She read a letter into the record from a client who suffered abuse in her home and benefited from the counseling and group sessions at Our Children Project.

Rev. James Harris, Our Children Project, indicated that this program was the only one of its kind in the High Desert. He spoke of the benefit of this program to himself and the community and recommended this organization be supported.

Marie Flannery, Compliance Director, Inland Fair Housing & Mediation Board, spoke on the services that the organization provides to the community.

Salvador Ortiz, Apple Valley, recommended that these funds be used to assist struggling businesses in the local community.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 8:48 p.m.

18. A Request to Consider an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Amending Chapter 9.75 "Water Conservation/Landscaping Regulations" to Comply with the State of California Code of Regulations Title 23, Division 2, Chapter 2.7 "Model Water Efficient Landscape Ordinance" and to Add Landscaping Standards Applicable to Single-Family, Infill Development

Mayor Stanton opened the public hearing at 8:50 p.m.

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

John Laraway, Apple Valley, expressed concern regarding the requirement in the ordinance for a homeowner to landscape their property.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 8:59 p.m.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, 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. 479 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. 479.

MOTION

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

5. **Introduce** Ordinance No. 479, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.75 "Water Conservation/Landscaping Regulations" to comply with the State of California Code of Regulations Title 23, Division 2, Chapter 2.7 "Model Water Efficient Landscape Ordinance" and to add landscaping standards applicable to single-family, infill development.

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.

19. FY 2015-16 Enhancing Law Enforcement Activities Subaccount (ELEAS – COPS Grant)

Mayor Stanton opened the public hearing at 9:04 p.m.

Captain Lana Tomlin presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Stanton closed the public hearing at 9:06 p.m.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to adopt the attached Resolution No. 2015-45 accepting the COPS grant in the amount of $111,599.00 and authorize the allocation of the FY 2015-16 Enhancing Law Enforcement Activities Subaccount (ELEAS) to supplement the juvenile officer position.

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

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, wished the Town Council and the public a Merry Christmas and a Happy New Year!

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

20. Closed Session.

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

Mayor Stanton adjourned the meeting of the Apple Valley Town Council at 9:14 p.m. 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. 14-01-002, 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 & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.

G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1506833 - Town of Apple Valley, Et Al -V- Gudmundsen.

H. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Jian Torkan or other interested parties; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.

Upon returning from Closed Session at 10:45 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 10:46 p.m.

Barb Stanton, Mayor

La Vonda M. Pearson, Town Clerk