

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

**REGULAR MEETING**

**MINUTES – January 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

<b>OPENING CEREMONIES</b>
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**INVOCATION:** Pastor Mark Mikels, Sonlife Community Church

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

**PRESENTATIONS:** Mayor Stanton announced that the update on the Desert Knoll Wash will be continued to the next meeting.

Update on the Apple Valley Public Library, County of San Bernardino - Presented by Charlene Engeron, Public Relations Specialist

Circulation Plan for Pulte Homes, Jess Ranch – Presented by Steve Ford, Pulte Homes

Emergency Preparedness – Presented by Joseph Ramos, Emergency Services Officer

<b>PUBLIC COMMENTS</b>
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Tom Piper, Apple Valley, expressed concern regarding the closure of the library. He stated that a majority of the library's use was computers for the public. He recommended the Town of Apple Valley allow the use of one of the vacant buildings in the community to be used for a computer center.

Greg Sorenson, President, Liberty Utilities, stated that Liberty Utilities recently completed the purchase of Park Water Company and Apple Valley Ranchos Water Company (AVRWC). He extended an invitation to the Council to meet with Liberty Utilities to discuss their goals and objectives for the community.

Council Member Nassif questioned whether the transaction with Missoula Montana is complete.

Mr. Sorenson confirmed that Liberty Utilities Company completed the purchase with The Carlyle Group for Western Water Holdings, LLC, which owns Park Water Company, AVRWC, as well as Mountain Water Company located in Missoula, Montana.

Council Member Bishop asked if the purchase took place at the same time for all three (3) companies.

Mr. Sorenson confirmed that the transaction took place at the same time for Park Water Company, AVRWC and Mountain Water Company.

Mayor Stanton asked if there might be any changes in staffing for the former Apple Valley Ranchos Water Company.

Mr. Sorenson stated that Liberty Utilities Company has retained all of the former AVRWC employees.

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

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

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

The Town Council congratulated Mayor Stanton and Town Manager Frank Robinson for their recognition and awards at the Larry Chimbole Dinner.

The Town Council also expressed great sadness and condolence in the sudden passing of Parks and Recreation Commissioner Mike Martin, a lifelong member of the community and spouse of the Town of Apple Valley Marketing and Public Information Officer, Kathie Martin. In remembrance, it was the consensus of the Town Council to adjourn the meeting of the Town Council in memory of Commissioner Mike Martin.

#### **TOWN COUNCIL ANNOUNCEMENTS**

##### **Suggested items for future agenda:**

Mayor Stanton recommended an item be presented at a future meeting to discuss security in the Council Chambers.

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

- A. Regular Meeting – Tuesday, January 26, 2016 – Council Chamber  
Regular Session at 6:30 p.m.**

<b>TOWN COUNCIL CONSENT AGENDA</b>
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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 1-9, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Councilman Cusack abstained from voting on specific warrants listed under Agenda Item #2.**

**Mayor Pro Tem Nassif abstained from voting on specific warrants listed under Agenda Item #2/**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – December 8, 2015**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
2. **November 2015 Commercial Warrants Schedule**

**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.
3. **November 2015 Payroll/Benefits Warrants Schedule**

**Recommendation:**  
That the Town Council receive, ratify, and file the Payroll/Benefits Warrants as presented.
4. **Treasurer's Report – November 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 November 2015 Treasurer's Report.
5. **Adopt Ordinance No. 479 – An Ordinance of the Town Council of the Town of Apple Valley, to Amend 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**

**Recommendation:**  
That the Town Council adopt Ordinance No. 479.

6. **One-Year Extension of Service Agreement for Electronic Waste Recycling with Gold'n West Surplus, Inc.**  
**Recommendation:**  
It is recommended that the Town Council authorize the Town Manager to execute a one-year extension of the current Service Agreement for Electronic Waste Recycling with Gold'n West Surplus, Inc.
  
7. **Claimant – Blanca Sipe**  
**Recommendation:**  
Reject the claim of Blanca Sipe.
  
8. **Fee Waiver Request for No Drugs America for April 30, 2016 for Use of the Civic Center Amphitheatre**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$907.00.
  
9. **Professional Services Agreement for Construction Management Services for the Residential Rehabilitation Loan Program (RRLP)**  
**Recommendation:**  
That the Town Council approve the attached Agreement between the Town of Apple Valley and Charles Abbott Associates, Inc. (CAA) for Construction Management Services for the Residential Rehabilitation Loan Program and, authorize the Town Manager to execute the agreement on behalf of the Town.

<b>PUBLIC HEARINGS</b>
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10. **Adopt Ordinance No. 480 – An Interim Urgency Ordinance of the Town Council of the Town of Apple Valley, Enacted Pursuant to California Government Code Section 65858 Establishing a Temporary Moratorium on Cannabis Dispensaries, Cannabis Manufacturers, and the Cultivation and Delivery of Cannabis Pending the Completion of Studies and the Preparation of an Update to the Town's Municipal and Zoning Codes**

Mayor Stanton opened the public hearing at 7:40 p.m.

Jordan Ferguson, Best, Best and Krieger, presented the staff report as filed with the Town Clerk.

Tom Piper, Apple Valley, asked the Town Council to be reasonable when making a decision on this issue.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:42 p.m.

**MOTION**

Motion by Council Member Cusack, seconded by Council Member Emick, to adopt an Interim Urgency Ordinance of The Town Council of Apple Valley, California, Enacted Pursuant to California Government Code Section 65858 Establishing a Temporary Moratorium on Cannabis Dispensaries, Cannabis Manufacturers, and the Cultivation and Delivery of Cannabis Pending

the Completion of Studies and the Preparation of an Update to the Town's Municipal and Zoning Codes.

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

#### 11. Establishment of 2012-2016 Consolidated Plan/Fifth Year Action Plan Priority Needs for FY 2016-2017

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

#### MOTION

Motion by Council Member Emick, seconded by Council Member Bishop to approve the list of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee (CDCAC) in making recommendations to the Town Council for the 2016-2017 Action Plan.

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, introduced Mr. Greg Snyder the new Director of Public Works for the Town.

Mr. Robinson commented on AB1591, a transportation-funding bill to raise \$7 billion annually by increasing the gas excise tax by 22.5¢ and introduce a \$38 per vehicle license fee. In addition, it would add a \$165 new vehicle fee on zero emission vehicles since those users are no longer purchasing gasoline.

Mr. Robinson also stated that several elected officials are lobbying to introduce a bill that would enable the transfer of the Ontario International Airport back to the City of Ontario. The goal would be to restore that transportation hub back to the profitable airport that it once was. He announced that the Support Apple Valley Events Marketing Report would be delayed until February.

### DEPARTMENTAL REPORTS AND BUSINESS

None.

**CLOSED SESSION**

**12. 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 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.

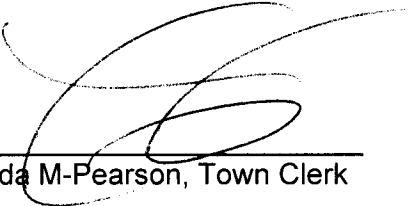
Mayor Stanton adjourned the meeting of the Apple Valley Town Council at 7:55 p.m. to discuss the following:

- 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. 14-11-013 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: 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.
- 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.: CIVDS1506833 - Town of Apple Valley, Et Al -v- Gudmundsen.
- G. 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.
- H. 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.

Upon returning from Closed Session at 9:04 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 9:05 p.m. in loving memory of Parks and Recreation Commissioner Mike Martin.



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La Vonda M-Pearson, Town Clerk



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Barb Stanton, Mayor