

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

**REGULAR MEETING**

**MINUTES – May 10, 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

<b>OPENING CEREMONIES</b>
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Mayor Stanton expressed great sadness and condolence in the passing of Council Member Cusack's mother. In remembrance, it was the consensus of the Town Council to adjourn the meeting of the Town Council in memory of Bonnie Lee Cusack.

**INVOCATION:** Bishop Ebmeyer, Church of Jesus Christ Latter Day Saints

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

**PRESENTATIONS:** Mayor's Weight Loss Challenge

Town Clerk Intern Recognition, Debra Thomas, Deputy Town Clerk

Winning Water Essay Presentation, Enrique Arcilla

<b>PUBLIC COMMENTS</b>
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Darla Mazalic, Apple Valley, expressed concern regarding her desire to build a garage on her property and the options available to her. She requested assistance from the Town Council in requesting a variance.

Richard Rorex, Apple Valley, expressed concern regarding the political conflict displayed in the Daily Press. He believed that problems could be mitigated if the governing bodies worked together as a team.

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

Thurston "Smitty" Smith, Victor Valley Bicycle Tour, announced that a Youth Victor Valley Bicycle Rodeo would be held Saturday, June 4 at 8:00 a.m. He encouraged students' grades 1st through 6th to attend with the opportunity to win prizes.

Mark Shoup, Apple Valley, commented on Apple Valley being an inclusive community. He spoke of the resolution that was passed dictating this and noted that the signs are slowly disappearing from the community. He encouraged the Town to restore the original signs recognizing the Town of Apple Valley as an inclusive community.

Susan Drake, Supervisor Lovingood's Office, announced a High Desert Veterans Resource Fair being held on June 2 in the Alaska USA building at the High Desert fairgrounds. Representatives will be in attendance to assist local veterans with everything they need. Additionally on Saturday, June 4 together with the Town of Apple Valley and the High Desert Association of Realtors, a Homebuyers Resource Fair will be held.

John Laraway, Apple Valley, believed that government was established to help the people and should not be used to take away the freedoms of Americans.

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

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

Council Member Cusack 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:**

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

**A. Regular Meeting – Tuesday, June 14, 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 announced that an amendment has been made to Agenda Item No. 5 regarding the Ramona Road Widening Project – Safe Routes to School. The motion is amended to include approval of Budget Amendment 16-25 transferring Measure I Project Funds totaling \$718,144.36 appropriated in the 2014-2015 Capital Improvement Projects Budget to the 2015-2016 Budget.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-9, 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 – April 26, 2016**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

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

**Recommendation:**

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

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

**Recommendation:**

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

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

**5. Award Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School - Project No. 2014-04**

**Recommendation:**

1. Award a contract to Vance Corporation for the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School – Project No. 2014-04 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

2. Approve Budget Amendment 16-25 transferring Measure I project funds totaling \$718,144.36 appropriated in the 2014-2015 Capital Improvement Projects Budget to the 2015-2016 budget.

**6. Award Microsurface 15-16 – Project No. 2016-02**

**Recommendation:**

Award a contract to American Asphalt South, Inc. for the Microsurface 15-16 - Project No. 2016-02 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

7. **Amendment No. 6 to the Waste Disposal Agreement between the Town of Apple Valley and the County of San Bernardino**  
**Recommendation:**  
That the Town Council approve the sixth amendment to the Waste Disposal Agreement (WDA) between the Town of Apple Valley and the County of San Bernardino as modified and extend the term of the agreement until June 30, 2021.
8. **Approval of the Second Amendment to the Employment Agreement Between the Town of Apple Valley and Frank Robinson**  
**Recommendation:**  
Approval of the second amendment to the Employment Agreement between the Town of Apple Valley and Frank Robinson.
9. **Agreement to Provide Animal Sheltering Services for the City of Victorville**  
**Recommendation:**
  1. Direct staff to finalize the details of the Agreement to provide Animal Sheltering Services for the City of Victorville.
  2. Authorize staff to execute the finalized Agreement to provide Animal Sheltering Services for the City of Victorville, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

<b>PUBLIC HEARINGS</b>
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10. **Community Choice Aggregation (CCA) Implementation Plan Proposal**

Mayor Stanton opened the public hearing at 7:52 p.m.

Joseph Moon, Environmental and Regulatory Compliance Manager, presented the staff report as filed with the Town Clerk.

The Town Council asked questions regarding the advantages and disadvantages of a CCA in the Town of Apple Valley.

Brian Goldstein, Pacific Energy Advisors (PEA), answered questions of the Town Council regarding the cost of energy. He commented on the services that PEA would provide to the Town in an effort to move this project forward.

There being no requests to speak, Mayor Stanton closed the public hearing at 8:29 p.m.

John Brown, Town Attorney, stated that this does not require the Town to go to the CPUC to begin serving its customers. Also the Town would be subject to setting the rates and charges for this plan.

Discussion ensued regarding the rate setting process.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to:

1. Staff recommends that the Town Council approve the Community Choice Aggregation (CCA) Implementation Plan proposal, authorize the Town Manager to execute the contract with Pacific Energy Advisors in the amount of \$265,000 and provide CCA Declaration to Southern California Edison of the Town's intent to pursue a CCA program for the Town.

Vote: Motion carried 5-0-0-0

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

Absent: None

### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to:

2. Approve Budget Adjustment 16-23 in the amount of \$265,000.

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. Discussion on Establishing a Program to Recognize Unsung Heroes in the Community**

Mayor Stanton presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Nassif suggested that two (2) Council Members and a staff member review and vet, on a quarterly basis, those heroes that walk amongst the community.

John Laraway, Apple Valley, questioned the need to have such an award in the community. He believed that some individuals may choose not to be honored.

It was the consensus of the Town Council to direct staff to develop a program that would allow the Council to recognize individuals in the community for excellent service.

#### **12. Discussion on the use of a Lighted Timer for Town Council Meetings**

Mayor Stanton presented the staff report as filed with the Town Clerk.

John Laraway, Apple Valley, suggested an alternative countdown for the use of the timer during public comments and believed that individuals should be allocated additional time if needed during their public comment period.

It was the consensus of the Town Council to authorize staff to purchase a timer for use in the Town Council Chambers.

#### **13. Discussion on the Purchase of Metal Detectors for use at Town of Apple Valley Facilities**

Mayor Stanton presented the staff report as filed with the Town Clerk.

Captain Tomlin, Apple Valley Police Department, commented on the belief that additional security measures should be in place.

Discussion ensued regarding the additional cost to utilize metal detectors.

John Laraway, Apple Valley, commented on the disadvantage of having metal detectors at public meetings.

It was the consensus of the Town Council that this item be sent back to staff to bring back a list outlining additional options and recommendations for security measures.

## **TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

### **DEPARTMENTAL REPORTS AND BUSINESS**

None.

## **CLOSED SESSION**

### **14. 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 9:02 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: Liberty Utilities Co., Liberty WWH, Inc., Anouquin Power & Utilities Corp., Park Water Company, Western Water Holdings

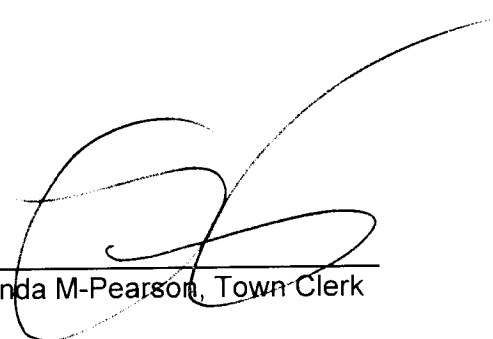
LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and Terms of Payment.

- 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 9:49 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 9:50 p.m. in loving memory of Council Member Cusack's mother, Bonnie Lee Cusack.

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La Vonda M-Pearson, Town Clerk  

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Barb Stanton, Mayor