

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

**REGULAR MEETING**

**MINUTES – September 26, 2017**

**CALL TO ORDER:**

Mayor Nassif called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:32 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Cusack; Emick; Stanton; Mayor Nassif

Absent: Mayor Pro Tem Bishop.

<b>OPENING CEREMONIES</b>
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**INVOCATION:** The invocation was given by Orlando Acevedo, Assistant Director of Economic and Community Development.

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

**PRESENTATIONS:** None.

**SPECIAL ANNOUNCEMENT:**

Mayor Nassif made the following announcement:

October is Breast Cancer Awareness Month. At least 1 in 8 women will be diagnosed with this disease. Recently we were informed that it has touched one of our very own here at the Town. Dawn Simmons, an employee in our Finance Department has been diagnosed with breast cancer. Dawn has worked for our Town for over 15 years and she is the friendly face that you see when you enter Town Hall. Dawn will be undergoing surgery next week and we ask for your prayers for a speedy and full recovery.

Mayor Nassif, with the consensus of the Council, stated that he would like to dedicate this meeting to Dawn Simmons as we send her our support and wish her well during her recovery.

<b>PUBLIC COMMENTS</b>
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Patricia Perry, Apple Valley, expressed concern regarding the ongoing issues that she is dealing with on her property. She feels that the electricity is being tampered with by neighbors and as a result, she is being cited by code enforcement. She requested assistance from the Town Council.

Jim Blackburn, Apple Valley, read an article regarding the use of cannabis, stating that it was not addictive. He spoke of his use of the drug and commented on its benefit both medically and financially.

Roxy West, Citizen, commented on a convoy of military vehicles that will be driving through our community on October 13. "The Convoy is Coming" is a 2400 mile/29-day convoy honoring the service and sacrifice of Veterans of all generations. She respectfully requested members of the community come out to witness this event on Route 66 to the Fairgrounds. She also asked for the Town Council to attend and provide a proclamation.

Lawrence McCarthy, Apple Valley, expressed concern regarding new positions that were created and approved at the meeting of August 8, 2017. He believed an explanation was needed regarding the creation of these positions eliminating other positions.

Glynis Harrow, Apple Valley, stated that he recently purchased a home in the community; however, he discovered that there were back payments due for sewer and trash bills in which he does not feel responsible. He requested that the Town Council review this matter.

Susan Drake, Representative of Supervisor Lovingood's Office, introduced Nathaniel Wood. She stated that Nathaniel is a student at Granite Hills High School and a member of the Youth Advisory Council representing the First District.

#### **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 Stanton commented on committee meetings and events that she attended.

Mayor Nassif commented on committee meetings and events that he attended.

#### **TOWN COUNCIL ANNOUNCEMENTS**

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

Council Member Stanton commented on increased traffic congestion in the community. She requested, with the consensus of the Town Council, that a future agenda item be prepared to address traffic issues in our community.

Mayor Nassif commented on financing methods other than bonding that he believed are available for use by the Town. He requested, with the consensus of the Town Council, that a future agenda item be prepared discussing alternative financing methods.

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

- A. Regular Meeting – Tuesday, October 10, 2017 – Council Chamber  
Regular Session at 6:30 p.m.**

#### **TOWN COUNCIL CONSENT AGENDA**

Council Member Emick requested a brief overview of Agenda Items Numbered 11 and 13.

Brad Miller, Town Engineer, explained that both items will allow for evaluation of the traffic signals. He stated that the evaluation will allow staff to determine whether a protective left turn or protective permissive left turn lane is warranted and if any updates are needed to the signals due to new development.

## **MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14, respectfully, and that items numbers 3, 12 and 15 be pulled for discussion.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

**Council Member Cusack abstained from voting on Agenda Item Number 5 and specific warrants listed under Agenda Item Number 6. Mayor Nassif abstained from voting on Agenda Item Number 5 and specific warrants listed under Agenda Item Number 6.**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – August 22, 2017**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Adopt Ordinance No. 493 - An Ordinance of the Town Council of the Town of Apple Valley, California, Amending the Apple Valley Municipal Code, Title 8, By Adding Chapter 8.39, Setting forth Procedures for Expediting the Permitting of Electric Vehicle Charging Systems**  
**Recommendation:**  
Adopt Ordinance No. 493.
  
3. **Treasurer's Report – June 2017 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 the Town Council receive and file the June 2017 Treasurer's Report.
  
4. **Treasurer's Report – July 2017 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 the Town Council receive and file the July 2017 Treasurer's Report.
  
5. **Proposal to Continue Enhanced Security Program in the Village Property and Business Improvement District (PBID)**  
**Recommendation:**  
Approve the San Bernardino County Sheriff's Department's Proposal to Continue the Enhanced Security Program in the Village Property and Business Improvement District (PBID)
  
6. **August 2017 Commercial Warrants and Wire Transfer Schedules**  
**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.

**7. August 2017 Payroll / Benefits Warrants Schedule**

**Recommendation:**

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

**8. Award Contract for Landscape Maintenance Services at Various Locations – Project No. PW2017-01**

**Recommendation:**

Award a contract to Lawnmaster for the Landscape Maintenance Services for Apple Valley Lighting and Landscaping Assessment District #1 and Various Locations, FY 2017-2018, Project No. PW2017-01, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

**9. Award a Purchase Contract to Haaker Equipment Company for the Purchase of a Patch Truck**

**Recommendation:**

Award a purchase contract to Haaker Equipment Company for the purchase of a patch truck in the amount of \$174,986.00.

**10. Accept the Grant Funds from CalRecycle, 2017-18 Tire-Derived Product Grant Program and Approve Budget Amendment**

**Recommendation:**

That the Town Council accept the CalRecycle, 2017-18 Tire-Derived Product Grant Program Funding in the amount of \$140,520.00, adopt the attached grant agreement, and adopt the attached budget amendment (BA# 18-02).

**11. Advertise Signal Modification at Westmont Drive – Project No. 2017-02**

**Recommendation:**

1. That the Town Council review and approve the project plans, specifications, and bid documents for the Signal Modification at Westmont Drive -- Project No. 2017-02.

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

**13. Authorization to Award Professional Services Agreement for the Bear Valley Road Commercial Corridor Signal Operation Study – Project No. 2017-03**

**Recommendation:**

Award a Professional Services Agreement to Advantec Consulting Engineers for the Bear Valley Road Commercial Corridor Signal Operation Study - Project No. 2017-03 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

**14. Authorization to Execute a Restricted Grant Agreement with the California Department of Transportation for the Apple Valley Village State Route 18 Corridor Enhancement Plan - Project No. 2017-03**

**Recommendation:**

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

**PULLED FROM CONSENT CALENDAR**

**12. Award Townwide Class II Bikeway Upgrade – Project No. 2016-03**

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. He explained the funding that would be made available for this project.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to award a contract to All American Asphalt for the Townwide Class II Bikeway Upgrade - Project No. 2016-03 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

**15. Adopt Resolution No. 2017-31, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Application for Outdoor Environmental Facilities Grant Funds**

Jennifer Heim Jackson, Special Projects Manager, presented the staff report as filed with the Town Clerk. She spoke of the improvements that would be made if the grant is approved.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Cusack, to adopt Resolution 2017-31, approving the Application for Outdoor Environmental Education Facilities Grant Funds for the Apple Valley Legacy Trail Project.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

**3. Treasurer's Report – June 2017 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**

Council Member Stanton questioned the time periods listed on the report.

Marc Puckett, Assistant Town Manager, explained that the report listed the dollar amounts for the entire quarter and not just a single month.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to receive and file the June 2017 Treasurer's Report.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**16. Senate Bill (SB1) Road Maintenance and Rehabilitation Account (RMRA) Project List Approval and Budget Amendment**

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Cusack, seconded by Council Member Stanton, to:

1. Approve the attached street list for inclusion in this year's budget for maintenance.
2. That the Town Council approve the budget amendment to include additional transportation funds, specifically SB1 funds, to be utilized this fiscal year to repair/maintain the attached list of streets.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

**17. Adopt Budget Amendment No. 2018-04 Appropriating Homeland Security Grant Funds and Law Enforcement Facilities Funds for the Purchase of Security Cameras for Physical Protective Measures**

Laura Marks, Apple Valley Police Department, presented the staff report as filed with the Town Clerk.

**MOTION**

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

1. Approve receipt of the Homeland Security Grant funding in the amount of \$25,426 and adopt Budget Amendment Number 2018-04 appropriating the grant funding and \$11,000 in additional funding from the Law Enforcement Facilities Fund; and,

2. Authorize the Town Manager and/or Assistant Town Manager to execute the agreement with the Homeland Security Grant Program through the Governor's Office of Emergency Services to distribute the funds to Convergent Technologies for purchase of a security camera system at the Police Building; and,
3. Authorize the Town Manager and/or Assistant Town Manager to execute the agreement with Convergent Technologies in the amount of \$10,980 for the purchase of five additional cameras not funded by the HSG grant.

Vote: Motion carried 4-0-0-1

Yes: Council Members Cusack; Emick; Stanton; Mayor Nassif.

Absent: Mayor Pro Tem Bishop.

## TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

### DEPARTMENTAL REPORTS AND BUSINESS

#### **Town Manager Report**

- Town Manager may call upon employees during this time to give updates on Town programs, projects and/or legislative update.

Ralph Wright, Parks and Recreation Manager, commented on the 8<sup>th</sup> Annual Reverse Triathlon. He stated that there were over 400 athletes in attendance with 68% of the participants from outside the community, as far as Utah. He thanked the many agencies that assisted with this event. He commented on the revenue that was received that will be used to reinvest in our parks.

Council Member Stanton announced the upcoming Paws and Claws event.

## CLOSED SESSION

### **18. Closed Session**

Mayor Nassif stated that if needed, Council Member Cusack will be abstaining from one (1) or more of the Closed Session items as it pertains to Liberty Utilities Company due to a potential conflict of interest, as his company does business with the above company.

Mayor Nassif adjourned to Closed Session at 7:58 p.m. to discuss items 18A-18G

- 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 Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company (now Liberty Utilities (Apple Valley Ranchos


Water) Corp.); 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.


- D. 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.
- E. 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.
- F. Personnel Matters - Government Code Section 54957 Consider Public Employee Appointment/Employment: Title: Town Manager.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, CPUC Application No. 17-04-024 - In the Matter of the Application of Mesa-Crest Water Company (U333W) and Liberty Utilities (Park Water) Corp. (U314W) for an Order Authorizing Mesa-Crest Water Company to Sell and Liberty Utilities (Park Water) Corp. to Purchase the Utility Assets of Mesa-Crest Water Company.

Upon returning from Closed Session at 9:10 p.m., Mayor Nassif announced that there was no reportable action taken.

<b>ADJOURNMENT</b>
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Motion by Council Member Emick, seconded by Council Member Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:11 p.m. with well wishes for a speedy recovery to Dawn Simmons, Account Clerk II.

  
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LaVonda M-Pearson, Town Clerk

  
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Scott Nassif, Mayor