

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

REGULAR MEETING

MINUTES – February 27, 2018

CALL TO ORDER:

Mayor Bishop 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 Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop

Absent: None.

OPENING CEREMONIES

INVOCATION: The invocation was led by Joseph Moon, Assistant Director of Public Services.

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

PRESENTATIONS: Employee of the Quarter - Elizabeth Fratt, Recreation Assistant, Parks and Recreation Department

Employee of the Quarter, Sheriff's Division - Derrick Griego, Deputy, Apple Valley Sheriff's Department

PUBLIC COMMENTS

None.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Stanton commented on committee meetings and events that she attended.

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

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

Mayor Pro Tem Cusack commented on committee meetings and events that he attended.

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Stanton requested information be provided on regulations that would assist with illegal activity in relation to the cannabis industry.

Mayor Bishop commented on the numerous amount of new legislation being proposed for California. He asked that staff remain informed on the changes.

V

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

- A. Regular Meeting – Tuesday, March 13, 2018 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Lawrence McCarthy, Apple Valley, asked a series of questions regarding Agenda Item Number 5 dealing with the Town's classification plan

Council Member Nassif noted that not all positions listed on the classification plan are currently filled positions.

Council Member Stanton, with the consensus of the Town Council, asked that Agenda Item Number 4 be pulled for discussion.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Cusack, to approve the Consent Calendar items numbered 1, 2, 3, and 5, respectfully, and that Agenda Item Number 4 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None.

1. **Approval of Minutes of the Town Council**
A. **Regular Meeting – February 13, 2018**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. **Claimant – Kristina Starkweather**

Recommendation:

Reject the claim of Kristina Starkweather

3. **Fee Waiver Request for St. Mary's High Desert Fit for Life Challenge 5K/10K for the Use of the Civic Center Park/Amphitheater**

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee and Special Events permit of \$1,154.62.

5. Adopt Resolution No. 2018-06, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Class and Salary Plan for the Town of Apple Valley

Recommendation:

That the Town Council adopt the attached Resolution No. 2018-06, a Resolution of the Town Council of The Town of Apple Valley, California, amending the current Class and Salary Plan.

PULLED FOR DISCUSSION

4. Adopt Resolution No. 2018-05, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Dissolution of Town of Apple Valley Community Facilities District No. 2006-1 (Ravenswood)

Council Member Stanton questioned the use of Mello Roos fees in the Town of Apple Valley.

Doug Robertson, Town Manager, commented on a variety of development projects in the Town that have a form of assessment attached to the property.

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Stanton seconded by Council Member Cusack, to approving the dissolution of the Town of Apple Valley Community Facilities District 2006-1 (Ravenswood).

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

6. Introduce Ordinance 497, An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 10.01 Section 10.01.060 of the Apple Valley Municipal Code to Include the Local Area Management Program (LAMP)

Mayor Bishop opened the public hearing at 7:16 p.m.

Patrick Carroll, Building Official, presented the staff report as filed with the Town Clerk. He noted a few non-substantial changes made to the draft ordinance as requested by the Town Attorney.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:18 p.m.

Council Member Stanton thanked staff and the Town Manager for moving forward with this program that will assist homeowners who may need to do repair to their septic systems.

MOTION

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

1. **Find** that the proposed adoption of Ordinance No. 497 is not subject to and is Exempt from CEQA, based upon findings under CEQA Guidelines, Section 15061 Sub (b)(3) that can be seen with certainty that there is no possibility that the proposed amendment may have a

significant effect on the environment.

2. **Move** to waive the reading of Ordinance No. 497 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 497.

MOTION

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

3. **Move** to Introduce Ordinance No. 497 amending Chapter 10.01, Section 10.01.060 to include the LAMP.

4. **Direct** Staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None.

7. **Introduce Ordinance No. 498, An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Modifying Chapters 9.29 “Specific Use Regulations for Residential Districts” Related to Multi-Family Residential Standards and Amending Section 9.07.030 “Continuance of Legal Nonconforming Structures”**

Mayor Bishop opened the public hearing at 7:21 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk. She noted a few non-substantial changes made to the draft ordinance as requested by the Town Attorney.

Council Member Nassif asked a series of questions regarding the standards for condominiums and townhomes and whether or not they were consistent.

A lengthy discussion ensued regarding the parking requirements, garages and carports for units as well as the size. Also discussed was the recommendation of the Planning Commission prior to being referred back to the Town Council.

Thomas Rice, Town Attorney, explained that if the recommendation of the Town Council differs from the recommendation of the Planning Commission, that the item must be sent back to the Commission to allow them to revise the item once again, and then forward it back for review.

Council Member Stanton expressed concern regarding the discussion to remove parking and garages. She questioned the need to make this change at this time.

Mr. Rice clarified that parking was discussed at the Planning Commission Meeting and therefore, changes could be recommended and made at tonight's meeting as long as the changes were made within the scope of the discussions held by the Commission.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:44 p.m.

Ms. Miller briefed the Town Council on the current standards for parking as well as the proposed changes by the Commission.

Mr. Robertson indicated that based on the variety of opinions being discussed, that additional review of this item was needed.

Lori Lamson, Assistant Town Manager, spoke on the benefit of a site visit and recommended that another visit could be scheduled if recommended.

MOTION

Motion to Council Member Emick, seconded by Council Member Stanton, to continue this item to a date uncertain.

Vote: Motion carried 5-0-0-0

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

Absent: None.

8. A Request to Consider an Amendment to the Jess Ranch Planned Unit Development (PUD) to Allow the Future Development of Lots 196 through 204 within Recorded Tract Map 14484 to Change from Single Family Residential Development Lots to Recreation Vehicle (RV) Lots in Accordance with the Medium Density Residential Development Standards of the Jess Ranch PUD, including the RV Resort Standards

Mayor Bishop opened the public hearing at 8:15 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 8:21 p.m.

MOTION

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that 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 may have a significant effect on the environment, the activity is EXEMPT from further CEQA review for Specific Plan No. 2012-01 Amendment No. 2.

2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for June 21, 2017 support the required Findings for approval of the proposed amendment to the PUD and adopt the Findings.

3. **Move** to waive the reading of Ordinance No. 499 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 499.

MOTION

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

4. **Introduce** Ordinance No. 499, approving Specific Plan No. 2012-01 Amendment No.2.

5. **Move** to approve the amendment subject to revised Conditions of Approval for TM No. 14484; and

6. **Direct** staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

Vote: Motion carried 5-0-0-0

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

Absent: None.

MAYOR BISHOP RECESSED THE MEETING OF THE APPLE VALLEY TOWN COUNCIL AT 8:25 P.M.

MAYOR BISHOP RECONVENED THE MEETING OF THE APPLE VALLEY TOWN COUNCIL AT 8:32 P.M.

9. Fiscal Year 2017-2018 Mid-Year Budget Review

Mayor Bishop opened the public hearing at 8:33 p.m.

Kofi Antobam, Director of Finance, presented the staff report and PowerPoint as filed with the Town Clerk.

The Town Council asked questions about potential funding sources that could benefit the Town.

There being no requests to speak, Mayor Bishop closed the public hearing at 9:33 p.m.

MOTION

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

1. Receive and file the Fiscal Year 2017-2018 Mid-Year Budget Review Report.
2. Approve Budget Amendment Number 18-11 incorporating revenue and expenditure changes, carry forwards and Parks & Recreation Fund consolidation as proposed herein.

Vote: Motion carried 5-0-0-0

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

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Town Manager Report:

Doug Robertson, Town Manager, presented a brief report in response to an issue raised at the last Town Council meeting by a member of the public claiming that \$18 million was missing from the Town's finances. He noted that the report was available for members of the public.

Mr. Robertson stated that he and Executive Assistant Lena Quinonez, met with members of the Chamber of Commerce in an effort to increase the working relationship between the Chamber and the Town of Apple Valley. He stated that they are looking forward to working as a team. He also announced that Trigger is back home in Apple Valley and that the Furball is scheduled for April 14, 2018.

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

10. Closed Session

Mayor Bishop stated that if needed, Mayor Pro Tem 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 Bishop recessed the meeting of the Apple Valley Town Council at 9:36 p.m. to closed session 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 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. 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.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1725027 – Christina Lopez-Burton v. Town of Apple Valley.

Upon returning from Closed Session at 10:26 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council a 10:27 p.m. in memory of the sudden passing of Apple Valley Resident Veronica Pagano, Postal Clerk at Rancho Drug and also in memory of Meadow Pollack, student and family friend of Mayor Bishop who tragically lost her life in the Florida school shooting.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk