

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

**REGULAR MEETING**

**MINUTES – March 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 Bishop

Absent: Mayor Pro Tem Cusack.

**OPENING CEREMONIES**

**INVOCATION:** Pastor Kit Johnson, Life Point Baptist Church

**PLEDGE OF ALLEGIANCE:**

**INTRODUCTION:** Captain Manny Mendoza, San Bernardino County Sheriff's Department

**PRESENTATIONS:** Presentation to Captain Frank Bell, San Bernardino County Sheriff's Department for 30 years of Service

League of California Cities, Women's Caucus - Women of Persistence Recognition and Award

Apple Valley Library Update, Susan Drake, County of San Bernardino

SHOCK Program Presentation, Derrick Griego, Deputy, Apple Valley Sheriff's Department

**PUBLIC COMMENTS**

Lawrence McCarthy, Apple Valley, questioned why the striping on Apple Valley Road did not appear to be complete.

Richard Rorex, Apple Valley, stated that he was reviewing the budget and could not understand why the proposed budget cuts were on the backs of employees and not spread throughout. He recommended that utilities be cut and not employee wages.

Tammi McGauvran, Apple Valley, stated that she resides near the Yucca Loma Bridge. She expressed concern regarding the lack of the Town to take efforts that would allow for the maintenance of land near the bridge. She provided recommendations that she believed would correct this problem.

Marcie Taylor, Apple Valley Legacy Museum, commented on the number of new businesses in the area. She spoke on saving icons in the community such as the Buffalo on Highway 18 and Trigger, the horse of Roy Rogers. She invited the public to its Apple Valley Hoedown on Saturday, March 31 at 4:30 p.m.

William Inger, Apple Valley, commented on SB 54 – The California Values Act. He asked the Town Council to consider opting out of SB 54 similar to the direction that other communities have taken.

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

#### TOWN COUNCIL ANNOUNCEMENTS

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

Council Member Nassif, with the consensus of the Town Council, suggested an item be brought back to discuss SB 54.

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

- A. Regular Meeting – Tuesday, April 10, 2018 – Council Chamber  
Regular Session at 6:30 p.m.**

#### TOWN COUNCIL CONSENT AGENDA

##### **MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 1 – 7, respectfully.

Vote: Motion carried 4-0-0-1

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

Absent: Mayor Pro Tem Cusack.

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

##### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

2. **Adopt Ordinance No. 500, an Ordinance of the Town Council of the Town of Apple Valley, California Amending the Zoning Designation of 356 Parcels from Multi-Family Residential (R-M) to Single-Family Residential (R-SF)**  
**Recommendation:**  
Adopt Ordinance No. 500.
3. **Set Second Public Hearing Date for 2017-2021 Consolidated Plan and 2018-2019 Second Year Action Plan**  
**Recommendation:**  
That the Town Council establish April 24, 2018 at 6:30 p.m., as the date and time certain for the purpose of conducting the second of two (2) public hearings necessary to adopt the Town's 2017-2021 Consolidated Plan/ 2018-2019 Second Year Action Plan.
4. **Award a Professional Services Agreement to KOA for the Apple Valley South Safe Routes to School – Project No. 2018-02**  
**Recommendation:**  
Award a Professional Services Agreement to KOA Corporation for the Apple Valley South Safe Routes to School - Project No. 2018-02 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
5. **Claimant – Michael A. Stark**  
**Recommendation:**  
Reject the claim of Michael A. Stark.
6. **2017 Hazard Mitigation Plan Update**  
**Recommendation:**  
That the Town Council adopt Resolution No. 2018-09, adopting the 2017 Apple Valley Local Hazard Mitigation Plan update.
7. **Adopt Resolution No. 2018-08, A Resolution of the Town Council of the Town of Apple Valley Approving a Memorandum of Understanding (MOU) Between the Town of Apple Valley and Providence St. Joseph Health St. Mary Medical Center Regarding its Participation in the Public Health Services Act 340B Program.**  
**Recommendation:**  
That the Town Council adopt Resolution No. 2018-08, A Resolution of the Town Council of the Town of Apple Valley Approving a Memorandum of Understanding (MOU) Between the Town of Apple Valley and Providence St. Joseph Health St. Mary Medical Center Regarding its Participation in the Public Health Services Act 340B Program; Authorizing the Town Manager to Execute Said MOU on Behalf of the Town and to Undertake Such Tasks and Execute Such Documents as May be Required to Implement the Terms of Said MOU; and Setting Forth Other Details Related Thereto.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

## **BUSINESS OF THE COUNCIL**

### **8. 2017/2018 Budget Recommendations**

Doug Robertson, Town Manager, presented the staff report as filed with the Town Clerk. He explained that he has met with staff to address their concerns and suggestions for possible ways to reduce the budget deficit without affecting employees. He believed that the reductions presented to staff would offer some form of parity amongst employees and that additionally, each department, was asked to reduce their budgets by 10%. He stated that he had also spoke with the Town Attorney regarding this request. In addition, he explained the need to conduct a classification and comprehensive study for all employees which has not been done in recent years.

Council Member Nassif asked questions regarding the PERS contribution paid by Tier 1 employees.

Council Member Emick agreed with Mr. Robertson on the need to conduct a comprehensive study for the all employees.

Council Member Stanton commented on the need to make cuts for the financial stability of the Town of Apple Valley.

Mayor Bishop stated that he was saddened that the Town was in need of making recommendations that resulted in financial cuts to staff.

### **MOTION**

Motion by Council Member Stanton, seconded by Council Member Nassif, to implement the budget cuts as recommended by the Town Manager.

Vote: Motion carried 4-0-0-1

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

Absent: Mayor Pro Tem Cusack.

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

Doug Robertson, Town Manager, spoke of additional budget proposals that will be presented to the Town Council including the possible need to trim services. He also announced that the Apple Valley Furball would be held on Saturday, April 14, 2018.

## **CLOSED SESSION**

### **9. Closed Session**

Mayor Bishop adjourned the meeting of the Apple Valley Town Council at 8:09 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.
- H. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Interested parties; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- I. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-03 Apple Valley; Negotiating Parties: Don Brown; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1601999 – Town of Apple Valley vs. Jess Ranch Development, Et Al.

Upon returning from Closed Session at 9:08 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 9:09 p.m.

---

Art Bishop, Mayor

---

La Vonda M-Pearson, Town Clerk