

AGENDA

**APPLE VALLEY TOWN COUNCIL/
SUCCESSOR AGENCY/
PUBLIC FINANCING AUTHORITY
AND ADDENDUM**

REGULAR MEETING

MINUTES May 28, 2019

CALL TO ORDER:

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:31pm

Roll call was taken with the following members present:

Roll Call

Present: Council Members Bishop, Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: Council Member Emick (**Arrived at 6:33 p.m.**)

OPENING CEREMONIES

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

INVOCATION: The invocation was given by Pastor Gregory Winstor, Victorville Life Church

PRESENTATIONS: None

PUBLIC COMMENTS

None.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Emick commented on events that he attended.

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

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

- A. Special Meeting/Budget Workshop – Tuesday, June 11, 2019 – Council Chamber – 4:00 p.m.
- B. Regular Meeting – Tuesday, June 11, 2019 – Council Chamber Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Council Member Leon made corrections to the minutes for the meeting of May 1, 2019. She clarified that Mr. Jeff Chapdelaine was the speaker who spoke on Accessory Dwelling Units and that Mr. Jim Chapdelaine spoke on subdivisions. She also recommended that the minutes reflect statements made by Council Member Emick regarding state and federal mandates.

Brad Miller, Town Engineer, briefed the Town Council and the public on the resurfacing project listed under Agenda Item number 5.

MOTION

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1 -7 as amended.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

1. **Approval of Minutes**

Recommendation:

- A. Approve the subject minutes of the May 1, 2019 Special Meeting.
- B. Approve the subject minutes of the May 14, 2019 Town Council Meeting.

2. **Treasurer's Report – March 2019**

Recommendation:

That Town Council receive and file the February 2019 Treasurer's Report.

3. **Verizon at Lenny Brewster Sports Complex Site Agreement**

Recommendation:

Approve the attached Cell Site Lease Agreement between SMSA Limited Partnership (dba Verizon Wireless) ("Licensee") and the Town of Apple Valley ("Licensor") establishing the terms and conditions applicable to the installation and construction of a two (2)-carrier telecommunication facility designed as a seventy-five (75)-foot tall faux water tank at Lenny Brewster Sports Complex.

4. Apple Valley Desert Water Reuse Project

Recommendation:

- A. That Town Council review and approve the bid documents for Apple Valley Desert Water Reuse – Project 2019-01.
- B. That Town Council authorize staff to solicit bids for construction of said project.

5. Authorization to Advertise Resurfacing 2019-02

Recommendation:

- A. That the Town Council review and approve the bid documents for Resurfacing 2019-02.
- B. That the Town Council authorize staff to solicit bids for construction of said project.

6. Authorization to Advertise Vineyards Drainage Improvement Project

Recommendation:

- A. That the Town Council review and approve the bid documents for the Vineyards Drainage Improvements – Project No. 2019-04
- B. That the Town Council authorize staff to solicit bids for construction of said project.

7. Award Bear Valley Road Intersection Improvements

Recommendation:

Award a Professional Services Agreement to KOA Corporation for the Bear Valley Road Intersection Improvements - Project No. 2019-03 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

PUBLIC HEARINGS

8. Introduce Ordinance No. 507 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 1.01 of the Apple Valley Municipal Code as it Relates to the Enforcement, Notice, and Appeal Processes

Mayor Cusack opened the public hearing at 6:57 p.m.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

W. C. McCleod, Apple Valley, recommended that the proposed code amendments for Agenda items numbered 8, 9, 10 and 11, be submitted to the public for public review. He commented on concerns that he has had with the Town processing requests.

There being no additional requests to speak, Mayor Cusack closed the public hearing at 7:03 p.m.

Council Member Leon questioned the removal of Item 10 which states that “each administrative citation shall be accompanied by an itemized statement and invoice of the enforcement costs incurred to the date of the citation.” Mr. Eisenbrey explained that the statement can be misleading and has caused more confusion with residents.

MOTION

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

- A. **Find** that the proposed adoption of Ordinance No. 507 is not subject to and is exempt from CEQA based upon a finding that, under section 15061(b)(3) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
- B. **Move** to waive the reading of Ordinance No. 507 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 507.

MOTION

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

- C. **Move** to introduce Ordinance No. 507 amending Chapter 1.01 as it relates to the enforcement, notice, and appeal processes.
- D. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

9. Introduce Ordinance No. 508 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 6.30 of the Apple Valley Municipal Code as it Relates to the Enforcement and Notice Processes

Mayor Cusack opened the public hearing at 7:09 p.m.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:11 p.m.

MOTION

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

- A. **Find** that the proposed adoption of Ordinance No. 508 is not subject to and is exempt from CEQA based upon a finding that, under section 15061(b)(3) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
- B. **Move** to waive the reading of Ordinance No. 508 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 508.

MOTION

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

C. **Move** to introduce Ordinance No. 508 amending Chapter 6.30 as it relates to the enforcement and notice processes.

D. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

10. Introduce Ordinance No. 509 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 8.28 of the Apple Valley Municipal Code as it Relates to the Replacement of the Uniform Housing Code with the International Property Maintenance Code

Mayor Cusack opened the public hearing at 7:14 p.m.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk. He commented on the noticing requirement for this item and stated that a public hearing would be held on Tuesday, June 25.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:17 p.m.

MOTION

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

A. **Find** that the proposed adoption of Ordinance No. 509 is not subject to and is exempt from CEQA based upon a finding that, under section 15061(b)(3) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.

B. **Move** to waive the reading of Ordinance No. 509 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 508.

MOTION

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

- C. **Move** to introduce Ordinance No. 509 amending Chapter 8.28 as it relates to the replacement of the Uniform Housing Code with the International Property Maintenance Code.
- D. **Direct** staff to file a Notice of Exemption.
- E. **Set** the Public Hearing for June 25, 2019

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

11. Introduce Ordinance No. 510 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Title 11 of the Apple Valley Municipal Code to Add Chapter 11.110 Regarding Unlawful Loud or Unruly Gatherings

Mayor Cusack opened the public hearing at 7:20 p.m.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

Thomas Rice, Town Attorney, explained the adoption process for ordinances and noted that this ordinance would be effective 30 days after the final adoption proposed for June 11, 2019.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:25 p.m.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to:

- A. **Find** that the proposed adoption of Ordinance No. 510 is not subject to and is exempt from CEQA based upon a finding that, under section 15061(b)(3) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
- B. **Move** to waive the reading of Ordinance No. 510 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 510.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to:

- C. **Move** to introduce Ordinance No. 510 amending Title 11 as it relates to the addition of Chapter 11.110 Unlawful Loud or Unruly Gatherings.
- D. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

BUSINESS OF THE COUNCIL

12. Presentation of the Draft SR18 Corridor Enhancement Plan

Richard Berger, Engineer, presented the staff report as filed with the Town Clerk.

Robert Kilpatrick, David Evans and Associates, presented a powerpoint presentation on the corridor enhancement plan.

Council Member Bishop questioned the distribution of the draft study. He believed it was critical that members of the village have an opportunity to review the plan and provide input.

The Town Council Members thanked staff for their hard work on this project.

This was a receive and file item only. There was no action taken.

REPORTS, REQUESTS AND COMMUNICATIONS

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, introduced Mr. Dave Coleman, Parks and Recreation Manager. He stated that Mr. Coleman previously worked for the City of Artesia and formally welcomed him to the Town. He also announced that the final Concert in the Courtyard would be held on Thursday and invited everyone to attend the Summer Pool kickoff event on Saturday, June 1.

Mr. Robertson also informed the Town Council and the public that the Planning Commission will begin its initial review of items discussed at the Joint Planning Commission Meeting on Wednesday, June 19 at 6:00 p.m.

CLOSED SESSION

13. Closed Session

None.

ADJOURNMENT

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:06 p.m.

Larry Cusack, Mayor

La Vonda M-Pearson, Town Clerk