

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

REGULAR MEETING

MINUTES – September 23, 2014

CALL TO ORDER:

Mayor Bishop called to order the regular session of the Apple Valley Town Council 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 given by Minister James Campbell, JC Enterprise.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Boy Scout Troop 257 Member Luke Byman.

PRESENTATIONS:

Presentation to the Home Depot, Mr. Chad Cox

Presentation from Graduation from Capacity Building Academy - Lena Quinonez, Recreation Supervisor, and Andy Shoup, Recreation Coordinator

PUBLIC COMMENTS

Eric Larsen, Manager of Financial Services, Apple Valley Ranchos Water Company, commented on graphs he distributed regarding water usage in the Town of Apple Valley. He also discussed various programs offered by Apple Valley Ranchos Water Company.

Tony Penna, General Manager, Apple Valley Ranchos Water Company, commented on the drought that is affecting the State of California. He also briefly commented on the audit.

Al Rice, Apple Valley, commented on a water main break near his home. He expressed concern regarding the experience of the workers at Apple Valley Ranchos Water Company and the condition of the pipeline.

Salvador Ortiz, Apple Valley, expressed concern regarding what he believes was a violation of his civil rights.

Tom Piper, Apple Valley, expressed concern regarding Code Enforcement violating his rights by taking down his campaign signs. He acknowledged that his signs were put back; however, he wants this issue investigated.

**APPLE VALLEY CHAMBER OF COMMERCE
QUARTERLY BUSINESS RETENTION UPDATE**

Casey Armstrong, Treasurer, Apple Valley Chamber of Commerce, provided an update to the Town Council on the Chambers Business Retention Program. She also discussed various projects that the Chamber is currently working on.

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 a future agenda item regarding an update on the hilltop house.

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

- A. Regular Meeting – Tuesday, October 28, 2014 – Council Chambers at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Mayor Bishop announced that Council Member 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. He stated that Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's commercial warrants dealing with Apple Valley Communication 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 Bishop, with the consensus of the Town Council, requested that Agenda Item Number 8 be pulled for discussion.

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Mayor Pro Tem Cusack abstained from voting on Agenda Item Number 2.

Council Member Nassif abstained from voting on Agenda Item Number 2.

1. Approval of Minutes of the Town Council

A. Regular Meeting – August 26, 2014

B. Special Meeting – August 27, 2014

Recommendation:

That the Town Council approve the subject minutes as part of the consent agenda.

2. July 2014 Commercial Warrants Schedule

Recommendation:

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

3. July 2014 Payroll/Benefits Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the payroll/benefits warrants as presented.

4. Treasurer's Report – Month of June 2014 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 2014 Treasurer's Report.

5. Treasurer's Report – Month of July 2014 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 2014 Treasurer's Report.

6. Adopt Ordinance No. 464 – An Ordinance Of The Town Council Of The Town Of Apple Valley Amending Municipal Code Section 6.30.030(F)(1) Regarding Unlawful Nuisances and The Boarding Up Of Property

Recommendation:

Adopt Ordinance No. 464

7. Review and Approval to Advertise the Town Hall Driveway Improvements – Project No. 2014-02

Recommendation:

1. That the Town Council review and approve the project plans, specifications, and bid documents for the Town Hall Driveway Improvements – Project No. 2014-02.

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

9. Declare Surplus and Authorize Disposal of Computer Equipment

Recommendation:

Approve and declare the list of surplus computer equipment as surplus, authorize Information Systems to dispose of said items through the Town of Apple Valley Household Hazardous Waste Program.

10. Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner November 27, 2014 at the James Woody Community Center

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$123.08.

11. A Request to Approve the 2013 Climate Action Plan Update

Recommendation:

Adopt Resolution No. 2014-35 approving the Town of Apple Valley 2013 Climate Action Plan Update.

12. Bus Shelter Advertising Program

Recommendation:

That the Town Council approve the fees and procedures for the new bus shelter advertising program.

PULLED FROM CONSENT CALENDAR

8. Review and Approval to Advertise the Bear Valley Road and Mohawk Road Traffic Signal – Project No. 2012-07

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

MOTION

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

1. The Town Council review and approve the project plans, specifications, and bid documents for the Bear Valley Road and Mohawk Road Traffic Signal – Project No. 2012-07.
2. The Town Council authorize staff to solicit bids for construction of said project.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

13. Amend the Temporary Use Permit Regulations to allow for Light Industrial Uses to Occupy Vacant Commercial Buildings greater than 40,000 Square Feet located within the General Commercial (C-G) for a Ten (10) Year Period

Mayor Bishop opened the public hearing at 7:35 p.m.

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Council Member Stanton thanked staff for their hard work on this issue. She spoke of the positive impact that this item would have on the community.

Ms. Lamson clarified that this does not change the General Plan or the zoning codes within the Town of Apple Valley. She identified the buildings that are being considered: former Lowes building, former Ralphs building, Ben Franklin Center and the center on Central.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:40 p.m.

MOTION

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

1. Determine that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. Find the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. Find that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. Move to waive the reading of Ordinance No. 465 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. 465.

MOTION

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

5. Introduce Ordinance No. 465, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapters 9.23 and 9.35 as it relates to allowing light industrial uses in vacant commercial buildings greater than 40,000 square feet in the General Commercial (C-G) Zone.
6. 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.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on three key assembly bills signed by the Governor last week. The first bill is AB-1147 regarding Massage Therapy. Mr. Robinson stated that he and the Police Chief have been communicating on developing an ordinance to bring to the Council to address this issue. The second bill is AB-2188; an assembly bill regarding Solar Energy Permits which are now going to be required by the state to adopt a streamline permit process for rooftop solar energy systems of 10 Kilowatts or less. He noted that cities and counties must enact a new solar permit process by September 30, 2015. Mr. Robinson stated that he will be working with Lori Lamson, Assistant Town Manager, to address this issue. Mr. Robinson also commented on Senate Bill 1183 regarding vehicle registration fees and a surcharge for bicycle infrastructure which would allow cities, counties and regional park districts to impose and collect a special tax on a vehicle registration surcharge of not more than \$5.00 for bicycle infrastructure purposes through January 1, 2025. He explained, for the benefit of the Council, should the Town move forward with adopting the special tax, the net proceeds that go to the Town must be used for improvements to pave the natural service trails, including new and existing bikeways, trails, as well as other bicycle facilities. He stated that more investigation will be done and there will be a future agenda item presented to the Council on this issue.

In closing, Mr. Robinson announced that two staff members have been selected as finalist for the California Joint Powers Insurance Agency Capstone Award. He noted that only five finalist were selected for this award, two of which are staff members Nikki Salas, Human Resources Director and Dennis Cron, Assistant Town Manager. Mr. Robinson stated that the winner will be selected at the JPIA Conference in Santa Barbara, California on October 29, 2014.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

14. Closed Session

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to adjourn to closed session at 7:50 p.m. to discuss the following:

- A. Negotiations with Real Property Negotiator – Property located at APN 3112-181-01 pursuant to Government Code Section 54956.8 and 54954.5 (b).
- B. 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.
- C. Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: one potential case.
- D. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-01-002, In the Matter of the Application of Park Water Company-Apple Valley Ranchos Water Company Water System (U346W) for Authority to Increase Rate Charges for Water Service by \$3,127,463.00 or 14.88% in 2015, \$2,056,455.00 or 8.48% in 2016, and \$2,160,731.00 or 8.19% in 2017.

Vote: Motion carried 5-0-0-0

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

Absent: None.

Upon returning from Closed Session at 9:19 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Mayor Pro Tem Cusack, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 9:19 p.m.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk