

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

REGULAR MEETING

MINUTES – April 26, 2016

CALL TO ORDER:

Mayor Stanton called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

OPENING CEREMONIES

INVOCATION: Joseph Moon, Environmental Services Manager

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

PRESENTATIONS: Special Presentation - Amanda Meere

Employee of the Quarter - Earl Faust - Maintenance Worker II

PUBLIC COMMENTS

Carl Williams, Apple Valley, expressed concern regarding an Animal Control issue that has not been resolved. He respectfully requested assistance from the Town Council on this matter.

Lawrence McCarthy, Apple Valley, commented on a severe accident that recently occurred in front of his home. He believed that the speed limit on Apple Valley Road is excessive and should be reduced to a maximum of 45 mph in the residential area.

Matthew Fairchild, Apple Valley, spoke on the need for sidewalks and curbs for health and safety in Apple Valley.

Chuck Hanson, Apple Valley, commented on politicians in the Town of Apple Valley

Richard Rorex, Apple Valley, spoke on behalf of the Phoenix Foundation. He stated that the organization raised over \$30,000 at its last Man About Town event. He spoke on the possibility of the Town offering reduced fees for the use of the DSB Conference Center for non-profit organizations.

Salvador Ortiz, Apple Valley, expressed concern regarding the changes in Apple Valley that he believed are not resident friendly.

Thurston "Smitty" Smith, Apple Valley, thanked the Town for its support with the Man About Town event. He commented on the Phoenix Foundation and the services they offer to families who have lost loved ones with assistance for burial costs.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

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

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

Mayor Stanton commented on committee meetings and events that she attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Bishop stated that he received the answers needed regarding Verizon and Frontier buyout.

Mayor Stanton suggested a program that would recognize people who contribute to the community who might otherwise go unnoticed.

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

- A. Regular Meeting – Tuesday, May 10, 2016 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Mayor Stanton announced that Mayor Pro Tem 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. Council Member Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications 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.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-11, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – March 22, 2016**
Recommendation:
Approve the subject minutes as part of the consent agenda.

2. **February 2016 Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.

3. **February 2016 Payroll/Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Payroll/Benefits Warrants as presented.

4. **Treasurer’s Report – February 2016 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 February 2016 Treasurer’s Report.

5. **Award Contract for Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project Re-Establishment Site**
Recommendation
Award a contract to Natures Image, Inc. for Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project Re-Establishment Site in an amount not-to-exceed \$257,115.00.

6. **Fee Waiver Request for the Church for Whosoever Annual Outreach on May 30, 2016 and September 5, 2016**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$236.00.

7. **Yucca Loma Elementary School - Safe Routes To School**
Recommendation:
 1. That the Town Council review and approve the project plans, specifications and bid documents for the Yucca Loma Elementary School Safe Routes to School – Project No. 2016-01.
 2. That the Town Council authorize staff to solicit bids for construction of said project.

8. **Approval to Accept Work for the Accessible Pathway (Albertsons to Apple Valley Inn) – Project No. 2015-07**
Recommendation:
 1. Accept the work completed as part of the Accessible Pathway (Albertsons to Apple Valley Inn) – Project No. 2015-07, for a total cost of \$28,245.00.
 2. Direct the Town Clerk to file the Notice of Completion for the contract work.
 3. Direct the Finance Director to release the retained funds thirty (30) days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

9. **Selection of Town Council Voting Delegate to Southern California Association of Governments General Assembly Annual Meeting**

Recommendation:

That the Town Council select Mayor Barb Stanton, SCAG Transportation Committee Member as the Town's voting delegate at the 2016 Southern California Association of Governments (SCAG) General Assembly Annual Meeting.

10. Claimant – Phil C. Davidson

Recommendation:

Reject the claim of Phil C. Davidson.

11. Adopt Resolution No. 2016-09 – A Resolution of the Town Council of the Town of Apple Valley, California, Supporting the California Desert Conservation, Off-Road Recreation and Renewable Energy Act

Recommendation:

Adopt Resolution No 2016-09, A Resolution of the Town Council of the Town of Apple Valley supporting the California Desert Conservation, Off-Road Recreation and Renewable Energy Act.

PUBLIC HEARINGS

12. Public Hearing #2 – Consolidated Plan Fifth-Year Action Plan for the Community Development Block Grant (CDBG) and the HOME Investment Partnerships (HOME) Programs for Fiscal Year 2016-2017

Mayor Stanton opened the public hearing at 7:30 p.m.

Christopher Moore, Housing Specialist II, presented the staff report as filed with the Town Clerk.

Eddie Dean, Committee Member, Community Development Citizens Advisory Committee (CDCAC) spoke on the review process for the applications received. He commented on the dialogue that occurred amongst the members as they thoroughly discussed and vetted the recommendations presented.

Midge Nicosia, Victor Valley Community Services Council, spoke on the services that they provide including both major and minor home repair and transportation for those in need. She thanked the committee and the Town Council for the years of support they have provided.

Marie Flannery, Inland Fair Housing and Mediation Board, commented on the amount of services that they provide for the Town, as well as the community. She spoke on the increased need in the Town for services provided by their entity and expressed concern regarding the reduced recommended funding level that the board was offered. She did not believe that the reduced funding would offer them the ability to assist many clients.

Mickey Rubinson, Inland Fair Housing and Mediation Board, also concurred with the statements of Ms. Flannery. He reiterated that the reduced recommended funding level of \$10,000 will not allow the agency to assist many clients and commented on the strong need for their support in the community. He respectfully requested the Town Council reconsider the amount of funding proposed by the CDCAC.

Carole Voll, Our Children Project/LSS, spoke on the services that they provide to the community and thanked the Town for their support.

Rev. James Harris, Our Children Project also thanked the Town staff and Council for their support which allows them to help families in the community.

Linda Delay, CFW Literacy Services, thanked the Town Council for their continued support. She spoke on all the services that they provide for the children and their families in the community and welcomed the Town Council's attendance at an upcoming event.

There being no additional requests to speak, Mayor Stanton closed the public hearing at 7:50 p.m.

The Town Council members each thanked the CDCAC Committee for their difficult decisions in reviewing and selecting applicants for funding. They commented on the constant reduction of funding from the federal government and the need to stretch the dollars as best as possible among the needed agencies.

MOTION

Motion by Council Member Cusack, seconded by Mayor Pro Tem Nassif, to approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2016-2017 CDBG and HOME programs as part of the Town's Fifth-Year Action Plan, which is an integral component of the Consolidated Plan; approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town.

Vote: Motion carried 5-0-0-0

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

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. Equestrian Rider Challenge Program

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

Ray Sims, Equestrian Committee Member, explained his theory behind orchestrating an Equestrian Rider Challenge Program.

Thurston "Smitty" Smith, Equestrian Committee Member, also commented on the proposed Town sponsored program and spoke of the badges that could be obtained by the participants.

Ms. Lamson commented on the funding necessary for this program.

MOTION

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

- (1) Formally adopt the Equestrian Rider Challenge Program as a Town sponsored event through the Apple Valley Equestrian Committee;
- (2) Award cash prizes to eligible participants who live within the Apple Valley sphere of influence if they ride over 300 hours;
- (3) Fund the program through available funds in the Apple Valley Resource Foundation account;
- (4) Adopt the attached Budget Amendment in the amount of \$700.00.

Vote: Motion carried 5-0-0-0

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

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, spoke on the Legislative Briefing meeting to take place tomorrow in Sacramento. He commented on the discussions that will take place and thanked Mayor Stanton and Council Member Bishop for attending the briefings with Special Project Manager Jennifer Heim.

Kathie Martin, Marketing and Public Affairs Officer, announced the beginning of the event season with National Day of Prayer, Concerts in the Courtyard and the Evening on the Town Roy Orbison tribute concert all on May 5, 2016.

CLOSED SESSION

Mayor Stanton announced that Council Member Cusack would be abstaining from one (1) or more of the closed session items as it pertained to Liberty Utilities if needed, due to a potential conflict of interest. He stated that his company does business with the above referenced company.

Mayor Stanton adjourned to Closed Session at 8:20 p.m. to discuss the following:

14. Closed Session.

- 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 Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-11-013 Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, Park Water Company (U314W), and Apple Valley Ranchos Water Company (U346W) for Authority for Liberty Utilities Co. to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company.
- D. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; 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.

- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.
- F. 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.
- G. 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.
- H. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 10:37, Mayor Stanton announced the following reportable action:

After deliberation in Closed Session with regard to Item H. Personnel Matters - Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager, it was the consensus of the Town Council to provide the Town Manager with a one-time \$4000.00 contribution to his 401(a) retirement plan.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Bishop, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:24 p.m.

Barb Stanton, Mayor

La Vonda M-Pearson, Town Clerk