

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

REGULAR MEETING

MINUTES – June 28, 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

Absent: None.

OPENING CEREMONIES

INVOCATION: Pastor Cheryl Denny, Apple Valley Faith Center

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

PRESENTATIONS: High Desert Cannabis Association – Mr. Manny Serrano

A detailed presentation was given from the High Desert Cannabis Association and its members including attorney representation. The Town Council Members asked questions of the various members regarding the content of the presentation.

PUBLIC COMMENTS

Richard Kerr, Mayor of Adelanto, commented on learning from the Town Council meetings, its Members and its citizens. He applauds the Councils efforts to seek information as it relates to medical cannabis.

Pat Hanson, Apple Valley, spoke on her position of opposing the Town's takeover of the water company.

Katie Manning, Apple Valley, believes there is a conflict of interest with Best, Best & Krieger serving as Town Attorney and the eminent domain attorneys.

Jim Blackburn, Apple Valley, spoke in support of medical cannabis.

Rick Piercy, Apple Valley, proposed an initiative measure to place the purchase of Apple Valley Ranchos on the November 2016 ballot.

Scott Magee, Apple Valley, spoke in support of medical cannabis.

John "Bug" Woodard, Jr., Adelanto City Council Member, spoke in support of medical cannabis.

Richard Rorex, Apple Valley, believed that legitimate research is needed before it is approved by the government.

Joy Jeanetta, Apple Valley, spoke in support of medical cannabis.

Lawrence McCarthy, Apple Valley, spoke regarding the traffic concerns on Apple Valley Road. He also commented on inappropriate water usage by residents.

Tom Piper, Apple Valley, commented on global warming.

Frances Schawwecker, HDCA & Women Grow Orange County, spoke in support of medical cannabis.

Mayor Stanton recessed the Town Council meeting at 8:35 p.m.

Mayor Stanton reconvened the Town Council meeting at 8:42 p.m.

Chris Kavanaugh, HDCA, spoke in support of medical cannabis.

Pepper Rae Donley, HDCA, spoke in support medical cannabis.

Diana Carloni, Apple Valley, recommends that the current initiative offered by the Hansons and the additional initiative, H2Own should be placed on the ballot.

Jean Weisner, Web of Blend, spoke in support of medical cannabis.

John Laraway, Apple Valley, expressed concern regarding the Town being an inclusive committee.

Paul Chabot, President of the Coalition for Drug Free California, believes the community should focus on getting a handle on the current epidemic of our youth using illicit drugs before addressing the medical cannabis industry.

Garrison Carrafield, Hesperia, spoke in support of medical cannabis.

Kasha Herrington, Apple Valley, spoke in support of medical cannabis.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Bishop 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 he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Bishop requested a future item be prepared regarding the upkeep of roadways that are not maintained by the Town.

Council Member Emick requested a future presentation from the San Bernardino County Sheriff's office and Paul Chabot, President of the Coalition for Drug Free California, on medical cannabis.

Mayor Stanton requested an initiative be prepared that would exclude the acquisition of Liberty Utilities, and allow the community an opportunity to voice their support for the project separately.

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

- A. Regular Meeting – Tuesday, July 12, 2016 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Motion by Council Member Bishop, seconded by Council Member Emick, to approve the Consent Calendar items numbered 1, 2, 3, 5, 7 as amended, and that agenda items numbered 4 and 6, be pulled for discussion.

Vote: Motion carried 5-0-0

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

Absent: None.

Council Member Cusack abstained from voting on Item Number 1

1. Approval of Minutes of the Town Council

A. Regular Meeting – June 14, 2016

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. Ocotillo Way Overlay Project – Town Of Apple Valley/ San Bernardino County Cooperative Agreement

Recommendation:

Approve and sign the attached Cooperative Agreement with the County of San Bernardino for the Ocotillo Way Overlay Project.

3. Lighting and Landscape Assessment District #1 – Engineer's Annual Report and Levy of Assessment for FY 2016-2017

Recommendation:

1. Adopt Resolution No. 2016-18, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.

2. Receive and approve the engineer's report as filed, or as amended.

3. Adopt Resolution No. 2016-19, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2016-2017.

4. Direct the Town Clerk to publish the Resolution of Intention at least ten (10) days prior to the date of the public hearing.
5. **Approval of Budget Amendment No. 2016-29 Approving Certain Budget Adjustments and Adopting Related Appropriations for Fiscal Year 2015-16**
Recommendation:
Adopt Budget Amendment No. 2016-29 in the amount of \$564,000, amending estimated revenues and approved budget appropriations by like amounts, for modifications and adjustments to the operating and capital improvement budget for all funds as noted at year-end.
7. **Clear the Shelter Month – July 2016**
Recommendation:
That the Town Council authorize the Director of Animal Services to approve discounts in adoption fees, microchips, return-to-owner fees, and spay/neuter vouchers when donations have been secured to offset the discounts without impacting the operating budget of the Department.

PULLED FOR DISCUSSION

4. **Purchase of Air Conditioner for Apple Valley Golf Course**

John Laraway, Apple Valley, commented on the size of the proposed unit.

MOTION

Motion by Council Member Bishop, seconded by Council Member Emick, to authorize the Town Manager to approve the purchase of a chiller (air conditioner) from Dean Howard Heat & Air, Inc. in the amount of \$68,180.

Vote: Motion carried 5-0-0-0

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

Absent: None.

6. **Oppose Unless Amended Letter – AB 45 (Mullin): Household Hazardous Waste**

Council Member Bishop thanked staff for preparing this letter of opposition.

MOTION

Motion by Council Member Bishop, seconded by Council Member Emick, to authorize an "Oppose Unless Amended" Letter for AB 45 (Mullin): Household Hazardous Waste.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

8. Verification of Sufficiency of Signatures for an Initiative Measure Proposing that the Issuance of Public Debt in Excess of \$10 Million be Subjected to Voter Approval

Thomas Rice, Town Attorney, presented the staff report as filed with the Town Clerk.

Council Member Cusack believed that a report on the proposed measure should be prepared so that residents fully understand the content and purpose of the initiative.

MOTION

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

1. Receive, file and accept Certificate of Sufficiency of Initiative Petition issued by Town Clerk on June 21, 2016.
2. Direct Town Staff to prepare a report on the Proposed Initiative Measure for presentation to the Town Council at its July 26, 2016 meeting.

Vote: Motion carried 5-0-0-0

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

Absent: None.

9. Consideration of At-Large versus By-District Election System

Thomas Rice, Town Attorney, presented the staff report as filed with the Town Clerk.

Tom Piper, Apple Valley, stated that he was in support of districting.

MOTION

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

1. Direct staff to initiate a process to consider the pros and cons of changing the Town's current at-large election system possibly to a by-district election system;
2. Authorize the Town Manager to execute an agreement with National Demographics Corporation to provide demographic assistance to the Town Council in considering this matter; and
3. Authorize the Town Manager to execute an agreement with Remcho, Johansen & Purcell, LLP to provide legal advice regarding the Town's legal alternatives.

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

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

10. Closed Session

Mayor Stanton adjourned the regular session of the Apple Valley Town Council at 9:20 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 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. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: 5:16-cv-01278-DTB – John Doe vs. Town of Apple Valley Et Al.

Upon returning from Closed Session at 10:23 p.m., Mayor Stanton announced that there was no reportable action taken.

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