

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

**REGULAR MEETING  
MINUTES – July 22, 2014**

**CALL TO ORDER:**

Mayor Bishop called to order the regular session of the Apple Valley Town Council at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

Absent: Council Member Emick.

**OPENING CEREMONIES**

**INVOCATION:** Pastor Cheryl Denny, Apple Valley Faith Center

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mr. Logan Olds, Victor Valley Wastewater Reclamation Authority.

**PRESENTATIONS:**

Victor Valley Wastewater Reclamation Authority - Omnivore Biogas to Energy Project, Logan Olds, General Manager

**PUBLIC COMMENTS**

Frank Kelley, No Drugs America, thanked the Town Council for their support at his event and presented the Town with a proclamation from the Office of Assemblyman Tim Donnelly, as well as other items of recognition for the Council's work and support.

Nancy Jackson, Southern California Edison, commented on the transmission project and substation that is being developed to support the state of California's 33% renewable portfolio standard goals, as well as support a renewable project that is being developed in Hinkley, California. She also commented on how the project will help to increase the reliability in this region for the desert view substation and increase support for the Apple Valley and Lucerne Valley areas. She stated that she believed there was misinformation being circulating regarding the project; therefore, she encouraged the public to contact her at [nancy.jackson@sce.com](mailto:nancy.jackson@sce.com) for more information.

Tom Piper, Apple Valley, commented on establishing a better relationship with the Sheriff's Department. He recommended that cameras be placed on all officers to monitor what they are doing.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

Council Member Nassif commented on committee meetings and events 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: None.**

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

**A. Regular Meeting – Tuesday, August 12, 2014 at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Cusack, to approve the Consent Calendar items numbered 1 - 4, respectfully.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: Council Member Emick.

**1. Approval of Minutes of the Town Council**

**A. Regular Meeting – July 08, 2014**

**Recommendation:**

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

**2. Adopt Resolution No. 2014-29, a Resolution of the Town Council of the Town of Apple Valley, California, Approving the Sanitary Sewer System Management Plan Update**

**Recommendation:**

That the Town Council adopt Resolution No. 2014-29, a Resolution of the Town Council of the Town of Apple Valley, California, approving the Sanitary Sewer Management Plan (SSMP) update for the Town of Apple Valley as required by the State Water Resources Control Board Order No. 2006-0003 Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

**3. Approval of the First Amendment to the Employment Agreement between the Town of Apple Valley and Frank Robinson**

**Recommendation:**

Approval of the first amendment to the Employment Agreement between the Town of Apple Valley and Frank Robinson.

**4. Resolution No. 2014-32, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Levy and Collection of Assessments for Fiscal Year 2014-15 within the Apple Valley Village Property and Business Improvement District (PBID)**

**Recommendation:**

That the Town Council adopt Resolution No. 2014-32, approving the Levy and Collection of Assessments for Fiscal Year 2014-15 within the Apple Valley Property and Business Improvement District (PBID).

**PUBLIC HEARINGS**

**5. Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for FY 2014-2015**

Mayor Bishop opened the public hearing at 7:13 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. Mr. Miller explained the ability for the Town to keep the costs consistent.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:15 p.m.

**MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Cusack, to adopt Resolution No. 2014-30, a Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2014-2015.

Vote: Motion carried 4-0-0-1

Yes: Councilmember’s Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: Council Member Emick.

**6. Resolution No. 2014-31, A Resolution of the Town Council of the Town of Apple Valley, California, to Record Delinquent Animal Control Fees, Utility Fees and Costs and Code Enforcement Fees against Real Property Located in the Town of Apple Valley and Directing That Said Assessments Constitute a Lien upon Said Properties**

Mayor Bishop opened the public hearing at 7:17 p.m.

Kofi Antobam, Assistant Finance Director, presented the staff report as filed with the Town Clerk.

Gina Schwin-Whiteside, Animal Services Manager, explained how animal control fees are incurred on property owners.

Chris Guilliani, Apple Valley, explained that he had a tenant who left animals on his property. He stated that he received a citation and would like assistance from the Town of Apple Valley on this matter.

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

Discussion ensued regarding whether or not workshops are available for land owners who own property in the Town of Apple Valley.

Frank Robinson, Town Manager, stated that he would work with staff on this matter to possibly enhance the Town of Apple Valley website to address this issue. He also noted that a lien is not filed until numerous attempts have been made to work with the home owner.

### **MOTION**

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Resolution No. 2014-31 as amended, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: Council Member Emick.

## **REPORTS, REQUESTS AND COMMUNICATIONS**

### **BUSINESS OF THE COUNCIL**

#### **7. Selection of Town Council Voting Delegate and Voting Alternates to League of California Cities' 2014 Annual Conference**

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

### **MOTION**

Motion by Council Member Stanton, seconded by Mayor Pro Tem Cusack, to nominate Council Member Nassif as voting delegate and Council Member Barb Stanton and Mayor Art Bishop as voting alternates representing the Town of Apple Valley to the League of California Cities' 2014 Annual Conference.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: Council Member Emick.

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

Frank Robinson, Town Manager, commented on legislation as it relates to water. He also commented on bills that require unfunded mandates.

Mr. Robinson announced that the Desert Mountain Division League Meeting will be held this week in Mammoth Lakes, California.

Mr. Robinson commented on the importance of showing our citizens that we care by not taking the issues they express lightly. Mr. Robinson also commented on the benefits that come from having a sense of humor by sharing a few humorous stories.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**8. Closed Session**

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Stanton, to adjourn to Closed Session at 7:35 p.m. to discuss the following:

- A. 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 potential case.
- C. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-01-002, In the Matter of the Application of Park Water Company-Apple Valley Ranchos Water Company Water System (U346W) for Authority to Increase Rates Charges for Water Service by \$3,127,463 or 14.88% in 2015, \$2,056,455 or 8.48% in 2016, and \$2,160,731 or 8.19% in 2017.

Vote: Motion carried 4-0-0-1

Yes: Councilmember's Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: Council Member Emick.

Upon returning from Closed Session at 8:43 p.m., Mayor Bishop announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Stanton, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:43 p.m.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk