

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

REGULAR MEETING

MINUTES – June 27, 2017

CALL TO ORDER:

Mayor Nassif called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:32 p.m.

Roll call was taken with the following members present:

Roll Call

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

Absent: None.

OPENING CEREMONIES

INVOCATION: The invocation was led by Pastor Earl, Victorville Life Church

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Town Manager Frank Robinson

PRESENTATIONS: Presentation – Rider Challenge Winners, Ray Simms, Equestrian Committee

Presentation – Storm Water Smart Stencil Winners, Christie Collins, Mojave River Watershed Group

PUBLIC COMMENTS

Jim Blackburn, Apple Valley, commented on the request of voters to legalize cannabis throughout California.

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.

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

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Stanton recommended a process be developed for the Town Council to identify and recognize our local law enforcement heroes.

Council Member Stanton also recommended a future agenda item be prepared to discuss equestrian trails in cul-de-sacs.

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

- A. Regular Meeting – Tuesday, July 11, 2017 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1-5.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

1. Approval of Minutes of the Town Council

- A. Special Meeting – June 7, 2017
B. Regular Meeting – June 13, 2017
C. Special Meeting – June 14, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. Adopt Resolution No. 2017-17, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Classification Plan for the Town of Apple Valley

Recommendation:

That the Town Council adopt the attached Resolution No. 2017-17, a Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.

3. Lighting and Landscape Assessment District #1 – Engineer's Annual Report and Levy of Assessment for FY 2017-2018

Recommendation:

1. Adopt Resolution No. 2017-22, 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. 2017-23, 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 2017-2018.
4. Direct the Town Clerk to publish the Resolution of Intention at least 10 days prior to the date of the public hearing.

4. **Claimant – Nora Garcia**

Recommendation:

Reject the claim of Nora Garcia.

5. **Approval of Budget Amendment No. 2017-16 Approving Certain Budget Adjustments and Adopting Related Appropriations for Fiscal Year 2016-17**

Recommendation:

Adopt Budget Amendment No. 2017-16 in the amount of \$1,028,000, 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.

PUBLIC HEARINGS

6. **Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for All Funds for Fiscal Year 2017-2018**

Mayor Nassif opened the public hearing at 7:15 p.m.

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Mr. Puckett highlighted the various appropriations for each Town department/program. He also discussed increases to contract costs for public safety which will continue to increase by a projected \$1.2 million for the next two years.

Discussion ensued regarding the high cost of public safety and the impact that it has on the Town's budget.

There being no requests to speak, Mayor Nassif closed the public hearing at 8:03 p.m.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to adopt Resolution No. 2017-18, a Resolution of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2017-2018.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

7. **Adoption of Fiscal Year 2017-2018 Appropriations Limit**

Mayor Nassif opened the public hearing at 8:04 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 8:08 p.m.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, adopt Resolution No 2017-19, A Resolution of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2017-2018 Appropriations Limit for the Town at \$37,263,089 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

8. Review of the Fiscal Year 2017-2018 Statement of Investment Policy

Mayor Nassif opened the public hearing at 8:10 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 8:16 p.m.

Motion by Council Member Emick, seconded by Council Member Stanton, to adopt Resolution No. 2017-20 approving the Statement of Investment Policy for Fiscal Year 2017-2018 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

9. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services

Mayor Nassif opened the public hearing at 8:17 p.m.

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

MAYOR NASSIF DECLARED A RECESS OF THE APPLE VALLEY TOWN COUNCIL AT 8:19 P.M.

MAYOR NASSIF RECONVENED THE MEETING OF THE APPLE VALLEY TOWN COUNCIL AT 8:23 P.M.

Mr. Puckett continued with the presentation as filed with the Town Clerk.

John Brown, Town Attorney, commented on the Town's compliance of Proposition 218.

There being no requests to speak, Mayor Nassif closed the public hearing at 8:31 p.m.

Motion by Mayor Pro Tem Bishop, seconded by Council Member Stanton, to adopt Resolution No. 2017-21, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services for Fiscal Year 2017-2018.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. Award of Contract for Professional Services for Recruitment and Selection of Town Manager

Nikki Salas, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Motion by Council Member Stanton, seconded by Council Member Emick, to select the firm Ralph Andersen & Associates to coordinate the Town Manager recruitment and selection process.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack

11. Results of Canvass of Election Returns of the Town of Apple Valley Special Municipal Election held June 6, 2017 for Measure F, and Adopt Resolution No. 2017-16 Reciting the Fact of the Election and Such Other Matters Provided by Law

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

J. Valenzuela, Apple Valley, questioned the funding mechanism that would be used to repay the bonds.

John Brown, Town Attorney, addressed issues and concerns expressed by the speaker.

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop on, to adopt Resolution No. 2017-16 reciting the fact of the election and such other matters provided by law for Measure F.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Cusack.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, commented on SB649 that is opposed by the League of California Cities and many cities regarding wireless communication facilities. He announced that the Town had received a grant for the Tire-Derived Product (TDP) Grant. He thanked staff for the success of the application.

Nikki Salas, Assistant Town Manager, commented on the Town of Apple Valley's PEG Channel. She stated that Town staff will be travelling to the City of Redlands to learn more about ways to enhance our channel.

Discussion ensued regarding potential content that could be aired on the Town's PEG Channel.

Mr. Robinson recommended, with the consensus of the Town Council, that an agenda item be prepared on this topic that would allow for input by the Town Council.

Mr. Robinson also announced that the Town has issued 86 permits for single family residents.

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

12. Closed Session

8:53

- 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 Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company (now Liberty Utilities (Apple Valley Ranchos Water) Corp.); 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.
- D. 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.
- E. 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.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704285 – Carrillo Et Al. 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.: CIVDS1704206 – Golden State Environmental Justice Alliance vs. Town of Apple Valley Et Al.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704262 – Sierra Club vs. Town of Apple Valley Et Al.
- I. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1708307 – Sky Haven Ranch vs. Town of Apple Valley

Upon returning from Closed Session at 9:43 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:44 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk