

TOWN OF APPLE VALLEY
TOWN COUNCIL/SUCCESSOR AGENCY
REGULAR MEETING

MINUTES – December 12, 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; Mayor Pro Tem Bishop; Mayor Nassif

Absent: Council Member Stanton.

OPENING CEREMONIES

INVOCATION: Mr. Wally Linn, Congressman Cook's Office

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

MAYOR'S YOUTH LEADERSHIP SUMMIT – MOCK COUNCIL PRESENTATION

1. Swim Lessons for Low Income/At – Risk Youth

The members of the Mayor's Youth Leadership Summit winning team, presented a staff report as filed with the Town Clerk.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, to approve an expenditure of up to \$1,000.00 to fund Swim Lessons for Low Income/At-Risk Youth Project.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

Recognition: Certificate of Appreciation - MYLS School Participation

- Recognition of MYLS Sponsors
- Panda Express
 - Tonikan Coffee
 - Red Robin

REORGANIZATION

2. Selection of Mayor and Mayor Pro Tempore

MOTION

Motion by Mayor Nassif, seconded by Council Member Cusack, to nominate Art Bishop as Mayor of the Town of Apple Valley.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to nominate Larry Cusack as Mayor Pro Tem of the Town of Apple Valley.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton

RECESS FOR REORGANIZATION

The Town Council recessed at 6:55 p.m. for the reorganization.

Mayor Bishop reconvened the meeting of the Apple Valley Town Council at 7:04 p.m.

PRESENTATIONS: Mayor's Plaque – Mayor Nassif for his term as Mayor on the Town Council for the period December 2016 to December 2017.

Presentation – Citizen Satisfaction Survey Results, Timothy Mc Larney, Ph.D.

Presentation – California Water Fix, Tom Mc Carthy

PUBLIC COMMENTS

Susan Drake, Supervisor Lovingoods Office, gave an update on the highlights of 2018 for the First District.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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:

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

A. Regular Meeting – Tuesday, January 9, 2018 – Council Chamber

Regular Session 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 Items Number 4. Mayor Pro Tem 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 Items Number 4.

Motion by Council Member Emick, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 3, 4, 5, 6, 8, 9, 10 and 11 respectfully; and that agenda item number 7 be pulled for discussion.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

Council Member Nassif and Mayor Pro Tem Cusack abstained from voting on specific warrants listed under Agenda Item Number 4.

3. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – November 14, 2017**
 - B. **Regular Meeting – November 28, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. November 2017 Commercial Warrants and Wire Transfer Schedules

Recommendation:

That the Town Council receive, ratify, and file the Commercial Warrants and Wire Transfer Schedules as presented.

5. November 2017 Payroll / Benefits Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

6. Treasurer's Report – October 2017 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 October 2017 Treasurer's Report.

8. ADOPT Resolution No. 2017-37, A Resolution of the Town Council of the Town of Apple Valley, California, approving an Escheat Policy for Unclaimed Funds

Recommendation:

That Town Council adopts Resolution No. 2017-37 approving an Escheat Policy regarding the handling of unclaimed checks.

9. ADOPT Resolution No. 2017-38, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Classification and Salary Plan for the Town of Apple Valley

Recommendation:

That the Town Council adopt the attached Resolution No. 2017-38, a Resolution of the Town Council of the Town of Apple Valley, California, amending the current Classification and Salary plan.

10. Disaster Service Worker Memorandum of Understanding between the Town of Apple Valley and Apple Valley Fire Protection District

Recommendation:

That the Town Council ratify the Disaster Service Worker (DSW) Memorandum of Understanding (MOU) between the Town of Apple Valley and Apple Valley Fire Protection District.

11. Claimant – Lola Monica Espinoza

Recommendation:

Reject the claim of Lola Monica Espinoza.

PULLED FROM CONSENT CALENDAR

7. Declare Surplus and Authorize Disposal of Computer Equipment

Council Member Nassif asked questions regarding the extensive list of surplus equipment requested for disposal.

Nikki Salas, Assistant Town Manager, presented the staff report as filed with the Town Clerk. She explained that many of the items listed were old equipment that had been stored in the Town's maintenance facility.

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to approve and declare the list of computer equipment as surplus, authorizing Information Systems to dispose of said items through a variety of methods including resale agent, charitable donations, and recycling through Town of Apple Valley Household Hazardous Waste Program.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

PUBLIC HEARINGS

12. A Resolution of The Town Council of the Town of Apple Valley, California, Approving Conditional Use Permit No. 2017-004 and Adopting a Negative Declaration in Accordance with the California Environmental Quality Act

Mayor Bishop opened the public hearing at 8:34 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 8:38 p.m.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Cusack, to adopt Town Council Resolution No. 2017-36, which: (1) approves CUP No. 2017-004 (St. Mary's Medical Center Helipad); and (2) adopts a Negative Declaration.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

13. Public Hearing for Establishment of Priority Needs for Annual HUD Action Plan

Mayor Bishop opened the public hearing at 8:39 p.m.

Orlando Acevedo, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 8:42 p.m.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Cusack, to approve the following list of federal funding priorities to be used as a guide by the Community Development Citizens Advisory Committee (CDCAC) in their recommendations to the Town Council for the 2018-19 Second Year Action Plan.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Request by Belco Development to Allow Overhead Power Lines

Orlando Acevedo, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Steve Farmer, Managing Partner, Belco Development, stated that the project is progressing at a steady pace.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to direct staff to allow for the installation of overhead power lines to the future Apple Valley Gateway commercial center on Dale Evans Parkway, from Morro Road north to Willow Springs Road.

Vote: Motion carried 4-0-0-1

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

Absent: Council Member Stanton.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Town Manager Report

- Town Manager may call upon employees during this time to give updates on Town programs, projects and/or legislative update.

Joseph Ramos, Emergency Services Manager, provided an update to the Town Council on the status of the Blue Cut Fire closing update.

Lori Lamson, Interim Town Manager, stated that the grading permit had been issued for big lots.

Ms. Lamson also thanked the Town Council for their assistance to her while serving as Interim Town Manager. She stated that she is looking forward to working with the new Town Manager, Mr. Doug Robertson.

CLOSED SESSION

15. Closed Session

Mayor Bishop stated that if needed, Mayor Pro Tem Cusack will be abstaining from one (1) or more of the Closed Session items as it pertains to Liberty Utilities Company due to a potential conflict of interest, as his company does business with the above company.

Mayor Bishop recessed the meeting of the Apple Valley Town Council at 9:05 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 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. Personnel Matters - Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, CPUC Application No. 17-04-024 - In the Matter of the Application of Mesa-Crest Water Company (U333W) and Liberty Utilities (Park Water) Corp. (U314W) for an Order Authorizing Mesa-Crest Water Company to Sell and Liberty Utilities (Park Water) Corp. to Purchase the Utility Assets of Mesa-Crest Water Company.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, CPUC Application No. 16-09-001 - In the Matter of the Application of Southern California Edison Company (U338E) for Authority to Increase its Authorized Revenues for Electric Service in 2018, among other things, and to Reflect that increase in Rates.

Upon returning from Closed Session at 10:44 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:44 p.m. with prayers and get well wishes to Council Member Barb Stanton.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk