

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

REGULAR MEETING

MINUTES – January 9, 2018

CALL TO ORDER:

Mayor Bishop 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 Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop

Absent: None.

OPENING CEREMONIES

INVOCATION: The invocation was led by Pastor Josh Gerbracht, First Assembly of God

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

PRESENTATIONS: Proclamation – Dawn Harrison, Disaster Services

PUBLIC COMMENTS

Kasha Herrington, Apple Valley, congratulated Mayor Bishop and the new Town Manager, Doug Robertson on their positions. She believed that cannabis is going to be big business this year and hopes the Council revisits cannabis related business in the Town of Apple Valley in 2018.

Richard Rorex, Apple Valley, spoke against the severance packet provided to the outgoing Assistant Town Manager. He recommended that a third party forensic auditor should be brought in to review the Town's current financial status. Mr. Rorex also commented on the need to contact animal services during the evening hours when the office was closed.

Mayor Bishop informed Mr. Rorex that we have an after-hours number for animal service needs is available and that staff would provide him with the information.

Al Rice, Apple Valley, welcomed Doug Robertson as the new Town Manager. He commented on issues that he believes should be addressed by the new manager.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Stanton commented on committee meetings and events that she 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:

Council Member Stanton recommended, with the consensus of the Town Council, that an information item be brought back to the Town Council regarding the new regulations by the state regarding animal keeping and sales. She believed that the new regulations could possibly provide new opportunities to assist with the adoption of animals at the shelter.

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

- A. Regular Meeting – Tuesday, January 23, 2018 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Council Member Nassif announced that he 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 2. 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 2.

Al Rice, Apple Valley, asked questions on Agenda Item Number 2 regarding Commercial Warrants. He questioned the dollar amounts and descriptions listed on various pages of the Commercial Warrants. He also questioned the details for Cal-Card statements.

Al Rice, Apple Valley, asked questions regarding Agenda Item Number 4. He questioned the appointment of a Town Treasurer as well as negative balances listed on the report.

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

Vote: Motion carried 5-0-0-0

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

Absent: None.

Council Member Nassif and Mayor Pro Tem Cusack abstained from voting on specific warrants listed under Agenda Item Number 2.

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – December 12, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. December 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.

3. December 2017 Payroll / Benefits Warrants Schedule

Recommendation:

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

4. Treasurer's Report – November 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 November 2017 Treasurer's Report.

5. Claimant – Michael Allen Howard

Recommendation:

Reject the claim of Michael Allen Howard.

PUBLIC HEARINGS

6. A Resolution Establishing Sewer User Charges Inclusive of an Increase in an Amount of Three Dollars and Twenty-Four Cents (\$3.24) per Equivalent Dwelling Unit per Month and Establishing an Operative Date for Application of the Proposed Increase

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

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk. He explained that staff is recommended this item be continued to the meeting of May 8, 2018 and noted that staff would re-notice the item.

Council Member Nassif provided clarification for members of the public regarding the need for the Town to act on proposed increases through this process.

Jon Bossier, Apple Valley, stated that these rates equal the amount of funds that he spends on his water bill. He recommended that reclaimed water be sold back to the Town at a reduced rate.

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to continue the public hearing the public hearing to May 8, 2018.

Vote: Motion carried 5-0-0-0

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

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

7. Vacancy on the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC)

Council Member Emick nominated Mr. Kevin Simon for his vacancy on the CDCAC.

Kevin Simon, Apple Valley, thanked the Town Council for the opportunity to work with the CDCAC. He stated that he is looking forward to working for the community of Apple Valley in this endeavor.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to nominate Kevin Simon to the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC).

Vote: Motion carried 5-0-0-0

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

Absent: None.

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.

Doug Robertson, Town Manager, thanked the Town Council for this great opportunity as Town Manager. He stated that he is looking forward to becoming a part of the Apple Valley team.

CLOSED SESSION

8. 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 7:30 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. 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.

Upon returning from Closed Session at 7:55 p.m., Mayor Bishop announced that there was no reportable action taken.

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

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk