

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

**REGULAR MEETING**

**MINUTES – August 22, 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:** Pastor Royce Beserra, Church for Whosoever

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

**PRESENTATIONS:** Presentation - Employee of the Quarter presented to Kathy Schmachtenberger, Administrative Secretary, Public Services

Pavement Management Presentation, Brad Miller, Town Engineer

**PUBLIC COMMENTS**

Jim Blackburn, Apple Valley, commented on what he believed was an opioid epidemic in the United States. He stated that cannabis does not possess the addictive component as opioids and therefore he felt it was a safer use for individuals. He spoke of his 33 years of cannabis use while living a productive life.

Antone Andrews, Apple Valley, commented on the excessive weeds at the Apple Valley Golf Course. He stated that there is a serious problem with maintenance at the course and he does not believe that the Victor Valley Waste Water Reclamation Authority (VWRA), the entity responsible for the maintenance is doing its due diligence. He requested that the landscaping at the course be required to meet the standards as set by the Town of Apple Valley Planning Code.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

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.

<b>TOWN COUNCIL ANNOUNCEMENTS</b>
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**Suggested items for future agenda:**

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

**A. Regular Meeting – Tuesday, September 26, 2017 – Council Chamber**

**Regular Session at 6:30 p.m.**

<b>TOWN COUNCIL CONSENT AGENDA</b>
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Council Member Stanton, with the consensus of the Town Council, respectfully requested that Agenda Item Number 4, regarding the “Agreement between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool” be pulled from the consent calendar.

**MOTION**

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

Vote: Motion carried 5-0-0-0

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

Absent: None.

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

**A. Regular Meeting – August 8, 2017**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. Claimant – Jennefer Cerna**

**Recommendation:**

Reject the claim of Jennefer Cerna.

**3. Claimant – Diane Aguilar, Parent and Legal Guardian of Anthony Navarette, a Minor**

**Recommendation:**

Reject the claim of Diane Aguilar, parent and legal guardian of Anthony Navarette, a minor.

**5. Award Microsurface 16-17 – Project No. 2017-01**

**Recommendation:**

Award a contract to VSS International, Inc. for the Microsurface 16-17 – Project No. 2017-01 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

**6. Animal Sheltering Services Contract Amendment with the County of San Bernardino Department of Public Health – Emergency Animal Housing Assets**

**Recommendation:**

**Move** to authorize the Interim Town Manager to sign the amendment to the San Bernardino County Animal Sheltering Services Contract No. 12-864.

7. **Adopt Resolution No. 2017-30, 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. 2017-30, A Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.

**PULLED FOR DISCUSSION**

4. **Agreement between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool**

Council Member Stanton recommended that the agreement that we have for pool use be reviewed on a regular basis to ensure that we are receiving our actual costs for use.

Ralph Wright, Parks and Recreation Manager, explained the ability to renew the agreement without an increase in cost due to a reduction of costs for chemicals.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to approve the updated Swimming Pool Use Agreement between the Town and the Town Apple Valley Unified School District (AVUSD).

Vote: Motion carried 5-0-0-0

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

Absent: None.

<b>PUBLIC HEARINGS</b>
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8. **Introduce Ordinance No. 493 - An Ordinance of the Town Council of the Town of Apple Valley, California, Amending the Apple Valley Municipal Code, Title 8, By Adding Chapter 8.39, Setting forth Procedures for Expediting the Permitting of Electric Vehicle Charging Systems**

Mayor Nassif opened the public hearing at 7:34 p.m.

Patrick Carroll, Building Official, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the types of charging systems available and whether or not there is a minimum building size or required number of parking spaces needed in order to have the systems installed.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:35 p.m.

**MOTION**

Motion by Council Member Cusack, seconded by Council Member Emick, to waive the reading of Ordinance No. 493 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 493.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to introduce Ordinance No. 493, an Ordinance of the Town Council of the Town of Apple Valley, California, Amending Title 8, by Adding Chapter 8.39 of the Town of Apple Valley Municipal Code Relating to the Expedited Permitting of Electric Vehicle Charging Systems

Vote: Motion carried 5-0-0-0

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

Absent: None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**9. Adopt Resolution No. 2017-29, A Resolution of the Town Council of the Town of Apple Valley Approving a Public, Education, and Government Channel Policy**

Nikki Salas, Assistant Town Manager, presented the staff report as filed with the Town Clerk. She explained the types of uses for the PEG channel as well as programming that would not be allowed.

Thomas Rice, Town Attorney, reminded the Town Council that political content would not be allowed, especially during an election cycle.

**MOTION**

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, to adopt Resolution No. 2017-29 approving the Public, Education, and Government (PEG) Channel policy.

Vote: Motion carried 5-0-0-0

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

Absent: None.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

Ralph Wright, Parks and Recreation Manager, commented on the After-School Program, noting that there are currently 190 students enrolled, with an expected increase to over 200 students. He announced that

the program had increased by offering three new locations which allowed the program to accept all the students needing care. He stated that they are currently recruiting staff to help facilitate the program under the direction of Recreation Supervisor Lena Quinonez. He commended Ms. Quinonez for her excellent work with the program.

Brad Miller, Town Engineer, spoke on the inspection of the mitigation area near the Yucca Loma Bridge corridor. He stated that the inspectors rated the area as the best example that they had seen and recommended approval of the Green Tree extension.

Lori Lamson, Interim Town Manager commented on the status of SB649.

<b>CLOSED SESSION</b>
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**10. Closed Session**

Mayor Nassif stated that if needed, Council Member 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 Nassif adjourned to Closed Session at 8:02 p.m. to discuss items 10A-10K

- 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 Consider Public Employee Appointment/Employment: Title: Town Manager.
- J. 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.
- K. Negotiations with Real Property Negotiator – Property located at APN: 0434-541-89; Town Negotiator(s): Town Manager or Designee. Negotiations involved both price and terms of payment.

Upon returning from Closed Session at 9:35 p.m., Mayor Nassif announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Councilwoman Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:36 p.m.



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La Vonda M. Pearson, Town Clerk



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Scott Nassif, Mayor