

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

REGULAR MEETING

MINUTES – July 11, 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; Stanton; Mayor Pro Tem Bishop; Mayor Nassif

Absent: Council Member Emick (arrived late).

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| OPENING CEREMONIES |
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INVOCATION: The invocation was led by Kofi Antobam, Assistant Director of Finance

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

PRESENTATIONS: None.

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| PUBLIC COMMENTS |
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Bruce Hollenbeck, Apple Valley, commented on the need for street lighting within certain areas of the community.

John Laraway, Apple Valley, commented on medical dispensaries in the Town of Apple Valley.

COUNCIL MEMBER EMICK ARRIVED AT 6:43 P.M.

Jeffrey Soto, Apple Valley, expressed concern regarding liens and fees placed on rental property that is owned by his family.

Tom Piper, Apple Valley, expressed concern regarding taxes in Apple Valley. He questioned the need for the Town to do bond refinancing.

Jack Blackburn, Apple Valley, spoke in support of medical cannabis.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

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

None.

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

- A. Regular Meeting – Tuesday, July 25, 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 1-7.

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 – June 27, 2017**
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **Treasurer's Report – May 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 May 2017 Treasurer's Report.
3. **June 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.
4. **June 2017 Payroll / Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

5. Award a Purchase Agreement to Haaker for Street Sweeper

Recommendation:

- 1) Award a purchase contract to Haaker Equipment Company for the purchase of a street sweeper in the amount of \$286,333.74.
- 2) Approve Budget Amendment Number 2018-01.

6. Acceptance of Work, Notice of Completion and Release of Retention for the Yucca Loma Road Street and Striping Improvements — Project 2016-01

Recommendation:

That the Town Council:

1. Accept the work completed as part of the Yucca Loma Road Street and Striping Improvements – Project 2016-01, for a total cost of \$430,863.38.
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
3. Direct the Finance Director to release the retained funds 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

7. 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.

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| PUBLIC HEARINGS |
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8. Resolution 2017-24, 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 Nassif opened the public hearing at 7:12 p.m.

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

Discussion ensued regarding recourse that property owners may have to collect funds from tenants who have allowed liens to accrue on property.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:19 p.m.

MOTION

Motion by Council Member Emick, seconded by Council Member Cusack, to adopt Resolution No. 2017-24, confirming delinquent animal control, utility and code enforcement fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**RECESS MEETING OF THE APPLE VALLEY TOWN COUNCIL AND
CONVENE AS THE APPLE VALLEY PUBLIC FINANCING AUTHORITY**

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 7:20 p.m.

**ADJOURN MEETING OF THE APPLE VALLEY PUBLIC FINANCING
AUTHORITY AND RECONVENE AS THE APPLE VALLEY TOWN COUNCIL**

Mayor Nassif reconvened the meeting of the Apple Valley Town Council at 7:28 p.m.

9. **Resolution Approving the Refunding of The Apple Valley Public Finance Authority Lease Revenue Bonds (Town Hall Annex Project) 2007 Series A and Financing the Cost of Acquiring Certain Vehicles And Authorizing and Directing Certain Actions with Respect Thereto**

Mayor Nassif opened the public hearing at 7:29 p.m.

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk. He noted that the bond would be repaid in 10 years.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:31 p.m.

MOTION

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, to:

- 1) Conduct the public hearing under the requirements of the Internal Revenue Code of 1986, as amended (the "Code").
- 2) Adopt Resolution Number 2017-25 of the Town of Apple Valley approving the form and authorizing the execution of certain lease financing documents in connection with the refunding of the Apple Valley Public Finance Authority Lease Revenue Bonds (Town Hall Annex Project) 2007 Series A and financing the cost of acquiring certain vehicles and authorizing and directing certain actions with respect thereto.

Vote: Motion carried 5-0-0-0

Yes: Board Members Cusack; Emick; Stanton; Vice Chair Bishop; Chairman Nassif.

Absent: None

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. **Approval of Interim Town Manager Employment Contract for Lori Lamson**

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

Lawrence McCarthy, Apple Valley, questioned the annual salary for the Interim Town Manager. He stated that the salary did not list an annual amount. He spoke of annual salaries of state and federal officials compared to Town positions.

Mayor Nassif explained that the letters to the editor regarding the Town Manager's salary were incorrect.

Frank Robinson, Town Manager, explained the level of service that the employees of the Town of Apple Valley provide compared to surrounding communities who are comparable in size, but have more employees. He reiterated the comments made by the Mayor confirming that the article regarding employee salaries was incorrect.

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the interim Town Manager employment contract for Lori Lamson.

Vote: Motion carried 5-0-0-0

Yes: Board Members Cusack; Emick; Stanton; Vice Chair Bishop; Chairman Nassif.

Absent: None

11. Update on the Status of the Hilltop House

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Council Member Stanton requested that a copy of the Cal Poly study be provided for viewing.

Steve Richardson, Legacy Trail, thanked the Town Council for their work on this project and the efforts to preserve the Hilltop House.

Cliff Nagy, Apple Valley, expressed his support for the Legacy Trail. He stated that he is working on developing a children's museum in the community and believes that he can partner with the Legacy Trail in his efforts to allow kids to learn and grow.

Discussion ensued regarding the proposed makeup of an Ad Hoc Committee. It was suggested that the Ad Hoc be comprised of Mayor Nassif and Council Member Stanton, representatives from the building industry, education, the foundation, Chamber of Commerce, Legacy Trail Group and Health and Wellness. In addition, one member will be appointed by each Council Member.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to authorize staff to develop an Outdoor Environmental Education Facilities Grant Application and resolution to be adopted at a future Town Council Meeting; and, establish an Ad Hoc Committee for the Hilltop House.

Vote: Motion carried 5-0-0-0

Yes: Board Members Cusack; Emick; Stanton; Vice Chair Bishop; Chairman Nassif.

Absent: None

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Greg Snyder, Director of Public Works, briefed the Town Council on issues regarding a well at Horseman's Center. He explained that due to the age of the well, gravel and sand destroyed the pump. He stated that the repairs have been made and the pump is now back in operation.

Joseph Ramos, Emergency Preparedness Manager, announced the successful update to the Hazmat Mitigation Plan.

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

12. 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 8:23 p.m. to discuss items 12A-12J


- 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

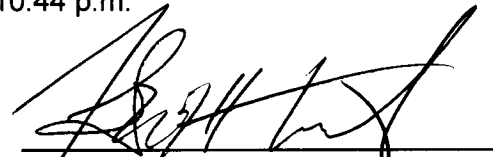
Upon returning from Closed Session at 10:43 p.m., Mayor Nassif announced that there was no reportable action taken.

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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 10:44 p.m.



La Vonda M-Pearson, Town Clerk



Scott Nassif, Mayor