

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

**REGULAR MEETING**

**MINUTES – April 10, 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:** Pastor Josh Gerbracht, First Assembly of God

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:** Presentation to the Town Council, Regina Weatherspoon-Bell, DVL Project Founder

Mayor's Challenge for Water Conservation – Lena Quinonez, Executive Assistant

**PUBLIC COMMENTS**

Bill Inger, Apple Valley, questioned whether or not the Town Council would be taking any action in support of SB54 regarding sanctuary cities.

Cecil Volsch, Apple Valley, commented on the on-going issues dealing with PACE programs. He stated that due to the difficulties with these programs, and the fact that PACE loans step in front of the first mortgage, Fannie Mae is no longer allowed to purchase mortgages that include PACE loans.

**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.

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:**

Council Member Stanton requested, with the consensus of the Town Council, that an item be prepared to discuss an amendment to the Municipal Code that would address rodent infestation in residential areas.

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

- A. Regular Meeting – Tuesday, April 24, 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. Therefore, he will be abstaining from voting on Agenda Item Number 2. Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants; therefore, he, too, will be abstaining from voting on Agenda Item Number 2.

#### **MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1-9 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 Agenda Item Number 2.**

- 1. Approval of Minutes of the Town Council**
  - A. Regular Meeting – March 27, 2018**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
- 2. March 2018 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. March 2018 Payroll / Benefits Warrants Schedule**

**Recommendation:**  
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
- 4. Treasurer's Report – February 2018 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 February 2018 Treasurer's Report.

**5. Claimant – Joanne Jimenez**

**Recommendation:**

Reject the claim of Joanne Jimenez

**6. Claimant – Silvia B. Portillo**

**Recommendation:**

Reject the claim of Silvia B. Portillo

**7. Adopt Resolution No. 2018-10 - A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Personnel and Procedure Manual for the Town of Apple Valley**

**Recommendation:**

That the Town Council adopt the attached Resolution No. 2018-10, a Resolution of the Town Council of The Town of Apple Valley amending the Personnel Policy and Procedure Manual for the Town of Apple Valley.

**8. Adopt Resolution No. 2018-11 - A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing the Release of Unclaimed Funds**

**Recommendation:**

That the Town Council adopt the attached Resolution No. 2018-11, a Resolution of the Town Council of the Town of Apple Valley, California, authorizing the release of unclaimed checks pursuant to California Government Code Sections 50050, 50053 and 50055 to the Town of Apple Valley (Town).

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**9. Pets & Patriots Month – Pets 4 Vets**

Gina Whiteside, Director of Animal Services, presented the staff report as filed with the Town Clerk.

Council Member Stanton questioned whether or not it would be beneficial for any Veteran organizations to participate and assist with this program.

Ms. Whiteside stressed that Animal Services welcomes the assistance of all veteran and other non-profit organizations to assist with this program and other programs that help place animals with loving families.

This was a receive and file item only. There was no action taken.

**10. New Legislation Regulating Pet Stores**

Gina Whiteside, Director of Animal Services, presented the staff report as filed with the Town Clerk.

This was a receive and file item only. There was no action taken.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

Doug Robertson, Town Manager, commented on the upcoming events scheduled for Saturday, April 14, 2018. He stated that these events include Shred fest, Community Clean-Up Day and the Furball. He noted that this year's theme for Furball is Disco.

**CLOSED SESSION**

**11. 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 7:18 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.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1725027 – Christina Lopez-Burton v. Town of Apple Valley.
- H. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Interested parties; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.

Upon returning from Closed Session at 7:48 p.m., Mayor Bishop announced that there was no reportable action taken.

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| <b>ADJOURNMENT</b> |
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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 7:49 p.m.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk