

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

**REGULAR MEETING**

**MINUTES – June 12, 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 given by Pastor Kit Johnson, Life Point Baptist Church.

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

**PRESENTATIONS:** None.

**PUBLIC COMMENTS**

Bill Inger, Apple Valley, thanked the Town Council for taking action on SB54. He asked the Town Council to establish a policy that would allow members of the public to place an item on the agenda.

Gery Inger, Apple Valley, expressed concern regarding the lack of individuals who use the bike paths in the community. She also commented on the condition of the bike paths within the Town.

Al Rice, Apple Valley, expressed concern regarding safety issues in the community dealing with traffic.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

Council Member Stanton commented on committee meetings and events that she attended.

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

Council Member Emick 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.

John Brown, Town Attorney, briefed the Council and the public on the procedures that are in place which provide members of the public an opportunity to address the Town Council in a unified manner. He stated that this manner allows the public to suggest items for discussion at a future meeting.

### TOWN COUNCIL ANNOUNCEMENTS

#### **Suggested items for future agenda:**

Mayor Bishop suggested that staff prepare information for review by the Town Council on Assembly Bill 1668 and Senate Bill 6606. He also requested information on the proposed mandate on personal water usage.

Mayor Bishop also announced that longtime community member Jack Fales passed away. He respectfully requested, with the consensus of the Town Council that the meeting be adjourned in his memory.

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

- A. Regular Meeting – Tuesday, June 26, 2018 – Council Chamber  
Regular Session at 6:30 p.m.**

### TOWN COUNCIL CONSENT AGENDA

La Vonda M-Pearson, Town Clerk, read the following disclosure statement:

Council Member Nassif has a remote interest in specific warrants on tonight's Commercial Warrants dealing with NAPA Auto Parts or High Desert Auto Supply for the Town of Apple Valley as the owner of these businesses. Therefore, he will be abstaining from voting on the warrants for NAPA Auto Parts and High Desert Auto Supply listed under Agenda Item Number 2. In addition, due to his interest in both businesses, Council Member Nassif will also be abstaining from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Council Member Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications, AV Tech Services or AVCOM Services for the Town of Apple Valley as the owner of these businesses. Therefore, he too will be abstaining from voting on the warrants for Apple Valley Communications, AV Tech Services and AVCOM Services listed under Agenda Item Number 2. In addition, due to his interest in these businesses, Mayor Pro Tem Cusack will be abstaining from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Mayor Pro Tem Cusack is maintained on file in the Town Clerk's Office and available for review at the dais.

Council Member Nassif and Mayor Pro Tem Cusack confirmed that they would be recusing from voting on these matters.

Council Member Nassif also stated that he had a potential conflict of interest in Agenda Item No. 4 as a property owner in the village area and as a board member on the Property Business Improvement District. Therefore, he would be abstaining from voting on this item.

Mayor Pro Tem Cusack also stated that he had a potential conflict of interest in Agenda Item No. 4 as a property owner in the village area and as a board member on the Property Business Improvement District. Therefore, he too would be abstaining from voting on this item.

### **MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 3, 5, 6, 7, 8, 10, 10A and 11, respectfully, and that items numbered 2, 4 and 9, be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**1. Approval of Minutes of the Town Council**  
**A. Regular Meeting – May 22, 2018**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. Paving 18-19 Project No. 2018-04**

**Recommendation:**

1. That the Town Council review and approve the bid documents for Paving 18-19 – Project No. 2018-04.
2. That the Town Council authorize staff to solicit bids for construction of said project.

**5. Claimant – Christopher L. Reitsma**

**Recommendation:**

Reject the claim of Christopher L. Reitsma

**6. Adopt Resolution No. 2018-20 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2018**

**Recommendation:**

Adopt Resolution No. 2018-20 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

**7. Adopt Resolution No. 2018-21, A Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements for the General Municipal election, November 6, 2018.**

**Recommendation:**

Adopt Resolution No. 2018-21 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election, November 6, 2018.

**8. Adopt Resolution No. 2018-22, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the 2016 Climate Action Plan Update and Energy Action Plan**

**Recommendation:**

Adopt Resolution No. 2018-22, approving the Town of Apple Valley 2016 Climate Action Plan Update and Energy Action Plan.

**10. Amendment to the Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries Inc.**

**Recommendation:**

That the Town Council approve the proposed Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries, Inc. amending the rates and terms of the existing agreement.

**10A. Approve Change Order No. 002, Paving 17-18 – Project No. 2018-01**

**Recommended Action:**

Approve a contract change order to VSS International, Inc. amending the Paving 17-18 – Project No. 2018-01 scope of work, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

**11. Adopt Resolution No. 2018-24, A Resolution of the Town Council of the Town of Apple Valley, California, Adopting a Debt Management Policy for the Town of Apple Valley**

**Recommendation:**

Adopt Town of Apple Valley Resolution No. 2018-24, establishing a Debt Management Policy for the Town.

**PULLED FROM CONSENT CALENDAR**

Al Rice, Apple Valley, asked a series of questions on the warrants listed under Agenda Item No. 2. In reference to Agenda Item No. 4 he asked if the road listed in the project was private and he asked that acronyms be defined. In reference to Agenda Item No. 9, he questioned the total cost for the project and asked why a Master Gardner was not hired to perform the work.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to approve and adopt Agenda Items numbered 2 and 4.

Vote: Motion carried 3-0-2-0

Yes: Council Members Emick; Stanton; Mayor Bishop.

Abstain: Council Member Nassif; Mayor Pro Tem Cusack.

**2. May 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.

**4. Apple Valley Village Accessibility Project**

**Recommendation:**

1. That the Town Council review and approve the bid documents for Apple Valley Village Accessibility Project.

2. That the Town Council authorize staff to solicit bids for construction of said project.

## **MOTION**

Motion by Council Member Nassif, seconded by Council Member Emick, to approve and adopt Agenda Item number 9.

Vote: Motion carried 5-0-0-0

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

Absent: None.

9. **Adopt Resolution No. 2018-23, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Application for Environmental Enhancement and Mitigation Program Grant Funds**

## **MOTION**

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Resolution No. 2018-23, authorizing an Application to the Environmental Enhancement and Mitigation Program for the Apple Valley Urban Forestry Project.

## **PUBLIC HEARINGS**

None.

## **REPORTS, REQUESTS AND COMMUNICATIONS**

## **BUSINESS OF THE COUNCIL**

### **12. Fiscal Year 2018/2019 Budget Update**

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

Doug Robertson, Town Manager, provided an update to the recommendation to close Virginia Park. He briefed the Council and members of the public on the history of the park and explained that the park land is owned by Golden State Water. He spoke on the number of parks in that area which make it redundant and commented on his discussions with the School Superintendent on possibly opening a new park on the south end of the community where parks are scarce.

Mr. Robertson stated that he believed the park could be re-opened at a later date if the need arises.

Discussion ensued by the Town Council on revenues and expenditures including the possible increase in sales tax projections.

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

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

## **DEPARTMENTAL REPORTS AND BUSINESS**

Doug Robertson, Town Manager, commented on upcoming events in the community including movies in the park at Civic Center and the Village Street Fair to be held Saturday, June 16, 2018 from 9:00 a.m. to 2:00 p.m. He announced that Concerts in the Park begin Thursday, June 26, 2018 with Neon Nation. Lastly, an overnight Pool Party would be held on June 27, 2018.

**CLOSED SESSION**

**14. 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 7:25 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 8:24 p.m., Mayor Bishop announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Council Member Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:25 p.m. in memory of Jack Fales.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk