

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

REGULAR MEETING

MINUTES – July 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 Joseph Valery, Victory in Jesus Bible Faith Center

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

PRESENTATIONS: Presentation of Checks to CDBG Recipients, Orlando Acevedo, Assistant Director of Economic Development and Housing

PUBLIC COMMENTS

Midge Nicosia, Victor Valley Community Services Council, thanked the Town Council for their support and announced upcoming charitable events for the organization.

Kelly Maxwell, Orenda Veterans Association, thanked the Town Council and staff for their support.

Kenneth Jackson, Apple Valley, expressed concern referencing a Code Enforcement issue regarding a shipping container.

Bill Inger, Apple Valley, expressed concern regarding the inability for a member of the public to place an item on the agenda for discussion by the Town Council. He respectfully requested that this issue be resolved.

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:

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

- A. Regular Meeting – Tuesday, July 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 6. 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 6. 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.

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 4, 5, 6 and 7, respectfully, and that items numbered 2 and 3 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 – June 26, 2018

Recommendation:

Approve the subject minutes as part of the consent agenda.

4. Claim Rejection – James Ortiz

Recommendation:

Reject the claim of James Ortiz.

5. Claim Rejection – Ted and Cecilia Williams

Recommendation:

Reject the claim of Ted and Cecilia Williams.

6. June 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.

7. June 2018 Payroll/Benefits Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the payroll/benefits warrants as presented.

PULLED FOR DISCUSSION

2. Verizon at Mendel Park Site Agreement

Lawrence McCarthy, Apple Valley, expressed concern regarding the electromagnetic rays that these towers disburst. He spoke of the hazards and the need for the Town Council to place stronger restrictions on these towers. He recommended that be placed

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to approve the attached Cell Site Lease Agreement between Los Angeles SMSA LP (dba Verizon Wireless) (“Licensee”) and the Town of Apple Valley (“Licensor”) establishing the terms and conditions applicable to the installation and construction of a Los Angeles (SMSA LP facility with a two (2)-carrier eucalyptus designed telecommunication facility at Mendel Park.

Vote: Motion carried 5-0-0-0

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

Absent: None.

3. Claim Rejection – Anthony E. Delatore

Anthony Delatore, Apple Valley, expressed concern regarding his claim that was rejected. He stated that his claim was for a pothole and he believed it was a hazard for the community.

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to reject the claim of Anthony E. Delatore.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

8. **Adopt Resolution No. 2018-33, A Resolution of the Town Council of the Town of Apple Valley, California, 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 Bishop opened the public hearing at 7:34 p.m.

Doug Robertson, Town Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:37 p.m.

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to Adopt Resolution No. 2018-33 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 Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. **Selection of Town Council Voting Delegate and Voting Alternate to League of California Cities' 2018 Annual Conference**

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, nominating Council Member Nassif as voting delegate and Council Member Stanton and Mayor Bishop as voting alternates representing the Town of Apple Valley at the League of California Cities' 2018 Annual Conference.

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 UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Town Manager Report

Doug Robertson, Town Manager announced upcoming events that would be held in the Town of Apple Valley.

CLOSED SESSION

10. 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 7:40 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.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- E. 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.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1601999 – Town of Apple Valley vs. Jess Ranch Development, Et Al.

Upon returning from Closed Session at 8:44 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 8:45 p.m.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk