

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

REGULAR MEETING

MINUTES – July 24, 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 Brother David Kirby, Church of Jesus Christ Latter Day Saints

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

PRESENTATIONS: None.

PUBLIC COMMENTS

David Lisberg, Del Web Sun City, commented on the area west of the market center. He spoke of code enforcement violations in the area and respectfully asked if improvements and cleanup could be done.

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:

Mayor Bishop commented on the number of illegal fireworks in the community. He respectfully requested, with the consensus of the Town Council, that an item be placed on a future agenda to discuss this issue.

Time, Date & Place for Next Town Council Regular or Special Meeting:
A. Regular Meeting – Tuesday, August 14, 2018 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1-6 respectfully, and that item number 7 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 – July 10, 2018
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **Claim Rejection – Michelle P. Skonezny**
Recommendation:
Reject the claim of Michelle P. Skonezny.
3. **FY 2018-19 Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association**
Recommendation:
That the Town Council Approve the Fiscal Year 2018-19 Budget of the Apple Valley Village Property and Business Improvement District Association (Association).
4. **Change of Ownership, Release of Original Securities, and Approve New Agreements and Securities for Tract Map 17453**
Recommendation:
That the Town Council approve new securities and agreements, subject to approval as to form by the Town Attorney and as to content by the Town Manager, reflecting 100% security for the remaining improvements yet to be completed. The securities and agreements will remain in place until all public improvements within Tract Map No. 17453 are complete and eligible for the one-year maintenance period to begin.
5. **Treasurer’s Report – May 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 May 2018 Treasurer’s Report.

6. **Adopt Resolution No. 2018-42, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Levy and Collection of Assessments for Fiscal Year 2018-19 within the Aple Valley Village Property and Business Improvement District (PBID)**

Recommendation:

That the Town Council adopt Resolution No. 2018-42, approving the Levy and Collection of Assessments for Fiscal Year 2018-19 within the Apple Valley Village Property and Business Improvement District (PBID).

PULLED FROM CONSENT

7. **Adopt Resolution No. 2018-34, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Apple Valley Choice Energy (“AVCE”) Integrated Resource Plan (IRP)**

Council Member Stanton made comments regarding the problems with billing from Edison.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Resolution No. 2018-34 approving the Apple Valley Choice Energy (“AVCE”) Integrated Resource Plan (IRP).

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

8. **Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for FY 2018-2019**

Mayor Bishop opened the public hearing at 7:00 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:02 p.m.

MOTION

Motion by Council Member Stanton, seconded by Mayor Pro Tem Cusack, to adopt Resolution No. 2018-35, “A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for Fiscal Year 2018-2019.”

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. Discussion and Possible Action Regarding Inclusion of Properties within the Town of Apple Valley in Various Open PACE Programs

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

Jeff Simonetti, Renew PACE, commented on the PACE Program and the legislation that has been drafted to improve the program.

Jeremy Hutman, commented on the PACE program which offers homeowners a better way to manage their electrical bills. He distributed a document that outlined legislation on the program.

Dustin Reilich, Rennovate America, commented on the PACE program that allows veterans to make improvements to their properties. He spoke on working with legislators to ensure rules and regulations that will prove beneficial to both parties.

The Town Council asked questions regarding changes to the program as well as providing benefits to homeowners.

Cecil Volsch, Broker, noted that he was not against consumers having a choice. He stated that he has seen a change with the program and believed that an honest effort was being made to inform buyers of the legalities with these types of programs.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Resolutions Number CSCDA Resolution No. 2018-36 (CSCDA), Resolution No. 2018-37 (CMFA), CEDA Resolution No. 2018-38 (CEDA), Resolutions Nos. 2018-39 (GSFA) and Resolution No. 2018-40 (GSFA).

Vote: Motion carried 5-0-0-0

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

Absent: None

10. Resolution of the Town Council of the Town of Apple Valley Authorizing the Execution and Delivery of Tax and Revenue Anticipation Notes

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

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to adopt a Resolution 2018-41 authorizing the execution and delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note.

Vote: Motion carried 5-0-0-0

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

Absent: None

11. Apple Valley Village Accessibility Project

Council Member Nassif announced that he had a potential conflict with this item as a business owner in the village area, and therefore he would abstain from voting on this item.

Mayor Pro Tem Cusack announced that he too had a potential conflict with this item as a business owner in the village area, and therefore he too would abstain from voting on this item.

COUNCIL MEMBER NASSIF AND MAYOR PRO TEM CUSACK WERE EXCUSED FROM THE DAIS AT 7:28 P.M.

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

Council Member Stanton questioned the need to place sidewalks in this area when other areas of the Town in which she believed had more traffic, had a greater need for sidewalks. She questioned the funds used for this project. She indicated that she was not against the sidewalks; however, she wanted to ensure that the placement of the sidewalks provided the greatest good for the Town of Apple Valley.

Discussion ensued as to whether or not the accessibility project should be completed in this area.

MOTION

Motion by Council Member Emick, seconded by Mayor Bishop, to award a contract to All American Asphalt for the Apple Valley Accessibility Project subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

Vote: Motion carried 2-1-2-0
Yes: Council Members Emick; Mayor Bishop.
Noes: Council Member Stanton
Abstain: Council Member Nassif; Mayor Pro Tem Cusack
Absent: None

COUNCIL MEMBER NASSIF AND MAYOR PRO TEM CUSACK RETURNED TO THE DAIS AT 7:44 P.M.

*There was a brief discussion regarding the validity of the vote with only three members present. The Town Attorney's Office did verify within the next business day that the vote of approval was valid.

TOWN MANAGER'S COMMENTS

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, announced the following upcoming events: Thursday, July 26, 2018, Sunset Concert Series featuring the Silverado's; Saturday, July 23, 2018, the Mayor's Cup Challenge at the Victorville Fairgrounds; and, Tuesday, August 7, 2018, National Night Out at the Target Shopping Center.

CLOSED SESSION

12. 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 7:48 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 8:03 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Stanton, seconded by Council Member Emick, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:04 p.m.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk