

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

REGULAR MEETING

MINUTES – August 28, 2018

CALL TO ORDER:

Mayor Bishop called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 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: Minister James C. Campbell, JC Enterprises

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

PUBLIC COMMENTS

Geri Inger, Apple Valley, expressed concern regarding the number of individuals who walk to the Hilltop House. She believed that no trespassing signs should be placed in the area to prevent individuals from trespassing on the property. She also questioned the amount of insurance that the Town carried on the property.

Bill Inger, Apple Valley, commented on the line of credit for the Town of Apple Valley that was presented at the last Town Council meeting. He questioned the process for receiving these funds.

John Meier, Apple Valley, spoke on his concerns regarding the Dog Park that he addressed at the last Town Council meeting. He commented on the location of the rules for the dog park and suggested that they be moved to a location that could be better viewed by the public.

Valli Andreasen, Elementary Principal, Academy for Academic Excellence, commented on the history of 9/11 reminding the public that the graduating class of 2019 was not even born when that even occurred. She spoke of the importance for the youth to continue to be educated on the history of that day. She also invited the Town Council and the public to attend events that would be held in memorial of 9/11.

Nick Burgnon, Apple Valley, encouraged the Town Council to participate in the events that would be held in memory of 9/11.

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.

Doug Robertson, Town Manager, gave a brief explanation for the members of the public on how funding sources are made available for public entities. He also answered questioned that were asked during public comments regarding the disbursement of these funds.

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

Mayor Bishop informed the Town Council and the public that Mr. George Newton, longtime resident and developer passed away. He stated that his services would be held Wednesday at Sunset Hills Memorial Park. He respectfully requested, with the consensus of the Town Council, that tonight's meeting be adjourned in his honor.

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

- A. Regular Meeting – Tuesday, September 11, 2018 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 1-3, respectfully.

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 – August 14, 2018**

Recommendation:

Approve the subject minutes as part of the consent agenda.

- 2. Measure I – 5 Year Plan, Capital Project Needs Analysis**

Recommendation:

A. That the Town Council Approve Fiscal Year (FY) 2018/2019 through 2022/2023 Measure I – 5-year plan.

B. Adopt Resolution No. 2018-43, "A Resolution of the Town Council of the Town of Apple Valley, California, Adopting the Measure I Five Year Capital Improvement Program".

- C. That the Town Council Approve FY 2018/2019 Capital Project Needs for the Town of Apple Valley for the Measure I, Major Local Highways Program.

3. Approve Budget Amendment No. 2019-01 Appropriating Homeland Security Grant Program Funds for the Purchase of Supplies for the Emergency Operations Center
Recommendation:

It is recommended that the Town Council:

- A. Approve receipt of the Homeland Security Grant funding in the amount of \$20,267 and adopt Budget Amendment Number 2019-01 appropriating the grant funding.
- B. Authorize the Emergency Services Officer to execute the agreement with the Homeland Security Grant Program (HSGP) through the Governor's Office of Emergency Services to distribute grant funds to the lowest quote for supplies to be used for training and exercising at the Town's Emergency Operations Center.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

4. Initiation of a Development Code Amendment regarding On-site Consumption of Beer and Wine

Lori Lamson, Assistant Director of Community Development, presented the staff report as filed with the Town Clerk.

Council Member Stanton asked a series of questions regarding the need to address this item at this time. She had concerns that developing a process in this manner would make it easier for businesses to serve alcoholic beverages without proper regulations. She questioned whether or not Alcohol Beverage Control (ABC) rules would still apply.

The Town Council asked questions regarding the rules that currently regulate onsite consumption.

Council Member Emick concurred with the concerns addressed by Council Member Stanton. He questioned what other cities were doing as far as regulating beer and wine.

Ms. Lamson explained that the current businesses in the community are operating through manufacturing or retail sales through the ABC requirements. She stated that staff could contact other cities to determine their process on this issue.

Council Member Stanton expressed concern with the parity of the businesses if this process changes. She believed that this issue was suspicious in nature and she hoped that approval of this item would not make it easier for some and not others.

Doug Robertson, Town Manager, provided clarification on the intent of this establishment.

It was the consensus of the Town Council to forward this item to the Planning Commission for review and recommendation to the Town Council.

TOWN MANAGER'S COMMENTS

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, announced the following upcoming events:

September 6: The return of the Concerts in the Park Series

September 15: Community Clean-up Day

September 22: Apple Valley Reverse Triathlon

Mr. Robertson gave special thanks to the PIO Department for their hard work in presenting the State of the Town Address and he also thanked the Public Works staff for their work in completing the Horsemen Center Well.

CLOSED SESSION

5. 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 7:45 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 8:07 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 8:08 p.m. in memory of longtime resident and developer Mr. George Newton.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk