

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

REGULAR MEETING

MINUTES – September 11, 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 led by Pastor Josh Gerbracht, First Assembly of God.

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

PRESENTATIONS: None.

PUBLIC COMMENTS

Susan Wells, Apple Valley, expressed concern regarding the reduction of lap swimming hours. She informed the Town Council of the many participants that use the pool, including Water Polo Club, the Scuba Club, and The Hundred Mile Club. Ms. Wells presented the Town Council with a petition signed by 71 individuals asking for a reinstatement of the lap swimming hours.

Dennis Shields, Apple Valley, expressed concern regarding the discontinuation of early morning swimming hours. He felt that the Town Council should take into consideration the residents who rely on the pool being available to the public during those hours.

Perry Adams, Apple Valley, commented on the health benefits of swimming that elderly people receive. He also spoke of his wife's quick recovery from a stroke due to swimming and the hardships she would encounter by not having the pool available in the early morning hours.

Roger La Plante, Town Council Candidate, thanked the Town Manager for taking the time to meet with him. He also thanked the Town Council for making transparency a priority for the Town.

Boguslaw "Gus" Kieper, Sun City, read information pertaining to the approval of the development for the first phase of a golf course community. He believed that PUD Amendment Number 3 is an agreement between Pulte Homes and the Town. He informed the Town Council that Pulte Homes is claiming that they will declare bankruptcy and vacate Ashwood Golf Course. He stated that

this claim has many homeowners concerned that their homes will depreciate with the departure of Pulte Homes. He respectfully requested that the Town Council consider enforcing the compliance of Pulte Homes, to continue building homes and continue with the golf course.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Stanton commented on committee meetings and events that she 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 Nassif recommended, with the consensus of the Town Council, that an item be brought back for review regarding the proposed reductions in services including the swimming pool hours and the roles of the Apple Valley Committees and Commissions.

Mayor Bishop commented on the tragic events that occurred on 9/11. He stated that he, with the consensus of the Town Council, would like to adjourn the meeting in memory of the victims of 9/11.

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

- A. Regular Meeting – Tuesday, September 25, 2018 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL/SUCCESSOR AGENCY CONSENT AGENDA

Yvonne Rivera, Deputy 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.

MOTION

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 2, 3 and 5, respectfully, and that item number 4 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.

Council Member Nassif and Mayor Pro Tem Cusack both abstained from voting on specific warrants listed under Agenda Item Number 2.

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – August 28, 2018**
Recommendation:
Approve the subject minutes as part of the consent agenda.

2. **August 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. **August 2018 Payroll / Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the payroll/benefits warrants as presented.

5. **Approve Change Order No. 002, Paving 18-19 – Project No. 2018-04**
Recommendation:
Approve a contract Change Order to VSS International, Inc., amending the Paving 18-19 – Project No. 2018-04 scope of work, and appropriate necessary funds from existing LTF Fund balance, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

PULLED FROM CONSENT CALENDAR

4. **Bear Valley Road Bus Stop Improvement No. 2018-05**

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

Council Member Stanton commended staff on the work done to complete this project.

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to:

- A. That the Town Council review and approve the bid documents for Bear Valley Road Bus Stop Improvements Project No. 2018-05.
- B. That the Town Council authorize staff to solicit bids for construction of said project.

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC HEARINGS

6. **An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Section 3.16.010 of Chapter 3.16 of Title 3 of the Apple Valley Municipal Code Relating to Claims for Money or Damages**

Mayor Bishop opened the public hearing at 7:14 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 7:18 p.m.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to **WAIVE** reading of Ordinance 503 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None

Yvonne Rivera, Deputy Town Clerk, read the title to Ordinance No. 503.

MOTION

Motion by Council Member Nassif, seconded by Council Member Stanton, to **INTRODUCE** Ordinance No. 503 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Section 3.16.010 of Chapter 3.16 of Title 3 of the Apple Valley Municipal Code Relating to Claims for Money or Damages.

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

Mayor Bishop announced that Agenda Item Number 7 is being pulled at the request of the Apple Valley Unified School District. He encouraged anyone wishing to speak on the item to return once the item is back on the agenda.

BUSINESS OF THE COUNCIL

7. Agreement between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool

It was the consensus of the Town Council to table this item.

TOWN MANAGER'S COMMENTS UPDATE

Doug Robertson, Town Manager, announced the following upcoming events: Thursday, September 13, 2018, Sunset Concert Series featuring Iron Horse; Saturday, September 15, 2018, Community Clean Up Day; Saturday, September 22, 2018, Reverse Triathlon; Saturday, September 29, 2018, Ribbon Cutting Ceremony for John Glenn Road, followed by the Apple Valley parade and street fair. He also announced that the James Woody Playground project should be completed within a week. He was also pleased to announce that the Well at Horseman Park is now in full operation.

Mr. Robertson also introduced new Code Enforcement Manager, Mr. Guy Eisenbrey.

CLOSED SESSION

Mayor Bishop announced that there no need for Closed Session.

ADJOURNMENT

Motion by Mayor Pro Tem Cusack, 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 those who lost their lives on 9/11.

Art Bishop, Mayor

Yvonne Rivera, Deputy Town Clerk