

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

REGULAR MEETING

MINUTES – September 25, 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: Pastor Joe Valery, Victory in Jesus

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

PRESENTATIONS: Employee Recognition - Sheriff's Department – Deputy Kenny Culbertson, 35 Years of Service

Presentation of Proclamation Marking October as Crime Prevention Month, Citizen's for Safer Communities

Presentation of Proclamation to the Lyon's Club, 10-Years of Service in Apple Valley

ANNOUNCEMENT

Council Member Stanton informed the Town Council and the public that Georgette Phillips, longtime resident passed away after a long battle with cancer. She stated that her services would be held Thursday at Sunset Hills Memorial Park. She respectfully requested, with the consensus of the Town Council, that tonight's meeting be adjourned in her honor.

PUBLIC COMMENTS

Bill Inger, Apple Valley, expressed concern regarding the proposed line of credit being considered by the Town Council. He questioned how the funds would be spent. He stated that if approved, monthly updates be given at Council Meetings informing the public how the line of credit funds were spent.

Raul Rodriguez, commented on Proposition 8 encouraging voters to vote no on this issue. He also expressed concern regarding citizens who are running for the Town of Apple Valley Town Council in which he believed did not live in the Town. In addition, he expressed concern over candidates running who were real estate agents and may not appreciate the Town's rural lifestyle.

John Muir, Apple Valley, expressed concern about various Town Department staff that he believed has given him inaccurate information and/or neglected to speak with him on issues of his concern.

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.

Mayor Pro Tem Cusack commented on committee meetings and events that he attended.

Mayor Bishop commented on committee meetings and events that he attended.

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

TOWN COUNCIL ANNOUNCEMENTS

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

**A. Regular Meeting – Tuesday, October 9, 2018 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Mayor Bishop announced that there was a request to speak on Agenda Item Number 4.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 1, 2, 3, 5, 6, 7, 8 and 9, respectfully; and that Agenda 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.

- 1. Approval of Minutes of the Town Council**
 - A. Regular Meeting – September 11, 2018**

Recommendation:
Approve the subject minutes as part of the consent agenda.
- 2. Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner November 22, 2018 at the James Woody Community Center**

Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$105.00.
- 3. Award Contract for Street Maintenance Services – Project No. PW2018-03**

Recommendation:

Award a contract to Cooley Construction, Inc. for the Street Maintenance Services FY 2018-19, Project No. PW2018-03, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

5. Award Contract for Traffic Signal Maintenance Services – Project No. PW2018-01

Recommendation:

Award a contract to Siemens Mobility, Inc. for the Traffic Signal Maintenance Services FY 2018-19, Project No. PW2018-01, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

6. Accept the Final Map for Parcel Map No. 19937

Recommendation

Move to accept the final map, securities and agreements for Parcel Map No. 19937.

7. A Resolution of the Town of Apple Valley, California, Determining the Amount of Property Tax Revenues to be Transferred as A Result of the Pending Reorganization to Include the Annexation to the Town of Apple Valley from County Service Area 70 as Described in LAFCO No. 3229

Recommendation:

Approve Resolution No. 2018-44 of the Town of Apple Valley determining the amount of property tax revenues to be transferred as a result of the pending reorganization to include the annexation to the Town of Apple Valley from County Service Area 70 as described in LAFCO No. 3229.

8. Adopt Resolution No. 2018-45 - A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing the Application to the California Natural Resources Agency for the River Parkways Grant Program

Recommendation:

That the Town Council adopt Resolution 2018-45, Authorizing the Application to the California Natural Resources Agency for the River Parkways Grant Program

9. Adopt 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

Recommendation:

Adopt Ordinance No. 503

PULLED FROM CONSENT

4. Approve Purchase of a Skid Steer Loader from Quinn Company

Geri Inger, Apple Valley, questioned the choice of staff to purchase the Skid Steer Loader listed in the staff report. She spoke of the information that she received on this piece of used equipment.

Council Member Stanton questioned the cost for a new loader versus one that was pre-owned.

Doug Robertson, Town Manager, spoke of the proposed purchase and the extras that will be included with the purchase that will enable staff to conduct various types of repairs. He

stated that he did not know the exact cost of a new loader but explained that it is not uncommon for government entities to purchase equipment that has been previously used but in good condition to save costs.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to approve the purchase of a skid steer loader from Quinn Company in the amount of \$99,911.18.

Vote: Motion carried 5-0-0-0

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

Absent: None.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. Discussion Regarding the use of Exposed Metal Construction

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Mayor Pro Tem Cusack spoke of his concerns on this issue and his for additional discussions and clarification on metal construction within the Town limits.

Bryen Wright, Real Estate Professional, commented on types of metal construction within the community. He respectfully asked that conexas be allowed on larger lots.

Ms. Lamson explained the use of conex boxes and clarified that the item being discussed does not address the boxes, just the exposed metal used for construction.

Discussion ensued regarding the need to have this matter presented to the Planning Commission for review.

This was a receive and file item only.

11. Apple Valley Choice Energy 2017 Annual Power Source Disclosure Report Attestation

Brian Johnson, Interim Finance Director, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to endorse the accuracy of information presented in Apple Valley Choice Energy's (AVCE) 2017 Power Source Disclosure report for Core Choice service and approve the distribution of statistics reflected in AVCE's 2017 annual PSD reports within AVCE's 2017 Power Content Label.

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

Doug Robertson, Town Manager, commented on the Reverse Triathlon that was held in Apple Valley and stated that there were 400 participants. He informed the Town Council and the public that the "Our Town" Newsletter would be distributed this week and that the Community Photo Contest has begun.

Mr. Robertson announced the following upcoming events: Village Parade and Street Fair on Saturday, September 29; Great Shake on Thursday, October 18; and Paws and Clause on October 20.

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 7:45 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 8:10 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 8:11 p.m. in memory of longtime and cancer warrior, Ms. Georgette Phillips.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk