

**TOWN OF APPLE VALLEY
TOWN COUNCIL/SUCCESSOR AGENCY/
PUBLIC FINANCING AUTHORITY**

REGULAR MEETING

MINUTES – October 23, 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: Mr. Thurston “Smitty” Smith, Town of Apple Valley

PLEDGE OF ALLEGIANCE: Council Member Barb Stanton

PRESENTATIONS: Presentation of Recognition to Council Member Barb Stanton

Presentation of Proclamation to Small Business Saturday Recipient, Virginia Watterson, Massey Insurance Services

Recognition Awards from Apple Valley PBID Association to “2018 Happy Trails Parade” Award Recipients

RECESSED MEETING

Mayor Bishop recessed the meeting of the Apple Valley Town Council at declared a recess at 7:24 p.m.

RECONVENED MEETING

Mayor Bishop reconvened the meeting of the Apple Valley Town Council at 7:28 p.m.

PUBLIC COMMENTS

Council Member Rebekah Swanson, City of Hesperia, thanked Council Member Barb Stanton for her friendship and service on the Apple Valley Town Council.

Mayor Gloria Garcia, City of Victorville, thanked Council Member Stanton for her legislative work in the State and the community and for her friendship.

Ruth Cordova, Apple Valley, thanked Council Member Stanton for her hard work and dedication. She spoke on the impact that she has done for the community and stated that she would be sorely missed.

Thurston "Smitty" Smith, Victor Valley Bicycle Tour, invited the public to the bike tour this Saturday, October 27, 2018.

Tom Piper, Apple Valley, commented on the use of body cameras for officers and the need to have the cameras turned on at all times.

Al Rice, Apple Valley, commented on John Brown leaving his position as Town Attorney and the replacement of Thomas Rice to the position. He also commented on the number of attorneys that have been present at meetings and the impact to the budget due to legal fees. He also commented on the need to revisit redistricting in Apple Valley.

Eric Swanson, Hesperia, thanked Council Member Stanton for her friendship and wished her much success in the future with her new adventure in Tennessee.

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, November 13, 2018 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL/SUCCESSOR AGENCY 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**
 - A. **Regular Meeting – Town Council/Public Financing Authority – October 9, 2018**

Recommendation:

That the Town Council and the Board of Directors approve the subject minutes as part of the consent agenda.

2. **Approve Extra Work Request for the Apple Valley South Safe Routes to School – Project No. 2018-02**

Recommendation:

Approve KOA Corporation's Extra Work Request of \$79,935.00 for the Apple Valley South Safe Routes to School Project subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

3. **Request Approval to Change Best Best & Krieger's Representative to the Town and Designation of New Town Attorney**

Recommendation:

Consent to the designation of Thomas A. Rice as the Town Attorney and Best Best & Krieger's representative to the Town, effective December 11, 2018.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

4. **Discussion Regarding Size of Detached Second Units**

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

Discussion ensued regarding second units and the ability to regulate these units.

Al Rice, Apple Valley, commented on his experience with small footprint buildings. He spoke of the impact that these changes can impose.

It was the consensus of the Town Council that this item be forwarded to the Planning Commission.

TOWN MANAGER'S COMMENTS

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, announced the following upcoming events: the California Public Utilities Hearing on Liberty Utilities Water Rate Increases on Thursday, October 25, 2018; the Victorville Bicycle Tour and the Trunk or Treat on Saturday, October 27, 2018; and the General Municipal Election on Tuesday, November 6, 2018. He also introduced the new Finance Director, Ms. Sydnie Harris.

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 8:23 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.
- G. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 8:57 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 8:58 p.m

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk