**TOWN OF APPLE VALLEY**

**TOWN COUNCIL/SUCCESSOR AGENCY**

#### REGULAR MEETING

**MINUTES – June 12, 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 Pastor Kit Johnson, Life Point Baptist Church.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Cusack

PRESENTATIONS: Presentation – 2018 Greener Way of Life, Joseph Moon, Assistant Director of Energy and Environmental Services and Kathy Schmachtenberger, Administrative Secretary

**PUBLIC COMMENTS**

**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 Stanton requested, with the consensus of the Town Council, that a future agenda item be prepared for discussion on Senate Bill 54.

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

1. **Regular Meeting – Tuesday, May 22, 2018 – Council Chamber**

**Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

La Vonda M-Pearson, Town Clerk, read the following disclosure statement:

**MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1, 2, 3, 5, 7, 9 and10 respectfully, and that items numbered 4, 6 and 8, be pulled or 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 abstained from voting on specific warrants listed under Agenda Item Number 2 as read by the Town Clerk.**

**1. Approval of Minutes of the Town Council**

**A. Regular Meeting – May 22, 2018**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. May 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. Paving 18-19 Project No. 2018-04**

**Recommendation:**

1. That the Town Council review and approve the bid documents for Paving 18-19 – Project No. 2018-04.
2. That the Town Council authorize staff to solicit bids for construction of said project.

**4. Apple Valley Village Accessibility Project**

**Recommendation:**

1. That the Town Council review and approve the bid documents for Apple Valley Village Accessibility Project.
2. That the Town Council authorize staff to solicit bids for construction of said project.

**5. Claimant – Christopher L. Reitsma**

**Recommendation:**

Reject the claim of Christopher L. Reitsma

**6. Adopt Resolution No. 2018-20 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2018**

**Recommendation:**

Adopt Resolution No. 2018-20 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

**7. Adopt Resolution No. 2018-21, A Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements for the General Municipal election, November 6, 2018.**

**Recommendation:**

Adopt Resolution No. 2018-21 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election, November 6, 2018.

**8. Adopt Resolution No. 2018-22, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the 2016 Climate Action Plan Update and Energy Action Plan**

**Recommendation:**

Adopt Resolution No. 2018-22, approving the Town of Apple Valley 2016 Climate Action Plan Update and Energy Action Plan.

**9. Adopt Resolution No. 2018-23, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Application for Environmental Enhancement and Mitigation Program Grant Funds**

**Recommendation:**

That the Town Council adopt Resolution No. 2018-23, authorizing an Application to the Environmental Enhancement and Mitigation Program for the Apple Valley Urban Forestry Project.

**10. Amendment to the Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries Inc.**

**Recommendation:**

That the Town Council approve the proposed Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries, Inc. amending the rates and terms of the existing agreement.

RECESS MEETING OF THE APPLE VALLEY TOWN COUNCIL AND

CONVENE AS THE APPLE VALLEY SUCCESSOR AGENCY

TO THE REDEVELOPMENT AGENCY

**SEE APPLE VALLEY SUCCESSOR AGENCY AGENDA DATED JUNE 6, 2018**

RECESS MEETING OF THE APPLE VALLEY SUCCESSOR AGENCY

TO THE REDEVELOPMENT AGENCY AND

CONVENE AS THE APPLE VALLEY PUBLIC FINANCING AUTHORITY

**SEE APPLE VALLEY PUBLIC FINANCING AUTHORITY AGENDA DATED JUNE 6, 2018**

ADJOURN MEETING OF THE APPLE VALLEY PUBLIC FINANCING AUTHORITY

AND RECONVENE AS THE APPLE VALLEY TOWN COUNCIL

**11. Adopt Resolution No. 2018-24, A Resolution of the Town Council of the Town of Apple Valley, California, Adopting a Debt Management Policy for the Town of Apple Valley**

**Recommendation:**

Adopt Town of Apple Valley Resolution No. 2018-24, establishing a Debt Management Policy for the Town.

PUBLIC HEARINGS

**None.**

REPORTS, REQUESTS AND COMMUNICATIONS

**BUSINESS OF THE COUNCIL**

**12. Fiscal Year 2018/2019 Budget Update**

**Recommendation:**

Provide direction to staff.

**TOWN MANAGER’S COMMENTS & LEGISLATIVE UPDATE**

**DEPARTMENTAL REPORTS AND BUSINESS**

**Town Manager Report**

CLOSED SESSION

**14. 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 9:25 p.m. to Closed Session to discuss the following

1. 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.
2. 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.
3. 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.
4. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.:  CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
5. 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.
6. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, CPUC Application No. 17-04-024 - In the Matter of the Application of Mesa-Crest Water Company (U333W) and Liberty Utilities (Park Water) Corp. (U314W) for an Order Authorizing Mesa-Crest Water Company to Sell and Liberty Utilities (Park Water) Corp. to Purchase the Utility Assets of Mesa-Crest Water Company.
7. 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.
8. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Interested parties; Town Negotiator(s) - Town Manager.

Negotiations involve both price and terms.

Upon returning from Closed Session at 10:43 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 10:44 p.m. in memory of Mary Pat Jenkins.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk