**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 Joseph Moon, Assistant Director of Energy and Environmental Services

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

PRESENTATIONS: Recognition of Service - Jonathan Wood, Code Enforcement Supervisor.

Recognition of Retirement - Joseph Moon, Assistant Director of Energy and Environmental Services

**PUBLIC COMMENTS**

Al Rice, Apple Valley, expressed concern regarding the lack of approval by a manager noted on a staff report that is presented to the Town Council. He believed that this is warranted.

Dan Harley, Apple Valley, indicated that he heard Virgie Park was being closed. He questioned why she earned a park. He commented on his knowledge of her. He said they all share her experiences and her lost.

Bill Inger, Apple Valley, recommended that an easier method be developed to allow the public to place items on the agenda. He also recommended that a section of the agenda be reserved to

Matthew Ruledge, Apple Valley, expressed concern about an incident that occurred with the Sheriff's Department. He believed that more sheriff's were needed to patrol the area in the evening hours so that a quicker response time is given.

**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:**

1. **Regular Meeting – Tuesday, July 10, 2018 – Council Chamber**

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

**TOWN COUNCIL CONSENT AGENDA**

Al Rice, Apple Valley, asked if the treasurer's report requires a signature per state law. He also questioned the general fund balance. He also questioned other funds listed in the treasurer's report and believed that all the fund balances should be listed.

**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.

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

**A. Regular Meeting – June 12, 2018**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. Legislation Requiring Local Agencies to Review Its Conflict of Interest Code to Comply with the Political Reform Act**

**Recommendation:**

Direct the Town Manager to review its code and submit a notice to the Town Council by October 1, 2018, that either amendments are required or that no amendments are necessary.

**3. May 2018 Payroll/Benefits Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify and file the payroll/benefits warrants as presented.

**4. Treasurer’s Report – April 2018 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**

**Recommendation:**

That the Town Council receive and file the April 2018 Treasurer’s Report.

**5. Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for Fiscal Year 2018-2019**

**Recommendation:**

A. Adopt Resolution No. 2018-25, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.

B. Receive and approve the engineer's report as filed, or as amended.

C. Adopt Resolution No. 2018-26, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2018-2019.

D. Direct the Town Clerk to publish the Resolution of Intention at least 10 days prior to the date of the public hearing.

**6. An Agreement between the Town of Apple Valley and the City of Victorville to Continue the HOME Investment Partnerships Program (HOME) Consortium for the Three-Year Period July 1, 2019 – June 30, 2020**

**Recommendation:**

That the Town Council Adopt Resolution No. 2018-27 to approve and authorize execution of the agreement by the Town Manager; and further authorize the Town Manager to make non-substantive modifications or corrections as deemed necessary.

**PUBLIC HEARINGS**

**7. Appeal No. 2018-003 – An Appeal of the Planning Commission’s Approvals of Conditional Use Permit No. 2017-006 and Deviation No. 2018-003 for a Proposed Sixty (60)-Foot Tall Wireless Telecommunication Facility within Mendel Park**

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

Carol Miller, Assistant Director of Community Development, presented the staff report as filed by the Town Clerk.

Council Member Nassif asked questions regarding the process for the applicant to go through when constructing a facility.

Council Member Stanton asked for clarification on the request for the deviation.

Mayor Pro Tem Cusack questioned the need for towers. He explained that the proposed towers are low frequency and deemed safe.

Mayor Bishop commented that this is a 30 year agreement. He questioned whether or not the applicant would be responsible for removal of the site if it is no longer in use.

Council Member Stanton noted that the towers proposed are similar to those that are

Council M/ember Emick questioned the need for this location.

Linda Repp, Appellant, commented on the radiation that she believes will be emitted from the towers along with other materials that can cause harm to children.

Cameron Dance, Verizon Wireless, stated that they are in compliance with FCC on this project and he also discussed the durability of the structure including routine maintenance. He said that the proposed location is the preferred location.

Council Member Stanton asked questions

Council Member Emick

Al Rice, Apple Valley, commented on the Town discussing the Tower at Mendel Park. He believed that there would be problems with this location. He commented on the process to place frequency underground making towers obsolete.

Lawrence McCarthy, Apple Valley, stated that he began researching the danger of electromagnetic beams and the danger that they pose on individuals. He also believed that the distance be

P. , Apple Valley, spoke in support of the appeal. She believed that the school chilldren were required by law to attend school and would be forced to endure magnetic beams that could cause harm to students. She also

Linda Repp, Appellant, believed that additional notices should be provided to residents outside the mandated requirement for noticing. She noted that schools in the Los Angeles area have banned

There being no additional requests to speak, Mayor Bishop closed the public hearing at 7:50 p.m.

Thomas - can't consider - prohibits radio frequency - title 47. case law states that tower in park does not take away from park.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Nassif, to adopt Town Council Resolution No. 2018-28, which denies the appeal of the Planning Commission approval of Conditional Use Permit No. 2017-006 and Deviation No. 2018-003 subject to the conditions of approval.

Vote: Motion carried 5-0-0-0  
Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**recess 7:55**

**reconvene 8:07**

**8. A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for All Funds for Fiscal Year 2018-2019**

Mayor Bishop opened the public hearing at 8:10 p.m.

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk.

Doug Robertson, Town Manager, commented on the proposed closure of Virginia Park and the desire to continue honoring her legacy.

Council Member Nassif stated that the park is used for practice, limited on parks, spoke to his commissioner, concern. Virginia Park. Feels should allow park and rec commission to make this decision

Al Rice, Apple Valley, asked questions regarding the large amount of funds allocated pbid, sheriff and the water acquisition.

Vicki Brown, Apple Valley, briefed the Town Council on the history of the origination of Virginia Park.

David Listberg, Sun City, asked questions about the proposed budget. Also any provision for litigation for water.

Mr. Robertson answered questions that were presented by the public.

There being no additional requests to speak, Mayor Bishop closed the public hearing at 9:05

Council comments on water costs at park, tough budget, looking for revenues, cutting expenditures, cutting services.

Mayor encouraged staff, the family and the water district to work together to honor the name.

**MOTION**

Motion by Council Member Nassif , seconded by Council Member Stanton , to adopt Resolution No. 2018-32 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2018-2019.

Vote: Motion carried 5-0-0-0  
Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**9. Adoption of Fiscal Year 2018-2019 Appropriations Limits**

Mayor Bishop opened the public hearing at 9:24 p.m.

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk.

There being no additional requests to speak, Mayor Bishop closed the public hearing at 9:28 p.m.

**MOTION**

Motion by Council Member Nassif, seconded by Mayor Pro Tem Cusack, to adopt Resolution No. 2018-29, of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2018-2019 Appropriations Limit for the Town at $38,966,012 by using the Town’s population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 5-0-0-0  
Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**10. Review of the Fiscal Year 2018-2019 Statement of Investment Policy**

Mayor Bishop opened the public hearing at 9:29 p.m.

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 9:30 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to adopt Resolution No. 2018-30 approving the Statement of Investment Policy for Fiscal Year 2018-2019 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 5-0-0-0  
Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**11. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services**

Mayor Bishop opened the public hearing at 9:31 p.m.

Kofi Antobam, Director of Finance, presented the staff report as filed with the Town Clerk.

page 11-83, typo on line 22. 1.90 to 1.94

There being no requests to speak, Mayor Bishop closed the public hearing at 9:35

**MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to adopt Resolution No. 2018-31, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services for Fiscal Year 2018-2019.

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**

**BUSINESS OF THE COUNCIL**

**None.**

**TOWN MANAGER’S COMMENTS**

Doug Robertson, Town Manager, internet is not being taxed, its the sales that are taxed outside the individuals home state. He clarified that states have the option to do that.

Events - phoenix rising, civic center park, freedom festival on wednesday, southern spirit, whose next and fireworks at 9. radio cat 100 music.

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 9:44 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.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
5. 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.

Larry left at 11:15

Upon returning from Closed Session at 11:28 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 11:29 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