

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

REGULAR MEETING

MINUTES - JANUARY 22, 2019

CALL TO ORDER:

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:31 P.M.

Roll call was taken with the following members present:

Roll Call

Present: Council Member Bishop, Council Member Emick, Council Member Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: None

OPENING CEREMONIES

INVOCATION: Father Gibson of Our Lady of the Desert Catholic Church

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

PUBLIC COMMENTS

Bill Inger, Apple Valley, spoke on the Public Agenda Request form he completed on November 28, 2018. He stated that his request was for a monthly line of credit report from the Town to be placed in the Agenda.

Geri Inger, Apple Valley, spoke on the proposed high-speed rail from the Town of Apple Valley to Las Vegas. She questioned why Town Council and Town staff went to Miami to see a completed high-speed rail.

Patricia Perry, Apple Valley, commented on issues that have been taking place at her property.

Mike Hughes, Apple Valley, commented on his movie titled "This is Rocket Man". He requested that Roy Rogers and Dale Evans be removed from the Town of Apple Valley. He also requested that 5G be banned from the Town.

Lawrence McCarthy, Apple Valley, recommended corrections be made to the minutes for the meeting of from January 8, 2019.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Leon commented on committee meetings and events that she attended.

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

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

Mayor Cusack 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, February 12, 2019 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to approve the Consent Calendar items numbered 1–4 and 7 respectfully, and that agenda items numbered 5 and 6, be pulled for discussion.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – January 8, 2019**
Recommendation:
Approve the subject minutes as part of the consent agenda

2. **Treasurer’s Report – June 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 June 2018 Treasurer’s Report.

3. **Treasurer’s Report – July 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 July 2018 Treasurer’s Report.

4. **Treasurer’s Report – August 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 August 2018 Treasurer’s Report.

7. Fee Waiver Request, For the Special Olympics – Inland Empire Regions Use of the Aquatic Center, and Michael H. Martin Gymnasium.

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee in the amount of \$3,440.00

PULLED FROM CONSENT

5. SR-18/Apple Valley Road Intersection Realignment Project Contract Amendment No. 3

Lawrence McCarthy, Apple Valley, questioned the need for the Engineering Department to outsource this project.

Brad Miller, Town Engineer, clarified that the project involves other State agencies as well as State funding. He also explained the complexity of the project and the various limitations and regulations that must be managed. He stated that a complete list of the limitations, regulations and tasks are listed in the full agreement.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to

- A. Approve Amendment No. 3 to the November, 2008 agreement between the Town of Apple Valley and Dokken Engineering for engineering services on the State Route 18/Apple Valley Road Intersection Realignment Project for an amount not-to-exceed \$491,366.
- B. Approve Budget Amendment dated December 11, 2018 allocating additional Measure I funds to the project for Fiscal Year 2018-2019.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

PULLED FROM CONSENT

6. Update on Annexation Application with Local Agency Formation Commission (LAFCO)

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

Council Member Bishop requested clarification on the annexation and the date we can expect certification.

Ms. Lamson stated that the time will start on the date the Town approves the resolutions to annex the first portion of land. She explained that the Town will then have a year from that date to attempt annexing the remaining land desired.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to approve the Consent Calendar item number 6

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

8. Vacancy on the Town of Apple Valley Planning Commission

MOTION

Motion by Mayor Cusack, seconded by Mayor Pro Tem Nassif, to nominate Joel Harrison to fill the vacancy on the Town of Apple Valley Planning Commission.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

9. Vacancy on the Town of Apple Valley Parks and Recreation Commission

MOTION

Motion by Mayor Cusack, seconded by Mayor Pro Tem Nassif, to nominate Bobby Durango to fill the vacancy on the Town of Apple Valley Parks and Recreation Commission.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, addressed Mr. Inger's comment on the Public Agenda Form and assured him it is being completed. He also addressed Mrs. Inger's comment on the high-speed rail trip.

Mr. Robertson commented on cannabis delivery within the Town of Apple Valley limits.

CLOSED SESSION

10. Closed Session

Mayor Cusack announced that he 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 Cusack recessed the meeting of the Apple Valley Town Council at 7:36 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 8:59 p.m. Mayor Cusack announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Bishop, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:59 p.m.

Larry Cusack, Mayor

Hannah Raleigh, Deputy Clerk