

**MINUTES**

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

**July 23, 2019**

**CALL TO ORDER:**

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30pm

Roll call was taken with the following members present:

Roll Call

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

Absent: None.

**OPENING CEREMONIES**

**PLEDGE OF ALLEGIANCE:**

**INVOCATION:**

The invocation was given by Pastor Billy Simpson, Spirit Life Church

**PRESENTATIONS:**

Thomas Rice, Town Attorney, introduced the 2019 Best Best & Krieger Interns in attendance:

Kara Coronado, University of California Berkeley  
Marco Ornelas Lopez, University of California Hastings  
Anya Kwan, University of California Davis  
Megan Kilmer, Tulane University, Louisiana

The Town Council and staff welcomed the interns and congratulated them on their educational success.

**PUBLIC COMMENTS**

Pete Ashlock, Sun City Cruisers, formally invited the Mayor to attend its Car Show on Saturday, October 19, 2019 to make the Mayor's Award. He welcomed all members of the Council and the public to attend. He stated that the charity selected to receive this year's donations from the event was the Lord's Table. He briefed the Council and the community on the services that the nonprofit recipient provides to the community.

Thurston "Smitty" Smith, Apple Valley, encouraged everyone to attend the Victor Valley Bicycle Tour. He thanked the Town for their commitment to the program.

Joe Brady, The Bradco Company, commented on real estate in the Victor Valley. He encouraged residents and businesses to take part in a survey that will assist in identifying the needs of a growing high desert community.

Richard Rorex, Apple Valley, expressed concern regarding the high intensity LED lights that are being used in construction zones causing disruption to neighboring residents.

Bill Inger, Apple Valley, welcomed members of the Council and the public to attend the Mojave River Valley Horsemen's Association to a Hot August Night event on Saturday, August 3, 2019 at 4:00 p.m.

Geri Inger, Apple Valley, expressed concern regarding certain areas in the Town that are in disrepair. She felt the pavement in these areas need to be repaired and made safe for children who walk to school.

#### **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 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**

**Suggested items for future agenda:**

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

**A. Regular Meeting – August 13, 2019 – Council Chamber  
Regular Session at 6:30 p.m.**

#### **TOWN COUNCIL CONSENT AGENDA**

#### **MOTION**

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1-5 respectfully, and that Agenda Item Number 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 July 9, 2019**
- Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. Four-Way Stop at the Intersection of Shoshone/Flathead Road and Tonawanda Road**

**Recommendation:**

Adopt Resolution 2012-21, "A Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Shoshone/ Flathead Road and Tonawanda Road as a four-way STOP intersection."

**3. Award of Contract, Resurfacing 2019-02 factual**

**Recommendation:**

Award a contract to VSS International, Inc. for Resurfacing 2019-02 - Project No. 2019-02 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager;

**4. Schedule of Future Development Code Amendment Discussions**

**Recommendation:**

Receive and File

**5. Adopt Ordinance No. 511, An Ordinance of the Town Council of the Town of Apple Valley, California Section 2.04.140 To Chapter 2.04 of Title 2 of The Town of Apple Valley Municipal Code Establishing By-District Elections, Defining District Boundaries, and Scheduling Elections Within the Districts**

**Recommendation:**

Adopt Ordinance No. 511.

**PULLED FOR DISCUSSION**

**6. Fee Waiver for No Drugs America to Use James Woody Park**

Doug Robertson, Town Manager, presented the staff report as filed with the Town Clerk.

Council Member Emick stated that he would be abstaining from voting on this item due to his position on the No Drugs America Board.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, that for good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Park Rental Fee of \$81.00.

Vote: Motion carried 4-0-1-0

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

Abstain: Council Member Emick

Absent: None

**PUBLIC HEARINGS**

**7. Lighting and Landscape Assessment District #1 – Engineer’s Annual Report and Levy of Assessment for FY 2019-2020**

Mayor Cusack opened the public hearing at 7:12 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:14 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, to adopt Resolution No. 2019-22, "A Resolution of the Town Council of the Town of Apple Valley confirming diagram and assessment and levying assessment for fiscal year 2019-2020".

Vote: Motion carried 5-0-0-0

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

Absent: None

**BUSINESS OF THE COUNCIL**

**8. Selection of Town Council Voting Delegate and Voting Alternate to the League of California Cities' 2019 Annual Conference**

**MOTION**

Motion by Council Member Emick, seconded by Council Member Leon, to nominate Mayor Pro Tem Nassif as voting delegate and Council Member Bishop and Mayor Cusack as the voting alternates representing the Town of Apple Valley at the League of California Cities' 2019 Annual Conference.

Vote: Motion carried 5-0-0-0

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

Absent: None

**9. Transition Plan for Water Takeover**

Doug Robertson, Town Manager, presented the staff report as filed with the Town Clerk.

The Town Council thanked Mr. Robertson for the thoroughness of his report and his commitment to this process.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Mayor Pro Nassif, to adopt Resolution No. 2019-23, authorizing the Town Manager to employ certain Liberty Utilities (Apple Valley Ranchos Water) Corp. employees upon the completion of the acquisition of the Apple Valley Water System, directing the Town Manager to retain such consultants as may be necessary for the administration and operation of the system, and finding that no further environmental review is required under CEQA.

Vote: Motion carried 5-0-0-0

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

Absent: None

## REPORTS, REQUESTS AND COMMUNICATIONS

## TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

### DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, announced that Thursday, July 25 would be the last Concert in the Park for this season. Latin Express will be playing for the finale. He also introduced Julie Ryan who will be working in the Town Manager's Office handling legislative and grant responsibilities.

The Town Council welcomed Ms. Ryan to the Town of Apple Valley.

## CLOSED SESSION

### 10. Closed Session 7:46

Mayor Cusack adjourned the meeting of the Apple Valley Town Council to Closed Session at 7:46 p.m. 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. Negotiations with Real Property Negotiator – Parcel Numbers: 0440-096-17 and 18, Apple Valley; Negotiating Parties: Interested parties; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.

Upon returning from Closed Session at 8:47 p.m., Mayor Cusack announced that there was no reportable action taken.

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| <b>ADJOURNMENT</b> |
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Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:48 p.m.

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk