

**TOWN OF APPLE VALLEY
TOWN COUNCIL/SUCCESSOR AGENCY**

REGULAR MEETING

MINUTES – May 22, 2018

CALL TO ORDER:

Mayor Bishop 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 Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop

Absent: None.

OPENING CEREMONIES

INVOCATION: Minister James Campbell, JC Enterprises

PLEDGE OF ALLEGIANCE: Council Member Barb Stanton

PRESENTATIONS: None

With sadness, Council Member Nassif acknowledged the passing of Robert Momjian, Father of Council Member Barb Stanton. He respectfully requested, with the consensus of the Town Council, to adjourn the meeting in his honor and memory.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, commented on paving projects in the Town of Apple Valley.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Emick 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:

None.

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

**A. Regular Meeting – Tuesday, May 8, 2018 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Council Member Stanton requested, with the consensus of the Town Council, to remove Agenda Item Number 2 from the Consent Calendar.

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick, to approve the Consent Calendar items numbered 1, 3 and 4, respectfully, and that Agenda Item Number 2 be pulled for 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 – May 8, 2018

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Twenty-Seventh Amendment to Law Enforcement Contract #94-798

Recommendation:

Staff recommends that the Town Council ratify the Twenty-Seventh Amendment to Law Enforcement Contract #94-798 for the period of July 1, 2018 through June 30, 2019, and authorize the Mayor or his designee to process all documents required for the agreement.

4. Claimant – Noe Rivera

Recommendation:

Reject the claim of Noe Rivera.

PULLED FOR DISCUSSION

2. Apple Valley Choice Energy (AVCE) Consultant Services Agreement

Council Member Stanton asked questions regarding the requested services to be provided through this contract.

Joseph Moon, Assistant Director of Public Services, presented the staff report as provided to the Town Clerk.

Lawrence McCarthy, Apple Valley, commented on the cost listed for the AVCE Consultant Agreement. He respectfully requested that the Town Council consider this amount before approving.

MOTION

Motion by Council Member Stanton, seconded by Council Member Emick to authorize the Town Manager to execute the Consultant Services Agreement contract with Pacific Energy Advisors to provide ongoing consulting services for Apple Valley Choice Energy (AVCE).

Vote: Motion carried 5-0-0-0

Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

PUBLIC HEARINGS

5. **Adopt Resolution No. 2018-18, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified User and Program Fees for Certain Park and Recreation Services**

Mayor Bishop opened the public hearing at 6:52 p.m.

Ralph Wright, Parks and Recreation Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Bishop closed the public hearing at 7:00 p.m.

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick to adopt Resolution No. 2018-18, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified Park and Recreation User and Program Fees for Certain Park and Recreation Services for 2018-19 Fiscal Year.

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

6. **Adopt Resolution No. 2018-19, A Resolution of the Town Council of the Town of Apple Valley, California, Regarding the Potential Conflict between the "California Values Act", Enacted through the Passage of Senate Bill 54, and the Sovereignty Provision of the United States Constitution**

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

Mayor Bishop announced that there was a significant number of individuals who wished to speak on this item. Based on that number, he stated with the consensus of the Town Council, that public comments on this item would be limited to two (2) minutes per speaker.

The following individuals spoke in Opposition of SB 54:

David Collins	Aimee Timmons
Linda McCreadie	Lon Jacobs
Robin Hvidston	Lisa Romero
Lisa Collins	Loree Masonis
Paul Rodriguez, Jr.	John Nobles
Ruth Cordova	Madison Jones
Leonor Ferris	Mike McGeti
DeAnn D'Lean	Matthew Woods
Kandi Harrower	Mary (No Last Name Given)
Bill Kezar	Ed (No Last Name Given)
Donna Berry	Algot Stephenson
Tina Pierce	Phillip Rivera
Robert Lauten	Maureen McCourt
Sunshine and Crystal	Roger LaPlaute
Lester Nichols	Ken O'Leary
Harlen Archer	Vicky (No Last Name Given)
Dwayne Smith	Mark Rowling
Ana Meza	Corina Rivera

The following individuals spoke in Support of SB 54:

Xavier Ariez	Cindy Ortega
Erick Treto	Lizeth Sanchez
Ana Meza	Omar Gonzalez
Rafael Porras	Miguel Morales
Dr. Rita Ramirez, Ph.D.	Hugo Gonzalez
Juanita Garcia-Sanchez	Karla Zamora
Alejandra Diaz	Monica Rodriguez
Vladimir Espinoza	Lizeth Gonzalez Vazquez
Nat (No Last Name Given)	

The following individual provided comments on SB 54:

Joe Murphy

The following individuals provided cards but wished not to speak:

Vic Sherman
Gina Vella
Joe Sherman

Council Member Stanton provided comments on this item and the need to take appropriate action that would offer protection for the community.

Council Member Nassif spoke on SB54 from a public safety issue. He explained that as a contract city, the Town of Apple Valley was in direct communication with the County Sheriff to ensure safety to our residents.

Council Member Emick spoke of the great country of America and thanked everyone who came out to speak on this matter.

Mayor Pro Tem Cusack reiterated previous comments regarding the need to protect our community.

Mayor Bishop also thanked everyone for attending and stated that he supported the attached resolution which he believes will send a message to both the State of California and the federal government.

Discussion ensued regarding the proposed resolution and changes were suggested that would provide clarity to the intent of the Town Council to urge the State and Federal Government to find cooperative solutions to the problem of illegal immigration that do not impact the ability of local law enforcement to interact with federal authorities, based on the input received by members of the public.

MOTION

Motion by Council Member Nassif, seconded by Council Member Emick, to adopt Resolution Number 2018-19, as amended Consensus for change as amended to include the following changes to various paragraphs:

“Implementation of SB 54 has caused potentially unsafe recapture by the federal government upon release from local authorities”

“The passage of the “California Values Act” and the federal lawsuit are causing division among the people of California and the people of Apple Valley”

“In recognition of its long-term effects on the community, the Town Council has received and considered testimony from a variety of citizens and has carefully researched its options in regard to this growing controversy”

Vote: Motion carried 5-0-0-0

Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

RECESSED MEETING

Mayor Bishop declared a recess of the Apple Valley Town Council at 9:42 p.m.

RECONVENED MEETING

Mayor Bishop reconvened the meeting of the Apple Valley Town Council at 9:52 p.m.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, explained that the recent power outage in the community had caused severe damage to the Town's computer equipment. He stated that staff was hopeful that repairs would be completed soon.

CLOSED SESSION

7. 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 9:55 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 10:40 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Nassif, to adjourn the meeting of the Apple Valley Town Council at 10:42 p.m. in memory of Mr. Robert Momjian, Apple Valley resident and Father of Council Member Barb Stanton.

Art Bishop, Mayor

La Vonda M-Pearson, Town Clerk