

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

**REGULAR MEETING  
MINUTES – August 12, 2014**

**CALL TO ORDER:**

Mayor Bishop called to order the regular session of the Apple Valley Town Council at 6:35 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:** Bishop Bryant, Church of Latter Day Saints

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

**PRESENTATIONS:** None.

**PUBLIC COMMENTS**

Chuck Hanson, Apple Valley, questioned the process of the Animal Services Department when stray animals are dropped off by local residents.

David Mueller, Liberty-Tribune.com, expressed concern regarding the PBID process. He believed that the vote was taken in violation of the Brown Act.

Tom Piper, Apple Valley, stated that he would be running for Town Council. He commented on issues that he will be addressing during his campaign.

John Laraway, Apple Valley, questioned the need for a permit to have a yard sale in the Town of Apple Valley. He requested the Town Council to repeal this ordinance.

Gracie Atwood, Apple Valley, expressed concern regarding the water rates in Apple Valley. She stated that the rates were excessive and she believes that they will continue to increase. She respectfully requested the Town Council consider allowing residents to buy the stock and have a community owned Water Company.

### 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 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:**

- A. Joint Special Meeting – Thursday, August 14, 2014 – Apple Valley Conference Center at 6:00 p.m.**
- B. Regular Meeting – Tuesday, August 26, 2014 – Council Chambers at 6:30 p.m.**

### TOWN COUNCIL CONSENT AGENDA

Mayor Bishop announced that Council Member Nassif has a remote interest in specific warrants on tonight's commercial warrants dealing with NAPA Auto Parts for the Town of Apple Valley as the owner of NAPA Auto Parts. Therefore, he will be abstaining from voting on the warrants for NAPA Auto Parts listed under Agenda Item Number 2. He stated that Mayor Pro Tem Cusack also has a remote interest in specific warrants on tonight's commercial warrants dealing with Apple Valley Communication for the Town of Apple Valley as owner of Apple Valley Communications. Therefore, he too will be abstaining from voting on warrants for Apple Valley Communications listed under Agenda Item Number 2.

Council Member Emick stated that he was not present at the meeting of July 22, 2014; therefore he would be recusing himself from voting on Agenda Item Number 1.

David Mueller, Liberty-Tribune.com, commented on Council Members recusing themselves from voting on the commercial warrants. He spoke of the amount of finances that he believes these members have received as a result of these warrants.

John Brown, Town Attorney, responded to the comments made by Mr. Mueller. He stated that on more than one occasion over the recent years, he has met with the Council Members to discuss this issue and the Government Code that applies. Mr. Brown also noted that the purchases are permitted under Government Code Section 1091.5 and he believes very strongly, that it is important for the public to know that. He reminded the public that as the Town Attorney, his contact information is readily available to any resident who may have concerns about something that they may perceive as illegal or inappropriate, and that includes Mr. Mueller.

Mr. Brown stated that he will review the remarks by Mr. Mueller and respond appropriately.

### **MOTION**

Motion by Council Member Emick, seconded by Council Member Stanton, to approve the Consent Calendar items numbered 1 - 5, respectfully.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**Council Member Emick abstained from voting on Agenda Item Number 1**

**Council Member Nassif and Mayor Pro Tem Cusack abstained from voting on Agenda Item Number 2.**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – July 22, 2014**

**Recommendation:**  
That the Town Council approve the subject minutes as part of the consent agenda.
2. **June 2014 - Commercial Warrants Schedule**

**Recommendation:**  
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.
3. **June 2014 - Payroll/Benefits Warrants Schedule**

**Recommendation:**  
That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.
4. **Claimant – Verdi F. Tanriverdi**

**Recommendation:**  
Reject the claim of Verdi F. Tanriverdi.
5. **Military Recognition Banner Program**

**Recommendation:**  
That the Town Council approve the purchase and installation of banners for each branch of the military on the light poles in the front Town Hall parking lot.

**PUBLIC HEARINGS**

**6. Resolution No. 2014-33 – A Resolution of the Town Council of the Town of Apple Valley, California, Amending Resolution No. 2013-12 Establishing Trash User Fees Increases in an Amount of Between \$1.60 - \$2.22 per Month, or 9.50% - 9.85% Effective August 13, 2014**

Mayor Bishop opened the public hearing at 7:09 p.m.

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

John Laramay, Apple Valley, urged the Town Council to not approve the rate increase.

Lawrence McCarthy, Apple Valley, commented on the rates for trash service in other communities. He believed that the rates for Apple Valley are excessive.

Margaret Dodson, Apple Valley, respectfully requested this item not be approved.

Gracie Atwood, Apple Valley, spoke in favor of the services provided by Burrtec Waste Industries. She was thankful for the services that they provide.

There being no additional requests to speak, Mayor Bishop closed the public hearing at 7:20 p.m.

Council Member Nassif recommended Mr. Puckett review with the Town Council and the public previous rate increases that have occurred over the past 10 years. Council Member Nassif also discussed the factors that take place when proposing increases in an effort to pass through the costs that are charged by the waste providers.

Council Member Stanton asked questions of Mr. Richard Niño, regarding waste services.

Richard Niño, Burrtec Waste Industries, answered questions and concerns of the Council. He also commented on other services that are provided by Burrtec Waste Industries.

**MOTION**

Motion by Council Member Stanton, seconded by Council Member Emick, to determine that no majority protest exists pursuant to Proposition. 218 and to adopt Resolution 2014-33.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

7. **Adopt Resolution Number 2014-34, A Resolution of the Town Council of the Town of Apple Valley, California, Appointing Permanent Alternate Commissioners to the Victor Valley Wastewater Reclamation Authority (“VWRA”).**

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to adopt Resolution No. 2014-34, A Resolution of the Town Council of the Town of Apple Valley, California, appointing permanent Alternate Commissioners to the Victor Valley Wastewater Reclamation Authority.

Vote: Motion carried 5-0-0-0

Yes: Councilmember’s Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

8. **Discussion of Cancellation of Town Council Meetings of September 9, 2014, and October 14, 2014, and Rescheduling the Meeting of November 11, 2014, due to the Veterans Day Holiday**

La Vonda M-Pearson, Town Clerk, presented the staff report as filed with the Town Clerk.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Nassif, to cancel the Town Council Meetings of September 9 and October 14, 2014; and rescheduling the meeting of November 11, 2014, to the date of Tuesday, November 18, 2014.

Vote: Motion carried 5-0-0-0

Yes: Councilmember’s Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

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

Frank Robinson, Town Manager, announced that a newly revised Town Managers Update has been designed. He thanked Kathie Martin and Jennifer Heim for their hard work in making this transition to the new format and that it will be easier for the Town Council to read and understand.

**DEPARTMENTAL REPORTS AND BUSINESS:**

**STAFF REPORTS**

**CORRESPONDENCE**

**CLOSED SESSION**

**9. Closed Session**

**MOTION**

Motion by Council Member Emick, seconded by Mayor Bishop, to adjourn to Closed Session at 7:49 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 potential case.
- C. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-01-002, In the Matter of the Application of Park Water Company-Apple Valley Ranchos Water Company Water System (U346W) for Authority to Increase Rate Charges for Water Service by \$3,127,463.00 or 14.88% in 2015, \$2,056,455.00 or 8.48% in 2016, and \$2,160,731.00 or 8.19% in 2017.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

Upon returning from Closed Session at 8:49 p.m., Mayor Bishop announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Council Member Nassif, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 8:50 p.m.

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Art Bishop, Mayor

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La Vonda M-Pearson, Town Clerk