

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

**REGULAR MEETING**

**MINUTES – February 9, 2016**

**CALL TO ORDER:**

Mayor Stanton called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

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

**OPENING CEREMONIES**

**INVOCATION:** Pastor Josh Gerbracht, First Assembly of God

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

**PRESENTATIONS:** Employee of the Quarter - Kim Carlson, Sheriff's Service Specialist

Certificate of Appointment – Sarah Johnston – Equestrian Advisory Committee

**PUBLIC COMMENTS**

Chuck Hanson, Apple Valley, commented on statements made in the Our Town Newsletter dealing with the Town of Apple Valley takeover of Liberty Water. He believed the statements were not true and should be proven with facts.

Cecil Volsch, Realtor, commented on a recent vote of the legislator that would require disclosure of the PACE and HERO loan programs so that buyers are aware of the liens that are being assessed to their property.

Tom Piper, Apple Valley, expressed concern regarding his belief that his constitutional rights, as well as the rights of others, have been taken away due to everyday items being considered a weapon. He noted that members of the public may have these items in their possession when entering a government agency.

Matt Fairchild, Apple Valley, expressed concern on the need for sidewalks and curbs in the Town of Apple Valley for the safety of citizens in the community.

John Laraway, Apple Valley, believed that the Town should not proceed with increased security and metal detectors at Town Hall. He also commented on various individuals who wish to migrate into the community.

#### COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

#### TOWN COUNCIL ANNOUNCEMENTS

##### **Suggested items for future agenda:**

Mayor Pro Tem Nassif commented on Digital Display Signage previously addressed by the Town Council. He stated that there was an issue with the perception of what the community had in mind and what actually happened when the Town Council moved forward. He believed there was a misunderstanding with regard to the actual size percentages when it comes to building signage or monument signs and its limitations. He would like this issue to be revisited and include visuals for the benefit of the Town Council.

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

- A. Regular Meeting – Tuesday, February 23, 2016 – Council Chamber  
Regular Session at 6:30 p.m.**

#### TOWN COUNCIL CONSENT AGENDA

Mayor Stanton announced that Mayor Pro Tem 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. Council Member Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications 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.

John Laraway, Apple Valley, expressed concern on Agenda Item Number 5. He believed that approval of this item would remove the rights of the property owner.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-6, respectfully.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**Councilman Cusack abstained from voting on specific warrants listed under Agenda Item No. 2. Mayor Pro Tem Nassif abstained from voting on specific warrants listed under Agenda Item No. 2**

1. **Approval of Minutes of the Town Council**  
**A. Regular Meeting – January 26, 2016**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
2. **December 2015 Commercial Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.
3. **December 2015 Payroll/Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll/Benefits Warrants as presented.
4. **Treasurer’s Report – December 2015 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 Town Council receive and file the December 2015 Treasurer’s Report.
5. **Adopt Ordinance No. 481 – An Ordinance of the Town Council of the Town of Apple Valley, to Amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Modifying Chapter 9.31 "Residential Design Standards" as it Relates to Single Family Infill and Subdivision Development**  
**Recommendation:**  
Adopt Ordinance No. 481.
6. **Adopt Ordinance No. 482 – An Ordinance of the Town Council of the Town of Apple Valley, to Amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Amending Table 9.28.030-A(B)(8) as it Relates to the Keeping of Llamas and Alpacas and Amending Section 9.29.030D as it Relates to Small Domestic Animals**  
**Recommendation:**  
Adopt Ordinance No. 482.

**PUBLIC HEARINGS**

7. **Adopt Resolution No. 2016-05, A Resolution of the Town Council of the Town of Apple Valley, California, to Record Delinquent Utility Fees and Costs and Code Enforcement Fees Against Real Property Located in the Town of Apple Valley and Directing that Said Assessments Constitute a Lien Upon Said Properties**

Mayor Stanton opened the public hearing at 7:23 p.m.

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

There being no requests to speak, Mayor Stanton closed the public hearing at 7:25 p.m.

**MOTION:**

Motion by Council Member Emick, seconded by Council Member Bishop, to adopt Resolution No. 2016-05, confirming delinquent utility fees and costs against real property located in the Town and directing that said assessments constitute a lien upon said properties;

Vote: Motion carried 5-0-0-0

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

Absent: None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

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

Frank Robinson, Town Manager updated the Town Council on a number of items including an effort moving forward in the California Legislature to reform, restructure or dissolve the California Public Utilities Commission. In addition, the State is proposing to implement a medical insurance tax on all health insurance providers in California to close a \$1 million dollar gap, which would likely result in the costs being passed on to the insured.

Kathie Martin, Public Information Officer provided an update on the Mayor's Weight Loss Challenge, which will be meeting every Monday to walk at 5:30 p.m. in Civic Center Park. Everyone has been invited to join in the walk.

Sid Hultquist, Apple Valley Fire Protection District, invited everyone to a pancake breakfast fundraiser Saturday, February 13, 2016 at Applebee's in support of Cory Norton, a young firefighter battling a rare form of cancer. The breakfast begins at 8:00 a.m. and the cost is \$10.00.

Joseph Moon, Environmental and Transit Services Manager updated the Town Council on Community Choice Aggregations (CCA). A CCA is a program that enables city and county governments to pool or aggregate the electricity demand of their communities for supplying electricity. A CCA buys and/or develops power on behalf of the residents, businesses and government users in the jurisdiction. Currently there are about 130 municipalities in California that are participating in or considering a CCA. In the end, ratepayers save about three (3) to five (5) percent. More information can be found at [www.leanenergyus.org](http://www.leanenergyus.org).

Mr. Robinson mentioned that a future item addressing this issue would be presented to the Town Council for approval.

Mr. Robinson commented on the success of the "That's Amore" concert event held at the Apple Valley Golf Course. It sold out at 160 people and the interest could probably have supported a second night. The next show will be a tribute to Roy Orbison. He commended staff on their good work in promoting these events.

**CLOSED SESSION**

**8. Closed Session.**

Mayor Stanton announced that Council Member Cusack would be abstaining from one (1) or more of the closed session items as it pertained to Liberty Utilities if needed, due to a potential conflict of interest. She stated that his company does business with the above referenced company.

Mayor Stanton adjourned the meeting of the Apple Valley Town Council 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 Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-11-013 Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, Park Water Company (U314W), and Apple Valley Ranchos Water Company (U346W) for Authority for Liberty Utilities Co. to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company.
- D. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; Authority Negotiator: Town Manager; Negotiating Parties: Chris Schilling, Chief Executive Officer, Park Water Company, The Carlyle Group, Carlyle Infrastructure Partners, Western Water Holdings LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and Terms of Payment.
- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1506833 - Town of Apple Valley, Et Al -v- Gudmundsen.
- G. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Jian Torkan or other interested parties; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.

Upon returning from Closed Session at 8:02 p.m., Mayor Stanton 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 8:03 p.m.

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Barb Stanton, Mayor

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La Vonda M-Pearson, Town Clerk