

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

REGULAR MEETING

MINUTES – March 22, 2016

CALL TO ORDER:

Mayor Pro Tem Nassif 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; Cusack; Emick; Mayor Pro Tem Nassif

Absent: Council Member Bishop; Mayor Stanton

OPENING CEREMONIES

INVOCATION: Pastor Steve Colangelo, Lucerne Bible Fellowship

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

PRESENTATIONS: Certificate of Appointment – Valerie Smith – Parks and Recreation Committee

PUBLIC COMMENTS

Katie Manning, Apple Valley, respectfully requested that Agenda Item No. 4A be pulled from the agenda and continued to the next meeting. She believed the Town does not have the right to sell reclaimed water.

Matthew Fairchild, Apple Valley, expressed concern regarding the need for sidewalks in the Town of Apple Valley.

Willie Beasley, Apple Valley, commented on the basketball courts at the Town of Apple Valley recreation facilities. He stated that the courts are in need of improvements and the outside facilities are very slippery. He felt this was a safety issue.

Jim Conkle, Apple Valley, presented a 1961 article in reference to buying the water company.

Tom Piper, Apple Valley, recommended that the Town of Apple Valley approve a patrolled secured drag street race in the community for residents interested in motorsports.

Cecil Volsch, Apple Valley, presented the Town Council with information regarding the HERO and PACE programs. He identified in the documents the actual cost that homeowners pay for the merchandise that they received which is significantly higher once the interest is compounded.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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 she attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

- A. Regular Meeting – Tuesday, April 19, 2016 – Town of Apple Valley Council Chambers - Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Motion by Council Member Emick, seconded by Council Member Cusack, to approve the Consent Calendar items numbered 1-4A, respectfully.

Vote: Motion carried 3-0-2-0

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

Absent: Council Member Bishop; Mayor Stanton.

1. Approval of Minutes of the Town Council

A. Special Meeting – March 3, 2016

B. Special Meeting – March 8, 2016

C. Regular Meeting – March 8, 2016

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. Establishing Date and Time Certain for Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Public Hearing No. 2 (Consolidated Plan – Fifth-Year 2016-2017 Action Plan)

Recommendation:

That the Town Council establish April 26, 2016 at 6:30 p.m., as the date and time certain for the purpose of conducting the second of two (2) public hearings necessary to develop the Town's Consolidated Plan– 2016-2017 Fifth Year Action Plan.

3. Microsurface 15-16 – Project No. 2016-02

Recommendation:

1. That the Town Council review and approve the bid documents for Microsurface 15-16 – Project No. 2016-02.
2. That the Town Council authorize staff to solicit bids for construction of said project.

4. Bear Valley Bike Path Project

Recommendation:

1. Reject all bids for the Bear Valley Road Bike Path Project.
2. Direct staff to create two (2) construction phases for the project.
3. Authorize staff to solicit bids for the construction of Phase 1.
4. Authorize staff to apply for both Transportation Development Act (TDA) funds and Active Transportation Program (ATP) funds to construct Phase 2 of the project.

ADDENDUM

4A. Adopt Resolution No. 2016-13, A Resolution Authorizing the Submittal of an Application for Grant Funds under the U.S. Department of the Interior, Bureau of Reclamation WaterSMART: Drought Resiliency Grant Program

Recommendation:

That the Town Council adopt Resolution No. 2016-13, A Resolution of the Town Council of the Town of Apple Valley, approving the Application for Grant Funds to Implement the Use of Reclaimed Water for Irrigation at five (5) Town sites under the WaterSMART: Drought Resiliency Project Grant Program.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

5. Discussion of Cancellation of the Town Council Meetings of April 12, 2016 and May 24, 2016

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

MOTION

Motion by Council Member Cusack, seconded by Council Member Emick, to approve the cancellation of the Town Council Meetings of April 12, 2016 and May 24, 2016.

Vote: Motion carried 3-0-2-0

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

Absent: Council Member Bishop; Mayor Stanton.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Frank Robinson, Town Manager discussed the importance of the Town Council's attendance in Washington, DC at meetings scheduled with the Department of Transportation and others to discuss TIGER grant funding to assist with completing the third arterial section of the Yucca Loma Bridge Project.

Mr. Robinson also commented on two (2) interstate ramps, which are currently being re-engineered at this time. For the next two (2) years he advised there will be some disruption in traffic flow and believes it will affect residents trying to get in and out of the area.

In addition, Mr. Robinson stated that some assembly bills staff is keeping an eye on are AB 21 which is medical marijuana cultivation licensing. The League of California Cities has announced their support for this bill. AB 26 is an additional medical cannabis bill which under the the Marijuana Regulation and Safety Act would deny an application if specified conditions are not met. AB 448 is local jurisdictions addressing property tax revenue allocations and vehicle license fee adjustments

CLOSED SESSION

Mayor Pro Tem Nassif 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. He stated that his company does business with the above referenced company.

Mayor Pro Tem Nassif adjourned to Closed Session at 7:10 p.m. to discuss the following:

6. Closed Session.

- 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: 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.
- 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.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
- G. 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.
- H. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 7:33 p.m., Mayor Pro Tem Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Cusack, seconded by Council Member Emick, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:34 p.m.

Scott Nassif, Mayor Pro Tem

La Vonda M-Pearson, Town Clerk