

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

REGULAR MEETING

MINUTES – March 14, 2017

CALL TO ORDER:

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

Absent: Council Member Stanton

OPENING CEREMONIES

INVOCATION: Pastor Royce Beserra, Church for Whosoever

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Town Manager, Frank Robinson

PRESENTATIONS: None.

PUBLIC COMMENTS

Lawrence McCarthy, Apple Valley, commented on the recent meetings held to discuss the acquisition of the water agency.

Richard Rorex, Apple Valley, commented on the Apple Valley Choice Energy program.

Matthew Fairchild, Apple Valley, commented on the speed limits in Apple Valley.

Thurston “Smitty” Smith, Victor Valley Bicycle Tour, thanked the sponsors of the event for their support. He stated that October 28, 2017 would be the Victor Valley Bike tour in Apple Valley.

Susan Drake, Supervisor Lovingood’s Office, thanked the Town Council for allowing the County to use its facilities on June 1, 2017, for a Veteran’s event at the Conference Center.

Matthew Cabe, Apple Valley, commented on what he believed was a communication misunderstanding between Greg Raven and Councilwoman Barb Stanton. For the record, he clarified statements that were made to him as a representative of the Daily Press Newspaper.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Mayor Pro Tem Bishop commented on committee meetings and events that he attended.

Mayor Nassif commented on committee meetings and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Mayor Pro Tem Bishop recommended staff bring back a report regarding properly zoned infill lots with respect to sewer and septic connection fees.

Mayor Pro Tem Bishop recommended staff bring back a report, if applicable, regarding the Town's stance on fire sprinkler fees for commercial, industrial and residential structures.

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

- A. Regular Meeting – Tuesday, March 28, 2017 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Mayor Nassif announced that he 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 Items Number 3. 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 Items Number 3.

Motion by Council Member Emick, seconded by Mayor Nassif, to approve the Consent Calendar items numbered 1-8.

Vote: Motion carried 4-1-0-0

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

Absent: Council Member Stanton.

Council Member Cusack abstained from voting on specific warrants listed under Agenda Item Number 3. Mayor Nassif abstained from voting on specific warrants listed under Agenda Item Number 3.

1. **Approval of Minutes of the Town Council**
 - A. **Regular Meeting – February 28, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. **Claimant – Kristina Yacobucci**
Recommendation:
Reject the claim of Kristina Yacobucci.
3. **February 2017 Commercial Warrants and Wire Transfer Schedules**
Recommendation:
That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.
4. **February 2017 Payroll / Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
5. **Treasurer’s Report – January 2017 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 the Town Council receive and file the January 2017 Treasurer’s Report.
6. **Fee Waiver Request for No Drugs America for April 29, 2017 for Use of the Civic Center Amphitheatre**
Recommendation:
For good cause shown and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$846.16.
7. **Set Second Public Hearing for 2017-2021 Consolidated Plan and 2017-2018 First Year Action Plan**
Recommendation:
That the Town Council establish April 25, 2017 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 adopt the Town’s 2017-2021 Consolidated Plan and 2017-2018 First Year Action Plan.
8. **Accept the Final Map for Tract Map No. 18917**
Recommendation:
Move to accept the final map, securities and agreements for Tract Map No. 18917.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. **Discussion regarding Fencing of Vacant Parcels**

MOTION

Motion by Council Member Cusack, seconded by Council Member Emick, to table this item.

Vote: Motion carried 4-1-0-0

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

Absent: Council Member Stanton.

10. Discussion of Cancellation of Town Council Meeting on March 28, 2017

There was no action taken on this item.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, informed the Town Council that SB-1 is moving through the process as expected.

CLOSED SESSION

11. Closed Session

Mayor Nassif stated that if needed, Council Member 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 Nassif adjourned to Closed Session at 7:03 p.m. to discuss items 11A-11KG

- 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.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
- E. 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.

- F. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- G. 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 9:12 p.m., Mayor Nassif report that there was no reportable action taken.

ADJOURNMENT

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:13 p.m.

Scott Nassif, Mayor

LaVonda M-Pearson, Town Clerk