

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

REGULAR MEETING

MINUTES – March 28, 2017

CALL TO ORDER:

Mayor 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; Stanton; Mayor Pro Tem Bishop; Mayor Nassif

Absent: None.

OPENING CEREMONIES

INVOCATION: Pastor Joseph Valery, Victory in Jesus Bible Faith Center

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Pro Tem Bishop

PRESENTATIONS: Deputy Derrick Griego, Apple Valley SHOCK Program

PUBLIC COMMENTS

Matthew Fairchild, Apple Valley commented on providing the San Bernardino County Sheriff's Division with all the resources they need to enforce Town speed limits, as well as provide sidewalks for pedestrian safety.

Laloni Flusher, Apple Valley commented on the continued deterioration of east Stoddard Wells Road and the dangerous conditions that exist.

Brad Miller, Town Engineer commented on the location of the section of Stoddard Wells Road east of Dale Evans Parkway is in the unincorporated area of the Town.

Bryen Wright, Apple Valley commented on the Town's Impartial Analysis and that he believes information has been left out of the document.

Patricia Perry, Apple Valley commented that the troubles she has had with her property have gotten better and wanted to thank the Town for their assistance.

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.

Council Member Stanton commented on committee meetings and events that she 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 asked staff to bring back a report on AB 1194 regarding bond issues and property taxes.

Mayor Nassif asked staff to bring back a report to discuss standards that would help elevate the quality of apartments but make them affordable.

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

- A. Regular Meeting – Tuesday, April 11, 2017 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to approve the Consent Calendar items numbered 1-4.

Vote: Motion carried 5-0-0-0

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

Absent: None.

1. Approval of Minutes of the Town Council

- A. Special Meeting – March 7, 2017**
B. Special Meeting – March 9, 2017
C. Regular Meeting – March 14, 2017

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. Mojave Riverwalk South – Project No. 2015-08

Recommendation:

That the Town Council:

1. Accept the work completed as part of the Mojave Riverwalk South Project No. 2015-08, for a total contract cost of \$947,868.51.
2. contractor.

3. Release of Securities for Tract Map No. 16134

Recommendation:

Find that the construction of various improvements required for Tract 16134 is complete, and approve the fifty-percent (50%) reduction of the performance securities.

4. Fee Waiver Request for St. Mary's High Desert Fit for Life Challenge 5K/10K Event for the Use of the Civic Center Park/Amphitheater

Recommendation:

For good cause shown and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$728.00.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, reported that the State Legislature has come to an agreement about transportation funding and an announcement will be made soon.

Joseph Ramos, Emergency Operations Officer shared information on the Hazard Mitigation Plan and the need for update.

CLOSED SESSION

5. 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 7:23 p.m. to discuss items 5A-5G

- 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 8:27p.m., Mayor Nassif stated there was no reportable action taken.

John Brown, Town Attorney requested that a settlement agreement be read into the record, verbatim. The settlement resolved a recent lawsuit against the Town.

Debra Thomas, Deputy Town Clerk read into the record, verbatim, the Settlement Agreement and General Release of Claims in the matter of Lopez-Burton et al. v. Town of Apple Valley, Case No. CIVDS1604968.

Discussion ensued describing what this agreement's result ultimately means and described the difference between a Nexus Study and Cost Allocation Study and the ultimate cost to ratepayers.

ADJOURNMENT

Motion by Council Member Emick, seconded by Council Member Cusack, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:46 p.m.

Scott Nassif, Mayor

Debra Thomas, Deputy Town Clerk