

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

**REGULAR MEETING**

**MINUTES – April 11, 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; Stanton; Mayor Pro Tem Bishop; Mayor Nassif

Absent: None.

**OPENING CEREMONIES**

**INVOCATION:** Bishop Ebmeyer, Church of Jesus Christ Latter Day Saints

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

**PRESENTATIONS:** San Bernardino County Library Construction Update, Leonard Hernandez, County of San Bernardino - construction will begin on Monday

**PUBLIC COMMENTS**

Al Rice, Apple Valley, expressed concern regarding data listed on the Town's website which he believed contained incorrect information dealing with the water acquisition.

Richard Rorex, Apple Valley, commented on the Man About Town event that will be held on April 22, 2017 at Sunset Hills beginning at 6:00 p.m.

Matthew Fairchild, Apple Valley expressed concern regarding transportation in our community and the number of vehicles that travel our roads that increase the number of potential accidents.

Lawrence McCarthy, Apple Valley, commented on the request for approval of a \$150,000,000 bond listed in Measure F. He also commented on appraisals and valuations when dealing when property.

Patricia Perry, Apple Valley, expressed concern regarding the turmoil that she feels she is experiencing in her neighborhood.

### COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Emick 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 Nassif requested a report on current Development Fees (Building, Housing and Transportation) and the Conditional Use Permit process.

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

- A. Regular Meeting – Tuesday, April 25, 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 Council Member Stanton, to approve the Consent Calendar items numbered 1-8.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**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 – March 28, 2017**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

2. **Treasurer's Report – February 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 February 2017 Treasurer's Report.
3. **March 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. **March 2017 Payroll / Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
5. **Fee Waiver Request for the Church for Whosoever Annual Community Outreach on May 29, 2017 and September 4, 2017**  
**Recommendation:**  
For good cause shown and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$258.32 for both events.
6. **Amendment No. 1 for Time Extension of the Construction Funding Agreement for the Yucca Loma Road Widening – Project No. 2015-02**  
**Recommendation:**  
That the Town Council approve Amendment No. 1 of Project Funding Agreement 15-1001116, between San Bernardino County Transportation Authority and the Town of Apple Valley, for the Yucca Loma Road Widening, subject to approval as to form by the Town Attorney.
7. **Amendment No. 1 for Time Extension of the Construction Funding Agreement for the Yates Road Widening – Project No. 2013-04**  
**Recommendation:**  
That the Town Council approve Amendment No. 1 of Construction Funding Agreement 13-227, between San Bernardino County Transportation Authority, San Bernardino County and the Town of Apple Valley, for the Yates Road Widening, subject to approval as to form by the Town Attorney.
8. **Request for Proposal for Professional Services for Recruitment of the Town Manager Position**  
**Recommendation:**  
That the Town Council issue a Request for Proposal for Professional Services for recruitment of the Town Manager position.

<b>PUBLIC HEARINGS</b>
------------------------

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**9. Discussion Regarding Sewer Requirements for Residential Multi-Family Infill Lots**

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the review process for potential changes to the Town's Development Code as it relates to the replacement of septic systems.

Cecil Volsch, Apple Valley Realtor, commented on the impact of this issue on new construction and the problems that occur as a result of identifying stand alone property for exceptions.

It was the consensus of the Town Council to move forward with a study on this issue.

**10. Vacancy on the Community Development Citizens Advisory Committee**

**MOTION**

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, to nominate Rick Whittingham to the Town of Apple Valley Community Development Citizens Advisory Committee.

Vote: Motion carried 5-0-0-0

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

Absent: None.

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

Frank Robinson, Town Manager, commented on the passage of the Road Repair and Accountability Act. He stated that it has yet to be determined how this act may affect the Town.

**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 8:00 p.m. to discuss items 11A-11J.

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.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704285 – Carrillo Et Al. vs. Town of Apple Valley Et Al.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704206 – Golden State Environmental Justice Alliance vs. Town of Apple Valley Et Al.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704262 – Sierra Club vs. Town of Apple Valley Et Al.

Upon returning from Closed Session at 10:54 p.m., Mayor Nassif announced that there was the following reportable action taken:

After review and discussion of Town Manager, Frank Robinson's outstanding performance, recent retirement announcement and recommendation, the Town Council has requested an item be placed on the agenda, for discussion and consideration of the appointment of Ms. Lori Lamson to the position of Interim Town Manager.

**ADJOURNMENT**

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:55 p.m.

\_\_\_\_\_  
Scott Nassif, Mayor

\_\_\_\_\_  
LaVonda M-Pearson, Town Clerk