

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

REGULAR MEETING

MINUTES – May 30, 2017

CALL TO ORDER:

Mayor Nassif called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:32 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: The invocation was led by Pastor Foy, United in Christ

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

PRESENTATIONS: Greener Way of Life, Joseph Moon, Public Services Manager

PUBLIC COMMENTS

Richard Rorex, Apple Valley, commented on the total cost of providing water to the community and the amount of funds that have been spent by both Liberty Utilities and the Town of Apple Valley in their quest for the water agency.

Pat Hanson, Apple Valley, commented on her support for Liberty Utilities.

Christina Burton, Apple Valley, commented on what she believed were foreseen safety problems on the bridge. She then spoke of her belief that the Town of Apple Valley hired an Economist who has not fully vetted all the information associated with Measure F. She also spoke on the lack of information published to the public regarding Apple Valley Choice Energy.

Jim Blackburn, Apple Valley, commented on the use of marijuana and the need for the Town Council to support the use in the community.

Tom Piper, Apple Valley, commented on street racing in Apple Valley.

Diana Carloni O'Malley, Apple Valley, disputed statements that she believed were falsely made by the Yes on Measure F Campaign Committee.

Al Rice, Apple Valley, commented on the robocalls that he has received regarding Measure F. He also commented on the analysis conducted by students at the University of California Riverside which he believed did not account for all the information associated with Measure F.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to move Agenda Item Number 8, to be presented at this time.

Vote: Motion carried 5-0-0-0

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

Absent: None.

8. Economic Analysis of Water Acquisition Efforts – Dr. Christopher Thornberg, Ph.D., Beacon Economics

Marc Puckett, Assistant Town Manager, introduced Dr. Christopher Thornberg, who will present an external analysis of the water acquisition efforts.

Dr. Christopher Thornberg, presented a powerpoint presentation that debated whether or not purchasing the local water agency from the current owner was a good financial move for the Town of Apple Valley. In his analysis, he reviewed financial modelling, the purchase price, interest rates, increases, net revenue analysis, capital expenses and the Town's ability to run the utility company. During his analysis, he critiqued estimates presented by Economist John Husing.

The Town Council Members each thanked Dr. Thornberg for his honest unbiased opinion reviewing the evidence of the utility purchase plan.

Mayor Pro Tem Bishop asked Dr. Thornberg for his opinion as to why the current utility provider had not filed the required reports as mandated.

Dr. Thornberg responded stating that the lack of compliance is due to either basic incompetence or a desire not to share the information.

Diana Carloni O'Malley, disputed statements made by Dr. Thornberg and his overall analysis of the Town's purchase of Liberty Utilities.

This was a verbal presentation only. There was no action required.

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:

None.

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

- A. Regular Meeting – June 13, 2017 – Council Chamber
Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

In reference to Agenda Item Number 6, Brad Miller, Town Engineer, commented on the grant that was awarded to allow for enhancement on Highway 18 in the village area of Apple Valley. He commended Jennifer Heim, Special Projects Manager and Blais and Associates for their hard work in ensuring the success of the grant application.

In reference to Agenda Item Number 2, Brad Miller, Town Engineer, explained the request of staff to reject the bids for the Class II Bikeway Upgrade.

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

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. **Regular Meeting – May 9, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. **Town-wide Class II Bikeway Upgrade – Project No. 2016-03 Reject All Bids**

Recommendation:

1. Reject all bids for the Townwide Class II Bikeway Upgrade -- Project No. 2016-03.
2. Direct staff to reduce the scope of the project.
3. Authorize staff to solicit bids for the revised scope of work.

3. **Advertise Navajo Road Rehabilitation – Project No. 2015-01**

Recommendation:

1. That the Town Council review and approve the project plans, specifications, and bid documents for the Navajo Road Rehabilitation -- Project No. 2015-01.
2. That the Town Council authorize staff to solicit bids for construction of said project.

4. **Adopt Resolution No. 2017-13, A Resolution of the Town Council of the Town of Apple Valley, California, Placing the Hilltop House Property (APN: 3112-181-01) into the Town of Apple Valley Park System and Amending the Master Plan of Parks and Recreation**

Recommendation:

That the Town Council adopt the attached Resolution No. 2017-13, a Resolution of the Town Council of The Town of Apple Valley, California, placing the recently purchased Hilltop House

property into the Town of Apple Valley Park system and amend the Master Plan of Parks and Recreation to include the property as an asset to the park system.

5. Apple Valley Choice Energy (AVCE) Consultant Services Agreement

Recommendation:

Staff recommends that the Town Council authorize the Town Manager to execute the Consultant Services Agreement contract with Pacific Energy Advisors to provide ongoing consulting services for Apple Valley Choice Energy (AVCE).

6. Apple Valley Village SR 18 Corridor Enhancement Plan – Project No. 2017-02

Recommendation:

1. Adopt Resolution 2017-14, A Resolution of the Town Council of the Town of Apple Valley, California, authorizing Town staff to enter into a contract with Caltrans for the Apple Valley Village SR 18 Corridor Enhancement Plan.
2. Approve Budget Amendment 17-14 amending the 2016-2017 Capital Improvement Projects Budget to include a grant awarded for the subject project.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

7. Discussion regarding Modification to the Development Code Regulations for Multi-Family Residential Development

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk. She stated that if the Town Council desired, staff would forward this item to the Planning Commission for consideration of a workshop to include interested parties to discuss modifications to the code regarding multi-family residential development.

It was the consensus of the Town Council to remand this item to the Planning Commission to hold a workshop and possibly site tours on multi-family residential development.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

9. 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 8:40 p.m. to discuss items 9A-9I

- 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. 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.
- G. 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.
- H. 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.
- I. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.

Upon returning from Closed Session at 9:24 p.m., Mayor Nassif announced that there was no reportable action taken.

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 9:25 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk