

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

**REGULAR MEETING**

**MINUTES – December 13, 2016**

**CALL TO ORDER:**

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

Absent: None

<b>OPENING CEREMONIES</b>
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**INVOCATION:** Pastor Joseph Valery, Victory in Jesus Bible Faith Center

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

<b>MAYOR’S YOUTH LEADERSHIP SUMMIT – MOCK COUNCIL PRESENTATION</b>
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**1. Swim Lessons for Low Income/At – Risk Youth**

**Recommendation:**

That the Town Council approve an expenditure of up to \$1,000.00 to fund Swim Lessons for Low Income/At-Risk Youth.

**Recognition:** Participation Awards for Mayor’s Youth Leadership Summit Schools.

<b>CANVASS OF ELECTION RETURNS</b>
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**2. Results of Canvass of Election Returns of the Town of Apple Valley General Municipal Election held November 8, 2016, and adopt Resolution No. 2016-38 Reciting the Fact of the Election and Such Other Matters Provided by Law**

**Recommendation:**

Adopt Resolution No. 2016-38 reciting the fact of the election and such other matters provided by law.

Lawrence McCarthy, Apple Valley, wanted to correct statements made about the Town’s description of both Measure V and Measure W.

**3. Installation of Newly Elected Council Members Pursuant to the Results of the Special Municipal Election Held November 8, 2016.**

**Recommendation:**

(1) Installation of Officers.

Oath of Office to be Administered to Council Member Art Bishop

Oath of Office to be Administered to Council Member Larry Cusack

Town Clerk to present each newly elected Council Member a Certificate of Election.

**4. Selection of Mayor and Mayor Pro Tempore**

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Cusack, to nominate Scott Nassif as Mayor of the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Cusack, to nominate Art Bishop as Mayor Pro Tem of the Town of Apple Valley.

Vote: Motion carried 5-0-0-0

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

Absent: None.

**RECESS FOR REORGANIZATION**

**PRESENTATION:**

Mayor's Plaque – Mayor Emeritus Stanton for her term as Mayor on the Town Council for the period December 2015 to December 2016.

**PUBLIC COMMENTS**

David Diaz, Apple Valley, expressed concern regarding the lack of public safety in the community.

Joe Garcia, Apple Valley Lion's Club, indicated that a youth Lion's Club organization has been established to teach the youth at a young age the importance of assisting others.

Doug Fenn, respectfully requested a meeting with the Mayor and Town Manager. He also commented on the positive work ethic of members of the Town staff.

John Laraway, Apple Valley, expressed concern regarding refugees being placed in the community.

Kasha Herrington, Apple Valley, commented on the passage of Proposition 64 and stated that she was looking forward to seeing how the Town Council will move forward with this item.

Marilyn Reed, Apple Valley, expressed concern regarding the need for road repair in the community.

Candace Thome, Apple Valley, spoke in support of the passage of Proposition 64.

Don Copeland, Citizen, commented on his business as a cannabis distributor. He stated that he is willing to assist the Town of Apple Valley with developing a business structure for medical cannabis.

Stephanie Klausner, offered her assistance to the Town in developing a medical cannabis distribution business.

Mike Sweiss, Consultant, offered cannabis related consulting services from compliance and regulation to delivery, allocating grows and cooperative dispensaries.

Chuck Shakta, Consultant, spoke in support of medical cannabis businesses that would save lives and generate revenue.

#### **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:**

Council Member Stanton would like to revisit the cannabis ordinance to discuss the delivery system.

John Brown, Town Attorney, explained that his office has prepared a comprehensive memorandum that will be presented to the Town Council at a future Council meeting.

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

- A. Special Meeting - Thursday, January 5, 2017 - Council Chamber at 7:00 p.m.**
- B. Regular Meeting – Tuesday, January 10, 2017 – Council Chamber  
Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

Mayor Nassif announced that he had 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 Item Number 6. 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 Item Number 6.

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to approve the Consent Calendar items numbered 5-16, respectfully.

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 6. Mayor Nassif abstained from voting on specific warrants listed under Agenda Item Number 6.**

**5. Approval of Minutes of the Town Council**

**A. Regular Meeting – November 15, 2016**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**6. October 2016 Commercial Warrants and July through October 2016 Wire Transfer Schedules**

**Recommendation:**

That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.

**7. October 2016 - Payroll / Benefits Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

**8. Treasurer's Report – October 2016 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 Town Council receive and file the October 2016 Treasurer's Report.

**9. Adopt Ordinance No. 490, An Ordinance of the Town Council of the Town of Apple Valley to Amend Code Sections 9.35 and 9.36 to Allow and Establish Standards for Cargo Containers in the Village Commercial (C-V) Zoning District**

**Recommendation:**

Adopt Ordinance No. 490.

10. **Adopt Resolution No. 2016-37, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Classification Plan for the Town of Apple Valley**  
**Recommendation:**  
That the Town Council adopt the attached Resolution No. 2016-37, A Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.
11. **Claimant - Fidel Gonzalez**  
**Recommendation:**  
Reject the claim of Fidel Gonzalez.
12. **Claimant – Estate of Michael Gonzalez**  
**Recommendation:**  
Reject the claim of the Estate of Michael Gonzalez.
13. **Claimant – Mike L. Cinko**  
**Recommendation:**  
Reject the claim of Mike L. Cinko.
14. **Receipt of JAG Grant Funds for Fiscal Year 2014-15 into the Public Safety Grant Fund for Police Activities League Related Expenditures**  
**Recommendation:**
  1. Approve receipt of Justice Assistance Grant funding in the amount of \$14,692.00, and
  2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2014 Justice Assistance Grant Award.
15. **Receipt of JAG Grant Funds for Fiscal Year 2015-16 into the Public Safety Grant Fund for Police Activities League Related Expenditures**  
**Recommendation:**
  1. Approve receipt of Justice Assistance Grant funding in the amount of \$13,177.00, and
  2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2015 Justice Assistance Grant Award.
16. **Receipt of JAG Grant Funds for Fiscal Year 2016-17 into the Public Safety Grant Fund for Police Activities League Related Expenditures**  
**Recommendation:**
  1. Approve receipt of Justice Assistance Grant funding in the amount of \$15,663.00, and
  2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2016 Justice Assistance Grant Award.

<b>PUBLIC HEARINGS</b>
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17. **Public Hearing for 2017-21 Consolidated Plan and 2017-18 Action Plan**

Mayor Nassif opened the public hearing at 8:20 p.m.

Orlando Acevedo, Assistant Director of Economic and Community Development, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Nassif closed the public hearing at 8:25 p.m.

There was no additional action required on this item.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

Frank Robinson, Town Manager, wished everyone a Merry Christmas and a safe new year.

**CLOSED SESSION**

**18. Closed Session**

Mayor Nassif announced that 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 the meeting of the Apple Valley Town Council at 8:29 p.m. to discuss the following:


- 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. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No. CIVDS160498 – Christina Lopez – Burton vs. Town of Apple Valley.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1507221 – Leane Lee vs. Town of Apple Valley.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517800 – Krause, Kalfayan, Benink & Slavens, LLP vs. Town of Apple Valley.
- K. Negotiations with Real Property Negotiator – Parcel Number: 3087-351-23. Negotiating Party: Town Negotiator - Town Manager. Negotiations involve both price and terms.

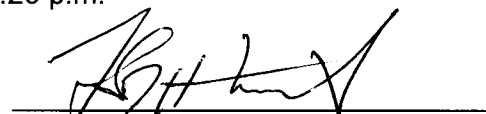
Upon returning from Closed Session at 9:25 p.m., Mayor Nassif announced that there was no reportable action taken.

**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 9:26 p.m.



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LaVonda M-Pearson, Town Clerk



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Scott Nassif, Mayor