

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

**REGULAR MEETING**

**MINUTES – April 25, 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.

<b>OPENING CEREMONIES</b>
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**INVOCATION:** The Invocation was led by Pastor Kit Johnson, Life Point Baptist Church

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

**PRESENTATIONS:** Employee of the Quarter presented to Charlene Engeron, Public Relations Specialist

<b>PUBLIC COMMENTS</b>
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Matthew Fairchild, Apple Valley, commented on the ability to increase Town funding through infrastructure and commercial development. He believed that the additional funding would assist the Town in completing more projects.

Richard Rorex, Apple Valley, thanked the community for their support with the Man About Town event. He also commented on the lawsuits that have been filed against the Town regarding Big Lots. Lastly, he spoke on the funding necessary for purchasing Liberty Utilities.

Susan Wells, Apple Valley, commented on the need for special need services in the Town of Apple Valley. She recommended funding be allocated to the Lighthouse for the Blind organization.

Christina Burton, Apple Valley, read a statement into the record from Economist John Husing regarding Measure F.

Jim Blackburn, Apple Valley, expressed concern regarding the lack of services available for medical marijuana users.

Diana Carloni O'Malley, Apple Valley, commented on Agenda Item Number 6 regarding the cost of acquisition for Liberty Utilities. She stated that the No on Measure F Committee continues to encourage the community to vote no because the cost for acquisition is yet to be determined. In addition, she believed that the Town could not successfully operate a water enterprise.

Bryen Wright, Apple Valley, commented on the Yes on Measure F signs that are placed within the community. He did not believe the statement of Freedom on the signs was accurately used. He spoke on private enterprise and the rights of businesses and consumers.

#### **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 – May 9, 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 1-3.

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 – April 11, 2017**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
- 2. Request for Proposals – Master Plan for Identifying Potential Locations and Marketing Wireless Telecommunication Sites within the Town**

**Recommendation:**  
That the Town Council authorize staff to issue the Request for Proposals (RFP) – Location and Marketing Plan for Telecommunication sites within the Town of Apple Valley.
- 3. Acceptance of Completed Improvements and Release of Surety Bonds for a Portion of Tract Map No. 17093-1**

**Recommendation:**

In accordance with the attached negotiated Settlement and General Release Agreement dated October 17, 2016, that Town Council accept the completed Public Improvements, and authorize the release of surety bond securities for Tract Map No. 17093-1.

## PUBLIC HEARINGS

### 4. **Continue Date of Second Public Hearing for 2017-2021 Consolidated Plan and 2017-2018 First Year Action Plan**

Mayor Nassif opened the public hearing at 7:31 p.m.

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

#### **MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, to continue the public hearing to the meeting of June 13, 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.

Vote: Motion carried 5-0-0-0

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

Absent: None

## REPORTS, REQUESTS AND COMMUNICATIONS

### **BUSINESS OF THE COUNCIL**

### 5. **CEMEX Request to Allow Overhead Power Lines**

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

CEMEX representatives explained the need to increase the number of overhead power lines due to the timeframe necessary to add the additional power.

The Town Council members thanked CEMEX for their work in the community and their diligence in ensuring that the process is handled correctly.

#### **MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Bishop, that:

1. The installation of a new service line is an unusual circumstance;
2. To grant CEMEX permission to allow overhead utility lines for the CEMEX mining and aggregates process facility under the following conditions:

- a. The power line will be privately developed and owned by CEMEX, not a public utility, for CEMEX'S exclusive use. No service connections off of the line can or will be developed by others.
- b. The power line will be operated solely in conjunction with the CEMEX Facility, and will be removed or disconnected upon completion of service to the CEMEX Facility.
- c. The power line will be operated adjacent to an existing CEMEX private gated road, and adjacent to CEMEX'S privately owned railroad.

Vote: Motion carried 5-0-0-0

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

Absent: None

**6. Presentation – Financing of the Purchase of Liberty Utilities**

Marc Puckett, Assistant Town Manager, presented a PowerPoint presentation on the financing of the purchase of Liberty Utilities.

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

<b>TOWN MANAGER'S COMMENTS &amp; LEGISLATIVE UPDATE</b>
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**DEPARTMENTAL REPORTS AND BUSINESS**

None.

<b>CLOSED SESSION</b>
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**7. Closed Session**

Mayor Nassif adjourned the meeting of the Apple Valley Town Council to closed session at 9:02 p.m. to discuss the following:

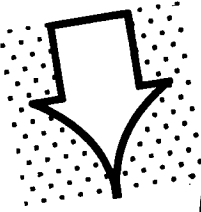
- A. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Paragraph (2) of subdivision (d) of Section 54956.9: one or more potential cases.
- B. Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) 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 No.: CIVDS1601999 – Town of Apple Valley vs. Jess Ranch Development, Et Al.

Upon returning from Closed Session at 9:42 p.m., Mayor Nassif announced that there was no reportable action taken.

**ADJOURNMENT**

**SIGN  
HERE**

Motion by Council Member Emick, seconded by Council Member Cusack, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 9:43 p.m.



La Vonda M-Pearson, Town Clerk

Scott Nassif, Mayor