

**TOWN OF APPLE VALLEY  
TOWN COUNCIL/COMMUNITY RESOURCE FOUNDATION/  
SUCCESSOR AGENCY**

**REGULAR MEETING**

**MINUTES – February 28, 2017**

**CALL TO ORDER:**

Mayor Nassif called to order the regular session of the Apple Valley Town Council, Community Resource Foundation 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

<b>OPENING CEREMONIES</b>
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**INVOCATION:** Pastor Stephen Colangelo, Lucerne Valley Bible Fellowship

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

**PRESENTATIONS:**

Greg Steininger, 5 Bars Communities, shared a PowerPoint presentation on a unique concept for Master Planning Wireless Cellular Sites in the Town of Apple Valley. Frank Robinson, Town Manager, stated that additional information will be presented to Council at a future date.

Economic Development Update, Orlando Acevedo, Assistant Director of Economic Development.

<b>PUBLIC COMMENTS</b>
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Kristi Sedlak, Apple Valley, stated that the goal of her group is to open dialogue with the elected officials and members of the public.

Bob Tinsley, Apple Valley Chamber, commented on upcoming events sponsored by the Chamber of Commerce and thanked the Town for their support.

Janice Moore, CEO, Chamber of Commerce, spoke on the new home-based business program that the Chamber is offering to assist members of the public in enhancing their business. She also commented on the Chamber Directory that will be revamped and once again made available for members of the public. She thanked the Town for their support in making the positive changes to the Apple Valley Golf Course.

Chris Ackerman, Chamber of Commerce, spoke on the Apple Seed Program and provided a copy of the Source Magazine. He also announced the joint venture event between the Chamber of Commerce and Off the Grid Brewery for the first ever Summer Hops Brew Fest taking place at Lion's Park.

John Laraway, Apple Valley, expressed concern regarding possible health issues that may be attributed to expanding the use of radio waves in the community. He also recommended the Town take action to prevent Apple Valley from becoming a sanctuary city.

Tom Piper, Apple Valley, commented on the previous issuance of cell sites in the Town of Apple Valley.

Doug Fenn, Citizen, expressed concern regarding the Town of Apple Valley contacting his employer about his request to speak with staff. He respectfully requested that he be given the opportunity to speak with management about his concerns.

#### **COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

Council Member Cusack stated that he had not attended any meetings or events since the previous meeting.

Council Member Emick 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:**

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

**A. Regular Meeting – Tuesday, March 14, 2017 – Council Chamber  
Regular Session at 6:30 p.m.**

#### **TOWN COUNCIL CONSENT AGENDA**

Brad Miller, Town Manager, clarified for the Town Council the need for an amendment to extend services to complete the Yucca Loma Road Widening and Drainage Improvements. He noted that the project remains under budget.

Motion by Council Member Emick, seconded by Council Member Cusack, 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. **Special Meeting – February 7, 2017**
  - B. **Regular Meeting – February 14, 2017**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Adopt Ordinance No. 492 – An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 6 of the Municipal Code regarding Provisions related to Nuisances**

**Recommendation:**  
Adopt Ordinance No. 492.
  
3. **Yucca Loma Bridge Construction Management Services Contract Amendment #2 of the Yucca Loma Bridge/Yates Road Contract Agreement, in the Amount of \$296,418.00, to Extend Services to Complete Yucca Loma Road Widening and Drainage Improvements**

**Recommendation:**  
Approve the Yucca Loma Bridge Construction Management Services Contract Amendment #2 with Parsons, the Project's Construction Management Contractor, in the not-to-exceed amount of \$296,418.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
  
4. **Acceptance of Work, Notice of Completion and Release of Retention for the Bear Valley Bike Path – Project No. 2012-03**

**Recommendation:**  
That the Town Council:

  1. Accept the work completed as part of the Bear Valley Bike Path – Project No. 2012-03, for a total cost of \$393,973.63.
  2. Direct the Town Clerk to file the Notice of Completion for the contract work.
  3. Direct the Finance Director to release the retained funds thirty (30) days after the Notice of Completion has been filed, provided no claims are filed against the contractor.
  
5. **Apple Valley Community Resource Foundation 2015-16 Annual Report**

**Recommendation:**  
It is recommended that the Board receive and file the Apple Valley Community Resource Foundation Annual Report for Fiscal Year ended June 30, 2016.
  
6. **Claimant – Richard Edward Satchell**

**Recommendation:**  
Reject the claim of Richard Edward Satchell.

<b>PUBLIC HEARINGS</b>
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None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**7. Fiscal Year 2016-2017 Mid-Year Budget Review**

Marc Puckett, Assistant Town Manager, presented the staff report as filed with the Town Clerk. He presented a PowerPoint presentation that highlighted the Town's revenues and expenditures to date and proposed adjustments.

The Town Council Members asked questions regarding the increase of costs for certain Town services.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Cusack, to:

1. Receive and file the Fiscal Year 2016-2017 Mid-Year Budget Review Report; and
2. Approve Budget Amendment Number 17-9 incorporating revenue and expenditure changes and carry forwards as proposed herein.

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, stated that the Grand Opening of the Yucca Loma Bridge is scheduled for May 19, 2017.

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**CLOSED SESSION**

**8. 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 8:50 p.m. to discuss items 8A-8G.


- 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.

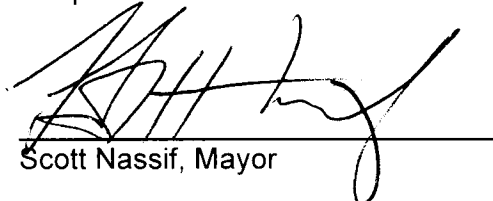
- B. Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: one or more potential cases.
- C. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code 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. 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.
- F. 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.
- G. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 10:45 p.m., Mayor Nassif announced that there was no reportable action taken.

<b>ADJOURNMENT</b>
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Motion by Council Member Stanton, seconded by Council Member Emick, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 10:46 p.m.

  
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LaVonda M. Pearson, Town Clerk

  
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Scott Nassif, Mayor