

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

**REGULAR MEETING**

**MINUTES – January 10, 2017**

**CALL TO ORDER:**

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

Absent: Council Member Stanton

**OPENING CEREMONIES**

**INVOCATION:** Minister James Campbell, JC Enterprises

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Bishop

**PRESENTATIONS:** Captain Lana Tomlin, San Bernardino County Sheriff's Department - Recognition Awards from Town of Apple Valley and Assemblyman Jay Olberolte and the California State Legislature

Support Apple Valley Events (SAVE) Sponsor Recognition, Kathie Martin, Marketing and Public Affairs Officer

**PUBLIC COMMENTS**

Wes Kanawyer and Lisa Lamb, Lewis Center for Educational Research, thanked Council for their continued support of their school and organization.

**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.

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, January 24, 2017 – Council Chamber  
Regular Session at 6:30 p.m.

## TOWN COUNCIL CONSENT AGENDA

Mayor Nassif announced that Mayor Pro Tem Nassif 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 Item Number 2. 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 2.

Motion by Council Member Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-4A.

Vote: Motion carried 4-1-0-0

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

Absent: Council Member Stanton

**Council Member Cusack abstained from voting on specific warrants listed under Agenda Item Number 2. Mayor Nassif abstained from voting on specific warrants listed under Agenda Item Number 2.**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – December 13, 2016**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
2. **November 2016 Commercial Warrants and Wire Transfer Schedules**  
**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.
3. **November 2016 Payroll / Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
4. **Treasurer's Report – November 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 the Town Council receive and file the November 2016 Treasurer's Report.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**5. Garage/Yard Sales**

Jim Andersen, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding the impact that multiple massive yard sales have on the community.

Lawrence McCarthy, Apple Valley, requested the Council consider allowing signs on public property that could possibly reduce the amount of enforcement that is currently required.

It was the consensus of the Town Council to direct staff to review and develop potential solutions to reduce the amount of enforcement required by staff on garage/yard sales.

**6. Establishment of Priority Needs for the 2017-21 Consolidated Plan and 2017-18 First Year Action Plan**

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

**MOTION**

Motion by Council Member Emick, seconded by Council Member Cusack, to approve the following list of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding priorities, as established in the Strategic Plan, to be used as a guide by the Community Development Citizens Advisory Committee (CDCAC) in their recommendations to the Town Council for the 2017-2018 First Year Action Plan.

Vote: Motion carried 4-1-0-0

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

Absent: Council Member Stanton

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**CLOSED SESSION**

**7. 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 7:20 p.m. to discuss items 7A-7K.

- 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 7:52 p.m., Mayor Nassif announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Mayor Pro Tem Bishop, seconded by Council Member Emick, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:53 p.m.

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Scott Nassif, Mayor

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LaVonda M-Pearson, Town Clerk