

**AGENDA**

**APPLE VALLEY TOWN COUNCIL/  
SUCCESSOR AGENCY/  
PUBLIC FINANCING AUTHORITY**

**REGULAR MEETING**

**MINUTES January 8, 2019**

**CALL TO ORDER:**

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:31pm

Roll call was taken with the following members present:

Roll Call

Present: Council Member Bishop, Council Member Emick, Council Member Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: None

**OPENING CEREMONIES**

**INVOCATION:** Josh Gerbracht, First Assembly of God

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

**PRESENTATIONS:** Calendar Photograph Recognition, Charlene Engeron, Public Relations Specialist

Knights of Columbus Donation Presentation, Oscar Miranda, Knights of Columbus Council 10494 High Desert Church

Recognition of Jill Hemingway for work done on the Community Development Citizen Advisory Committee.

Recognition of incoming Planning Commissioner, Mike Arias

Recognition of incoming Parks and Recreation Commissioner, Colin Wilson

**PUBLIC COMMENTS**

Lawrence McCarthy expressed concern regarding the Apple Valley Golf Course and the lack of income that he believed it generates. He recommended that the Town contact the PTA to request that they sponsor a tournament that would help close the deficit at the golf course.

Al Rice expressed concern regarding various matters including the technical difficulties that affected the audio for the last Town Council meeting and the lack of information that was included in the agenda packet. Mr. Rice also commented on the reasons he believed the Town was in violation of EOC Guidelines.

### COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Bishop commented on committee meetings and events that he attended.

Council Member Leon commented on committee meetings and events that she attended.

Council Member Emick commented on events that he attended.

Mayor Pro Tem Nassif commented on committee meetings and events that he attended. He also expressed concern regarding a letter published in the Daily Press on December 24, 2018 titled "Disrespectful town officials" under letters to the Editor section. Mayor Pro Tem Nassif requested clarification on the matter. Mr. Robertson clarified the letter for Mayor Pro Tem Nassif.

Mayor Cusack commented on committee meetings and events that he attended. He also announced the upcoming Mayors Weight Loss Challenge beginning on January 09, 2019.

### TOWN COUNCIL ANNOUNCEMENTS

**Suggested items for future agenda:**

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

- A. Regular Meeting – Tuesday, January 22, 2019 – Council Chamber  
Regular Session at 6:30 p.m.**

### TOWN COUNCIL CONSENT AGENDA

Hannah Raleigh, Senior Office Assistant, read the following disclosure statement:

Mayor Pro Tem Nassif has a remote interest in specific warrants on tonight's Commercial Warrants dealing with NAPA Auto Parts or High Desert Auto Supply for the Town of Apple Valley as the owner of these businesses. Therefore, he will be abstaining from voting on the warrants for NAPA Auto Parts and High Desert Auto Supply listed under Agenda Item Number 2. In addition, due to his interest in both businesses, Mayor Pro Tem Nassif will also be abstaining from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Mayor Pro Tem Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Mayor Pro Tem Nassif confirmed that he would be abstaining from voting on these warrants.

Mayor Cusack also has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications, AV Tech Services or AVCOM Services for the Town of Apple Valley as the owner of these businesses. Therefore, he too will be abstaining from voting on the warrants for Apple Valley Communications, AV Tech Services and AVCOM Services listed

under Agenda Item Number 2. In addition, due to his interest in these businesses, Mayor Cusack will be abstaining from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Mayor Cusack is maintained on file in the Town Clerk's Office and available for review at the dais.

Mayor Cusack confirmed that he would be abstaining from voting on these warrants.

### **MOTION**

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1–6 respectfully, that item number 7 be continued to a future meeting and that item number 8 be pulled for discussion.

Vote: Motion carried 5-0-0-0

Yes: Council Member Bishop, Council Member Emick, Council Member Leon, Mayor Por Tem Nassif, Mayor Cusack.

Absent: None

**Mayor Pro Tem Nassif and Mayor Cusack abstained from voting on specific warrants listed under Agenda Item Number 2.**

1. **Approval of Minutes of the Town Council**
  - A. **Regular Meeting – December 11, 2018**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda
2. **December 2018 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. **December 2018 Payroll / Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify, and file the Payroll / Benefits Warrants Schedule.
4. **A Resolution of The Town Council of the Town of Apple Valley, California, Amending the Classification and Salary Plan for The Town of Apple Valley**  
**Recommendation:**  
That the Town Council adopt the attached Resolution No. 2019-01, a Resolution of the Town Council of the Town of Apple Valley, California, amending the current Classification and Salary plan.
5. **Acceptance of Work for Paving 18-19 Project No. 2018-04**  
**Recommendation:**  
That the Town Council:
  1. Accept the work completed as part of the Paving 18-19 Project No. 2018-04 for a total contract cost of \$1,957,089.42
  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 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

**6. Bear Valley Road Bus Stop Improvement Project No. 2018-05**

**Recommendation:**

That the Town Council:

1. Accept the work completed as part of the Navajo Road Rehabilitation Project No. 2018-03 for a total contract cost of \$269,287.00.
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 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

**CONTINUE FOR NEXT MEETING**

**7. SR18/Apple Valley Road Intersection Realignment Project – Contract Amendment no.3.**

**Recommendation:**

Approve Amendment No. 3 to the November, 2008 agreement between the Town of Apple Valley and Dokken Engineering for engineering services on the State Route 18/Apple Valley Road Intersection Realignment Project for an amount not-to-exceed \$491,366.

**MOTION**

Motion made by Mayor Pro Tem Nassif, seconded by Council Member Emick, to continue Approve Amendment No. 3 to the November, 2008 agreement between the Town of Apple Valley and Dokken Engineering for engineering services on the State Route 18/Apple Valley Road Intersection Realignment Project for an amount not-to-exceed \$491,366 until next meeting.

Vote: Motion carried 5-0-0-0

Yes: Council Member Bishop, Council Member Emick, Council Member Leon, Mayor Por Tem Nassif, Mayor Cusack

**PULLED FOR DISCUSSION**

**8. Approving and Authorizing Transmittal of a Recognized Obligation Payment Schedule and Administrative Budget for FISCAL Year 2019-20**

**Recommendation:**

Adopt a resolution approving and authorizing transmittal of a Recognized Obligation Payment Schedule and administrative budget for Fiscal Year 2019-20.

Council Member Bishop requested clarification on the recommendations made by the County of San Bernardino and VVEDA as it relates to the redistributions of the funds.

Mr. Galkin, RSG representative, explained the redistributions of funds is still under the County of San Bernardino oversight board review.

**MOTION**

Motion made by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to adopt a resolution approving and authorizing transmittal of a Recognized Obligation Payment Schedule and administrative budget for Fiscal Year 2019-20 as amended.

Vote: 5-0-0-0

Yes: Council Member Bishop, Council Member Emick, Council Member Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: None

## PUBLIC HEARINGS

None.

## REPORTS, REQUESTS AND COMMUNICATIONS

None.

## TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, recognized Sydnie Harris, Director of Finance, for her work on the Town audit. He also informed the Town Council that the Finance Department will begin working on completing Treasurers Reports for 2018.

Mr. Robertson also spoke on the Mayors Weight Loss Challenge.

## CLOSED SESSION

### 9. Closed Session

Hannah Raleigh, Senior Office Assistant, stated that if needed, Mayor 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 Cusack recessed the meeting of the Apple Valley Town Council at 7:18 p.m. to closed session 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 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.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- E. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1725027 – Christina Lopez-Burton v. Town of Apple Valley.
- F. 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 7:33 p.m., Mayor Cusack announced that there was no reportable action taken.

<b>ADJOURNMENT</b>
--------------------

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:34 p.m. in remembrance of Dennis Blasko, owner of Phoenix Printing in the Town of Apple Valley.

\_\_\_\_\_  
Larry Cusack, Mayor

\_\_\_\_\_  
Hannah Raleigh, Deputy Town Clerk