

**AGENDA**

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

**REGULAR MEETING**

**MINUTES April 9, 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 Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: None

**OPENING CEREMONIES**

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

**PRESENTATIONS:** Best of the Desert - Steve Hunt, Publisher/Editor, Victor Valley Daily Press - Best Place to Live and Best Golf Course in the High Desert

**PUBLIC COMMENTS**

Bill Inger, Apple Valley, commented on the Town's general fund and line of credit. He questioned if Apple Valley had intent on making payments toward the principle or interest only payments. He also commented on the water company and believed that Apple Valley would be subject to the Public Utility Commission regulations if it was successful with the takeover.

Lawrence McCarthy, Apple Valley, recommended that the minutes be modified to state that you could build a secondary structure if you have septic depending on modifications to your property.

Al Rice, Apple Valley, commented on the budget. He believed that the Town did not list a Treasurer's Report on the agenda for a few months and he questioned if that was done to manipulate the budget. He also expressed concern regarding the public access channel and the Comprehensive Annual Financial Report.

Geri Inger, Apple Valley, commented on the 7.75% sales tax and stated that she believed the full tax amount was returned to the Town for online orders.

Peter Lodly, Apple Valley, discussed his idea of planting trees in Apple Valley. He also expressed concern regarding mandatory trash service.

Boguslaw "Gus" Kiepek, Apple Valley, stated that the Solera community is circulating a ballot to annex certain properties that will change the Planned Unit Development the open space areas. He believed this was not the original intent of the development and asked for assistance and clarification from the Town Council.

Thomas Rice, Town Attorney, provided clarification to the public regarding the regulation of the water company should the Town be successful with the water takeover.

#### **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.

Mayor Cusack 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, April 23, 2019 – Council Chamber  
Regular Session at 6:30 p.m.**

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

La Vonda M-Pearson, Town Clerk, 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.

Mayor Cusack, with the consensus of the Town Council, pulled Agenda Item Number 2 from the Consent Calendar.

### **MOTION**

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1 and 3 respectfully, and that item number 2 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None

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

**A. Regular Meeting – March 26, 2019**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**3. March 2019 Payroll/Benefits Warrants Schedule.**

**Recommendation:**

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

**2. March 2019 Commercial Warrants and Wire Transfer Schedule.**

Al Rice, Apple Valley, questioned the amount of trash refunds and the ESRI account payments listed on the warrants. He believed that ESRI could be used for the redistricting. He also questioned the payments made for a mobilehome and RSG for continuing discovery listed on the warrant report.

Bill Inger, Apple Valley, also questioned the payments made for the mobilehomes.

### **MOTION**

Motion by Council Member Bishop, seconded by Council Member Leon, to receive, ratify, and file the Commercial Warrants and Wire Transfer Schedules as presented.

Vote: Motion carried 3-0-2-0

Yes: Council Member Bishop, Emick, Leon.

Abstain: Mayor Pro Tem Nassif, Mayor Cusack.

## **PUBLIC HEARINGS**

**4. Approval of Resolution Amending Apple Valley Choice Energy Customer Power Generation Rate Schedule.**

Mayor Cusack opened the public hearing at 7:19 p.m.

Doug Robertson, Town Manager, presented a report on this item. He stated that the rate change had been delayed and therefore, he recommended that this item be continued to a date not certain.

Matt Cabe, Daily Press, stated that the staff report listed an underpayment of \$7 billion. He questioned if that was correct. He also asked additional questions regarding information in the staff report.

There being no additional requests to speak, Mayor Cusack closed the public hearing at 7:22 p.m.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Cusack to continue this item to a date not certain.

Vote: Motion carried 5-0-0-0

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

Absent: None

Mayor Pro Tem Nassif, with the consensus of the Town Council suggested a clearer attachment to the report be prepared that would list the savings for the residential rates.

Council Member Bishop asked if the report could include solar use, if possible.

**5. Substantial Amendment To The 2018-2019 Second Year Action Plan.**

Mayor Cusack opened the public hearing at 7:25 p.m.

Silvia Caraballo-Urenda, Housing & Community Development Specialist, presented the staff report as filed with the Town Clerk.

Council Member Leon questioned and Ms. Caraballo-Urenda confirmed that if qualified, residents could use these funds for upgrades to sewer.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:27 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, to:

- A. Adopt Resolution No. 2019-09 Approving the Substantial Amendment to the 2018-2019 Community Development Block Grant (CDBG) Second Year Action Plan.
- B. Increase public service recipient - Inland Fair Housing and Mediation Board (IFHMB) allocated amount from 10,000.00 to \$30,000.00.
- C. Create Land Acquisition activity using future program income dollars.

- D. Program unprogrammed dollars to the Public Works Capital Improvement Project- Jess Ranch manholes in the amount of \$230,000.00.

Vote: Motion carried 5-0-0-0

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

Absent: None

**6. Public Hearing #2 to Receive Public Comments on Transition to District-Based Elections Under the California Voting Rights Act.**

Mayor Cusack opened the public hearing at 7:28 p.m.

Thomas Rice, Town Attorney, presented the staff report as filed with the Town Clerk.

Al Rice, Apple Valley, expressed concern regarding what he believed was a lack of information provided at the public workshop. He also commented on the lack of attendance by the public. He believed maps should have been provided and more pertinent information should have been given.

Mr. Rice discussed the timeframe in which additional materials would be available.

There being no additional requests to speak, Mayor Cusack closed the public hearing at 7:44 p.m.

Discussion ensued amongst the Town Council regarding things to consider when establishing the maps for districts.

Council Member Emick agreed with the use of clear boundary drawing lines using major highways. He also agreed with each district having commercial property.

Mayor Pro Tem Nassif discussed the various options for districting which included five districts or four districts and a Mayor. He spoke on the benefit of having the Council work together and he believed that could be better suited by having an at-large who represented the Town at large.

Council Member Leon spoke on needing more public participation and encouraged the community to attend the workshops.

Council Member Bishop stated that he would like to see Home Owner Associations (HOA's) kept together when establishing boundary lines.

Mayor Cusack acknowledged that more public workshops and participation would be made available and that maps would also be available in the near future. He spoke on industrial areas and other areas that need to be considered that are currently in draft form. He stated that currently as seated, each Council Member represents the whole; however, once changed to districts, it can be accomplished, but may be difficult.

Council Member Emick also recommended that neighborhoods not be split and that precincts be kept together, if possible.

There was no action taken on this item.

**BUSINESS OF THE COUNCIL**

**7. Award Contract for Jess Ranch Community Manholes Project No. PW2019-01.**

Mike Molinari, Public Works Manager, presented the staff report as filed with the Town Clerk.

**MOTION:**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, to Award a contract to Kelley's Underground Construction, Inc. for the Jess Ranch Community Manholes – Project No. PW2019-01, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

Vote: Motion carried 5-0-0-0

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

Absent: None

**REPORTS, REQUESTS AND COMMUNICATIONS**

None.

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

Doug Robertson, Town Manager, clarified a few items that were brought up during public comments. He noted that the Town would repay the line of credit and clarified that the Town did not receive the full 7 ¾ tax on online orders. He also informed the Town Council and the public of an upcoming resurfacing project on Brayburn and Central Roads near the Tractor Supply.

**CLOSED SESSION**

**8. Closed Session.**

Doug Robertson, Town Manager, noted that there was no need for Closed Session.

**ADJOURNMENT**

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 8:10 p.m.

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk