

AGENDA

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

REGULAR MEETING

MINUTES April 23, 2019

CALL TO ORDER:

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30pm

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

INVOCATION: The invocation was given by Minister J.C. Campbell, JC Enterprise.

PLEDGE OF ALLEGIANCE: The pledge of the Allegiance was led by Council Member Leon

PRESENTATIONS: None.

PUBLIC COMMENTS

Trisha Kerry, Apple Valley, spoke concerning the continued depredation of her community, and the ongoing issues with the storage unit behind her house.

Jeri Inger, Apple Valley, expressed concern about a recent newspaper article that discussed the Town of Apple Valley parks, specifically the James Woody Community Center.

Al Rice, Apple Valley, commented on the lack of diversity with the content of the Town's Public, educational and government access television channel. Mr. Rice also noted the apparent duplication of minutes of Commercial Warrants on the April 9, 2019 Town Council Meeting.

Boguslaw (Gus) Kiepek, Apple Valley, asked if the Town could do anything if the Solaris Community voted to change their Covenants, Conditions, and Restrictions (CCR).

William Inger, Apple Valley, expressed his delight with the service he received when he inquired about the linkage fee shown on the Commercial Warrants at the April 9, 2019 Council Meeting. Mr. Inger also asked when the Town's credit card policy had last been reviewed.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

Council Member Bishop commented on committee meetings and events that he 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

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

**A. Regular Meeting – May 14, 2019 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to approve the consent calendar items numbered 1, 3 and 6 respectively, and that items 2, 4, and 5 be pulled for further 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 – April 9, 2019

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Resolution 2019-10 Amending Resolution 2019-07 Modifying the Adopted List of Projects for Fiscal Year 2019-20 Funded by SB1: The Road Repair and Accountability Act of 2017

Recommendation:

Adopt Revised Resolution 2019-10 amending Resolution 2019-07 which identified the paving project to be funded by SB1: The Road Repair and Accountability Act of 2017.

6. Approve Contract Change Order for Resurfacing 2019-01 – Project No. 2018-07

Recommendation:

Approve Contract Change Order (CCO) 1 to VSS International, Inc. for Resurfacing 2019-01 - Project No.2018-07 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

2. Treasurer's Report – February 2019

William Inger, Apple Valley, suggested the \$700,000.00 expenditure on the Town's line of credit, the revenue of the golf course and the interest paid is explained.

Al Rice, Apple Valley, stated that the line of credit fees need to be paid. He also spoke of the long term cost of managing the golf course and the outstanding debt that the Parks and Recreation department to the Town. Mr Rice also expressed his concern that the expenditures on the American Express is not reported clearly.

Doug Robertson, Town Manager, answered the concerns of Council in regards to the Treasurer's Report.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to receive and file the February 2019 Treasurer's Report.

Vote: Motion carried 5-0-0-0

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

Absent: None

4. Professional Services Agreement for Housing Consultant

Al Rice, Apple Valley, questioned whether the Town had analyzed the rate schedule for the Professional Services Agreement.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Bishop, to approve a Professional Services Agreement for a consultant to provide administrative support in the Housing Division. approve the consent calendar item number 2.

Vote: Motion carried 5-0-0-0

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

Absent: None

5. Removal of the California Driver's License Requirement From All Nonessential Job Descriptions for the Town of Apple Valley

Al Rice, Apple Valley, questioned why this item was being considered, and noted that the staff report does not give the state law being cited.

Lawrence McCarthy, Apple Valley, questioned the number of non-essential jobs in the Town.

William Inger, Apple Valley, believed that every employee was essential, and expressed his concern that the specific state law is not cited in the staff report.

Discussion ensued to clarify the issues raised by members of the public regarding he item 5.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to authorize and direct the Town Manager to amend all nonessential job descriptions with the requirement of possessing a valid California driver's license.

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC HEARINGS

7. Development Code Amendment No.2019-001, an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will Amend Chapters 9.35 "Commercial and Office Districts" and 9.37 "Commercial and Office Districts Design Standards" Related to the Use of Exposed Metal.

Mayor Cusack opened the public hearing at 7:30 p.m.

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

Discussion ensued regarding where metal could be used with the Town of Apple Valley.

Council Member Bishop enquired, and Ms. Miller explained when the Planning Commission would have to approve the use of metal siding.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:34 p.m.

MOTION

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for March 20, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No.505 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None

Kiel Mangerino, Deputy Clerk, read the title to Ordinance No. 505.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick to introduce Ordinance No. 505 approving Development Code Amendment No. 2019-001.

Vote: Motion carried 5-0-0-0

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

Absent: None

8. Specific Plan Amendment No. 2005-001 Amendment No.7, an Amendment to the North Apple Valley Industrial Specific Plan Section III “Development Standards and Guidelines” by Amending the Pre-Fabricated/Metal Building Standards Related to the Use of Exposed Metal.

Mayor Cusack opened the Public Hearing at 7:35 p.m.

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

Discussion ensued regarding which buildings would require approval under the changes to the North Apple Valley Industrial Specific Plan.

There being no requests to speak Mayor Cusack closed the public hearing at 7:40 p.m.

MOTION

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for March 20, 2019, support the required Findings for approval of the proposed Specific Plan Amendment.
3. **Move** to waive the reading of Ordinance No.506 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None

Kiel Mangerino, Deputy Clerk, read the title to Ordinance No. 506.

MOTION

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to introduce Ordinance No. 506 approving Development Code Amendment No. 2019-001.

Vote: Motion carried 5-0-0-0

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

Absent: None

BUSINESS OF THE COUNCIL

9. Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2018

Sydney Harris, Finance Director, presented the staff report as filed with the Town Clerk.

Al Rice, Apple Valley, believed that the successor agency as well as the Golf Course had deficits, and enquired if this would be the last year for the auditors here at the Town of Apple Valley. He also commented on Apple Valley Choice Energy's donation to the Town of Apple Valley Concerts in the Park

William Inger, Apple Valley, expressed concern with the results of the audit, and asked for a financial report to be given to council showing the usage of the American Express Card.

This was a receive and file item only. There was no action taken.

REPORTS, REQUESTS AND COMMUNICATIONS

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, announced that Thursday, April 25, 2019 is the Shock Graduation and the Tractor Supply Grand Opening is April 27, 2019. He also announced that the Mayors Weight Loss challenge would be ending on May 1, 2019.

Mr. Robertson also commented on the following upcoming events:

Concerts in the Courtyard begin Thursday, May 2
Apple Valley Furball will be held Saturday, May 11

CLOSED SESSION

10. Closed Session

Mayor Cusack noted that there was no need for Closed Session.

ADJOURNMENT

Motion by Mayor Cusack, seconded by Council Member Emick and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at: 7.52 p.m.

Larry Cusack, Mayor

Kiel Mangerino, Deputy Clerk