

AGENDA

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

REGULAR MEETING

MINUTES May 14, 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

INVOCATION: The invocation was given by Father John Limo, St. Timothy's Church

PRESENTATIONS: Mayors Weight Loss Challenge, Presentation by Andy Shoup
2018 Crime Report – Captain Manny Mendoza

PUBLIC COMMENTS

Marilyn Reed, Apple Valley, expressed concern over the increase in the speed limit near Flathead and Ramona Roads. She stated it had been increased from 35 mph to 55 mph and she felt it was too dangerous.

Diana Malony, St. Mary's Hospital, thanked the Mayor and the Town for the success of the Mayor's Weight Loss Challenge. She commended the participants on a job well done.

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.

It was the consensus of the Town Council to adjourn the meeting in memory of longtime Apple Valley resident Mr. Don Allen who passed away on April 19, 2019.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

- A. Regular Meeting – Tuesday, May 28, 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.

MOTION

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1 -7 respectfully, and that item number 7A be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None

Mayor Pro Tem Nassif and Mayor Cusack abstained from voting on Agenda Item Number 2.

1. Approval of Minutes of the Town Council

A. Regular Minutes – April 23, 2019

Recommendation:

Approve the subject minutes as a part of the Consent agenda

2. April 2019 Commercial Warrants and Wire Transfer Schedule.

Recommendation:

That the Town Council receive, ratify, and file the Commercial Warrants and Wire Transfer Schedule as presented.

3. April 2019 Payroll/Benefits Warrants Schedule.

Recommendation:

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

4. Award Hitt Road Drainage Improvements Project No. 2018-08.

Recommendation:

Award a contract to PK Construction for the Hitt Road Drainage Improvement Project No. 2018-08 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

5. Fee Waiver Request for The Church for Whosoever Annual Community Outreach on May 27, 2019 and September 2, 2019.

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$254.04 for both events.

6. Second Reading of Ordinance 505 of the Town of Apple Valley, California, Amending Chapters 9.35 “Commercial and Office Districts” and 9.37 “Commercial and Office Districts Design Standards” Related to the Use of Exposed Metal.

Recommendation:

Adopt Ordinance No. 505

7. Second Reading of Ordinance 506 of the Town of Apple Valley, California, 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.

Recommendation:

Adopt Ordinance No. 506

PULLED FROM CONSENT

7A. Twenty-Eighth Amendment to Law Enforcement Contract #94-798

Lawrence McCarthy, Apple Valley, questioned whether or not the wages submitted on the amendment were comparable to that in other cities. He believed that some of the costs appeared to be excessive.

Doug Robertson, Town Manager, explained that the numbers listed on the amendments include wages, benefits, retirement plans, etc. He noted that the amount is not the actual salary for the employee.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to approve the Twenty-Eighth Amendment to Law Enforcement Contract #94-798 for the period of July 1, 2019 through June 30, 2020 and authorize the Mayor or his designee to process all documents required for the agreement.

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC HEARINGS

8. 2019-2020 Annual Action Plan

Doug Robertson, Town Manager, stated that he had a potential conflict with this item. He explained that his spouse served as Executive Director of a non-profit who was a recipient of these funds and therefore, he would be abstaining from participation on this item.

Mr. Robertson was excused from the dais at 7:28 p.m.

Mayor Cusack opened the public hearing at 7:29 p.m.

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

Gabe Lovato, Chairman, Community Development Citizens Advisory Committee, named all the members of the committee and thanked them for their participation.

Council Member Bishop commented on the many programs funded through these funds.

Jimmy Waldron, Executive Director, High Desert Homeless Services, thanked the Town Council for their continued support. He spoke of a new program in which the agency collaborated with other agencies to serve those in need during the cold weather by providing a warming shelter.

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

MOTION

Motion by Council Member Leon, seconded by Council Member Emick, to approve the Community Development Citizen Advisory Committee (CDCAC) funding recommendations for the 2019-2020 Third-Year Action Plan, an annual component of the Five-Year 2017-2020 Consolidated Plan; and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town.

Vote: Motion carried 5-0-0-0

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

Absent: None

Mr. Robertson returned to the dais at 7:41 p.m.

9. Public Hearing #3 to Receive Input Regarding the Content of the Draft Maps and the Proposed Sequence of Elections

Thomas Rice, Town Attorney, presented the staff report as filed with the Town Clerk. He noted corrections to the maps which included the need to modify some lines to include annexed areas of the Town. He explained that those areas did not include any residents.

Doug Johnson, National Demographics Corporation, presented a powerpoint which highlighted the district process, rules and goals and demographics.

Mayor Cusack opened the public hearing at 7:46 p.m.

Mayor Cusack commented on the three maps that each provided for five (5) districts. He recommended that a four (4) district map be provided for the Green and Purple maps be provided for viewing. He also suggested a modified version of the Green map with an expanded District Four.

Discussion ensued regarding the boundary lines of each map and the desire to have more public input on this process. Also discussed was whether or not the Tan map should be pulled from the proposed maps. It was the consensus to not pull any maps until after the public input.

There being no requests to speak, Mayor Cusack closed the public hearing at 8:00 p.m.

Doug Robertson, Town Manager, requested that key landmarks in the community be added to the maps for easy identification of the areas by the public.

This was a receive and file item only. There was no action taken. It was announced that the next public workshop would be held on Thursday, May 23, 2019 at 3:00 p.m. at the James Woody Community Center.

BUSINESS OF THE COUNCIL

10. Resolution of the Town Council of the Town of Apple Valley Authorizing the Execution and Delivery of Tax and Revenue Anticipation Notes

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

MOTION

Motion by Council Member Emick, seconded by Council Member Leon, to adopt Resolution 2019-11 authorizing the execution and delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note.

Vote: Motion carried 5-0-0-0

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

Absent: None

REPORTS, REQUESTS AND COMMUNICATIONS

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, commented on the concern addressed during public comments regarding the speed limit at the intersection of Flathead and Ramona Roads. He stated that the Town would review that intersection and the speed limit in the area.

Mr. Robertson also commented on the Joint Town Council/Planning Commission Meeting that was held on May 1. He believed that it was very productive and that sections in the code have been identified that will be revisited and addressed.

CLOSED SESSION

11. Closed Session

Mayor Cusack recessed the meeting of the Apple Valley Town Council at 8:38 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 Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: A 99.47-acre parcel along Highway 18 at the base of miners Hill, also known as Assessor's Parcel Number 3112-181-03; Authority Negotiator: Town Manager; Negotiating Parties: Donald Brown, Lee & Associates, Et Al; Under Negotiation: Price and Terms of Payment.

Upon returning from Closed Session at 9:05 p.m., Mayor Cusack announced that there was no action taken.

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 9:06 p.m. in memory of longtime resident and community advocate, Mr. Don Allen.

Larry Cusack, Mayor

La Vonda M-Pearson, Town Clerk