

**MINUTES**

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

**REGULAR MEETING**

**June 25, 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 Emick

**INVOCATION:** The invocation was given by Pastor Josh Gerbracht, First Assembly of God

**PRESENTATIONS:** None

**PUBLIC COMMENTS**

Geri Inger, Apple Valley, believed that when one person makes an error on the Council that the others should correct them. She also believed that the Council should listen to the employees when they make statements and take the opportunity to ask questions of consultants and others who are present to make at meetings in reference to agenda items.

Bill Inger, Apple Valley, commented on a warrant that he addressed at the last meeting for Charles Abbott and Associates in the amount of \$50,000. He also spoke about the use of timesheets for Town employees. He believed that copies of timesheets for contract employees should be received by the Town so that a check and balance system would exist.

Patricia Perry, Apple Valley, distributed pictures of incidents that occurred in her neighborhood in which she believed she was discriminated against.

Al Rice, Apple Valley, expressed concern regarding the Planning Commission agenda in which an item was incorrectly listed. He also expressed concern regarding the traffic on the Yucca Loma Bridge and the Town of Apple Valley budget.

Marcy Taylor, Apple Valley, expressed concern regarding the homeless camps in the Town of Apple Valley. She believed that it is becoming a dangerous situation for individuals in the community.

#### 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:**

Council Member Leon recommended that future agenda items be brought back for Council discussion regarding the Apple Valley Legacy Museum and the rezoning of apartments in certain areas.

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

- A. Regular Meeting – Tuesday, July 9, 2019 – Council Chamber  
Regular Session at 6:30 p.m.**

#### TOWN COUNCIL CONSENT AGENDA

Mayor Cusack noted that staff has asked that Agenda Item Number 3 be pulled from the Consent Calendar for discussion. He also stated that there is a request to speak card for Agenda Item Number 2.

#### **MOTION**

Motion by Council Member Emick, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1, and that Agenda Items Numbered 2 and 3 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

- 1. Approval of Minutes of the Town Council**
  - A. Special Meeting – June 11, 2019**
  - B. Regular Meeting – June 11, 2019**

##### **Recommendation:**

Approve the subject minutes as part of the consent agenda.

**PULLED FOR DISCUSSION**

2. **Award Contract for the Construction Management Services for the Apple Valley Desert Water Reuse – Project 2019-01**

Richard Rorex, Apple Valley, questioned why the Town is looking to approve a contract when there was an issue with Liberty Utilities.

**MOTION**

Motion by Council Member Emick, seconded by Mayor Pro Tem Nassif, to award a Professional Services Agreement contract to Parsons Transportation Group, Inc. for Construction Management Services for the Apple Valley Desert Water Reuse – Project 2019-01 in an amount not to exceed \$385,467.00, 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 Members Bishop, Emick, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: None

**PULLED FOR DISCUSSION**

3. **Proposed Addendum No. 1 to the Exclusive Solid Waste Franchise Agreement Between the Town of Apple Valley and Burrtec Waste Industries, Inc. to Provide for Staffing of the Town of Apple Valley Household Hazardous Waste Collection Location**

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk. He noted that the contractor has requested under Item Number 6 – items of responsibility, to remove “steel toe boots.” He also noted that this proposed contract would provide expanded service that would include waste tires and remaining open every Saturday of the year.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Emick, to approve the attached Addendum No. 1 to the Exclusive Solid Waste Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc. as amended to provide for staffing of the Town of Apple Valley Household Hazardous Waste Collection location.

Vote: Motion carried 5-0-0-0

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

Absent: None

**PUBLIC HEARINGS**

4. **A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for all Funds for Fiscal Year 2019-2020**

Mayor Cusack opened the public hearing at 7:15 p.m.

Sydney Harris, Director of Finance, presented the staff report as filed with the Town Clerk. She noted that corrections have been identified and made to the document as appropriate.

Thomas Rice, Town Attorney, noted that comments were made from the public regarding the budget documents and their belief that there were documents that included inconsistencies. He explained that during this process of workshops and reviews it is normal for documents to change and he clarified that this did not imply that there were any improprieties with the numbers.

The Town Council thanked staff for their hard work on this item.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:25 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Bishop, to adopt Resolution No. 2019-14 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2019-2020.

Vote: Motion carried 5-0-0-0

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

Absent: None

**5. Adoption of the Fiscal Year 2019-2020 Appropriations Limit**

Mayor Cusack opened the public hearing at 7:26 p.m.

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

There being no requests to speak, Mayor Cusack closed the public hearing at 7:28 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to adopt Resolution No. 2019-15 of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2019-2020 Appropriations Limit for the Town at \$40,785,881 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 5-0-0-0

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

Absent: None

**6. Review of the Fiscal Year 2019-2020 Statement of Investment Policy**

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

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

There being no requests to speak, Mayor Cusack closed the public hearing at 7:30 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Emick, to adopt Resolution No. 2019-16 approving the Statement of Investment Policy for Fiscal Year 2019-2020 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 5-0-0-0

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

Absent: None

**7. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services**

Mayor Cusack opened the public hearing at 7:31 p.m.

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

Mayor Pro Tem Nassif commented on the fees and appreciated the work of staff on this issue.

Council Member Bishop noted that many of the fee increases were due to changes in state law with minimum wage.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:35 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Bishop, to adopt Resolution No. 2019-17, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services for Fiscal Year 2019-2020.

Vote: Motion carried 5-0-0-0

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

Absent: None

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

Mayor Cusack opened the public hearing at 7:36 p.m.

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

Discussion ensued regarding the rates as presented and the savings for residents.

Mayor Pro Tem Nassif commented on the peak times and rate structures. He questioned if the Town had to utilize the same schedules as Edison.

The consultant explained that the Town was not required to use the same schedules; however, he noted the benefit of utilizing the mirrored structure.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:45 p.m.

**MOTION**

Motion by Council Member Emick, seconded by Council Member Bishop, to adopt Resolution No. 2019-18, amending Resolution No. 2019-05 setting customer power generation rates for Apple Valley Choice Energy.

Vote: Motion carried 5-0-0-0

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

Absent: None

**9. Amendment to the Solid Waste Disposal Rate Between the Town of Apple Valley and Burrtec Industries Inc.**

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

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

Lawrence McCarthy, Apple Valley, believed that Burrtec Waste fees should have an analysis justifying its fees. He compared the fees charged by Burrtec with fees charged in other communities.

There being no additional requests to speak, Mayor Cusack closed the public hearing at 7:48 p.m.

Mayor Pro Tem Nassif stated that the size of lots in the community of Apple Valley versus a denser city could explain the difference in fees.

**MOTION**

Motion by Council Member Leon, seconded by Council Member Emick, to approve the proposed Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries, Inc. amending the rates and terms of the existing agreement.

Vote: Motion carried 5-0-0-0

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

Absent: None

**10. Second Reading of Ordinance 509 of the Town Council of the Town of Apple Valley, California, Amending Chapter 8.28 of the Apple Valley Municipal Code as it Relates to the Replacement of the Uniform Housing Code with the International Property Maintenance Code**

Mayor Cusack opened the public hearing at 7:52 p.m.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:54 p.m.

**MOTION**

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to adopt Ordinance No. 509.

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**

**11. Establishment Of An Audit Committee**

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

**MOTION**

Motion by Council Member Bishop, seconded by Mayor Pro Tem Nassif, to establish an audit committee and to appoint Council Member Bishop and Mayor Pro Tem Nassif to serve on the audit committee with Council Member Emick serving as alternate.

Vote: Motion carried 5-0-0-0

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

Absent: None

**12. Classification and Compensation Study Findings and Recommendations**

Doug Robertson, Town Manager, presented the staff report as filed with the Town Clerk.

Kay Tilzer, Public Sector Personnel Consultants, presented a PowerPoint presentation on the Classification and Compensation findings.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Emick, to approve the recommended findings from the 2019 Classification and Compensation Study Presentation in conjunction with the 2019-2020 Budget adoption.

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**

None.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

Doug Robertson, Town Manager, announced that a Blood Drive would be held at the Town on Thursday, June 27, 2019. He also announced that "The Who" would be performing at this week's concert in the park.

**CLOSED SESSION**

**13. Closed Session**

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

**ADJOURNMENT**

Motion by Council Member Bishop, seconded by Council Member Emick and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:35 p.m.

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk