

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

REGULAR MEETING

MINUTES – October 9, 2018

CALL TO ORDER:

Mayor Bishop called to order the regular session of the Apple Valley Town Council, Successor Agency and the Public Financing Authority at 6:31 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Member/Board Member Emick; Nassif; Stanton; Mayor Pro Tem/Vice-Chair Cusack; Mayor/Chair Bishop.

Absent: None.

OPENING CEREMONIES

INVOCATION: The Invocation was given by Pastor Brian Hurst, Victorville Life Church

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Emick.

PRESENTATIONS: Code Enforcement Appreciation Week – Presented to Code Enforcement Manager Guy Eisenbrey

PUBLIC COMMENTS

Marcy Taylor, Apple Valley, expressed concern regarding the vandalism occurring at historical sites within the Town of Apple Valley. She recommended that the Historical Advisory Committee meet to discuss the various issues surrounding the historical sites. Ms. Taylor also invited the Town Council and public to attend the 70th Anniversary Celebration of the Apple Valley Inn to be held on Saturday, November 10, 2018 from 11:00 a.m. to 5:00 p.m.

Gurdeep Singh, Apple Valley, expressed concern regarding information that he received pertaining to applying for a variance and the cost for the variance application. He stated that he has met with the Town Manager and Assistant Town Manager, however, his concerns remain unresolved.

Geri Inger, Apple Valley, questioned the Town Council's decision to purchase a Skid Steer Loader, when she believes the Town of Apple Valley is facing financial constraints.

Bill Inger, Apple Valley, commented on the last Treasurer's Report that was approved by the Town Council in May 2018. He questioned the Town's ability to seek a line of credit without having current financial information and recommended that a Treasurer's Report be prepared on a monthly basis that includes information regarding the Revolving Line of Credit. Mr. Inger also expressed concern regarding the Town Council's decision to purchase a Skid Steer Loader.

Al Rice, Apple Valley, questioned the Town's spending of limited budget amounts with no reserves. He also commented on the classification study that is on the Town's webpage, which he believed contained errors.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

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

Mayor Pro Tem Cusack commented on the committee meetings and events that he attended.

Mayor Bishop commented on the committee meetings and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Cusack requested a future item to discuss allowing larger detached second units on large residential lots.

Mayor Bishop would like staff to come back to the Town Council for a complete review of the General Plan.

Suggested items for future agenda:

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

- A. Special Meeting – Tuesday, October 16, 2018 – Development Services Building - 6:30 p.m.**
- B. Regular Meeting – Tuesday, October 23, 2018 – Council Chamber Regular Session at 6:30 p.m.**

TOWN COUNCIL/SUCCESSOR AGENCY CONSENT AGENDA

Yvonne Rivera, Deputy Town Clerk, read the following disclosure statement:

Council Member 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, Council Member 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 Council Member Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Mayor Pro Tem 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 Pro Tem 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 Pro Tem Cusack is maintained on file in the Town Clerk's Office and available for review at the dais.

Council Member Nassif and Mayor Pro Tem Cusack confirmed that they would be recusing from voting on these matters.

Mayor Bishop recommended Agenda Item No. 2 be pulled for discussion.

MOTION

Motion by Council Member Emick, seconded by Council Member Nassif, to approve the Consent Calendar items numbered 1, 3, 4, 5, 6, 7 and 8, respectfully, and that item number 2 be pulled for discussion.

Vote: Motion carried 3-0-2-0

Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.

Absent: None.

1. Approval of Minutes

**(Apple Valley Town Council)
(Apple Valley Public Financing Authority)**

A. Special Meeting – Public Financing Authority - September 11, 2018

B. Regular Meeting – Town Council – September 25, 2018

Recommendation:

That the Town Council and the Board of Directors approve the subject minutes as part of the consent agenda.

3. September 2018 Payroll / Benefits Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the payroll/benefits warrants as presented.

4. Award a Professional Services Agreement for the Apple Valley Safe Routes to School Design – Project No. 2018-06

Recommendation:

A. Award a Professional Services Agreement to David Evans & Associates for the Apple Valley Safe Routes to School Design - Project No. 2018-06 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

B. Approve Budget Amendment dated September 13, 2018 allocating additional Measure I funds.

5. Award Contract for Street Striping Services – Project No. PW2018-02

Recommendation:

Award a contract to CAT Tracking, Inc. for the Street Striping Services FY 2018-19, Project No. PW2018-02, subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

6. Adopt Resolution No. 2018-46, a Resolution of the Town Council of the Town of Apple Valley, California, Designating the Second Week of October as Code Enforcement Officer Appreciation Week

Recommendation:

That the Town Council adopt Resolution 2018-46, designating the second week of October as Code Enforcement Officer Appreciation Week.

7. Apple Valley Village Accessibility Project – Project No. 2018-03

Recommendation:

That the Town Council:

- A. Accept the work completed as part of the Apple Valley Village Accessibility Project - No. 2018-03 for a total contract cost of \$513,766.14.
- B. Direct the Town Clerk to file the Notice of Completion for the contract work.
- C. 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.
- D. Accept John Glenn Road from State Highway 18 South to Powhattan Road as a Town maintained road.

8. Adopt Resolution No. 2018-48, A Resolution of the Town Council of the Town of Apple Valley, California, Amending Resolution No. 2016-34, Amending the Conflict of Interest Code Pursuant to the Political Reform Act by Reference to the Standard Conflict of Interest Code Set Forth in Section 18730 of the Regulations of the Fair Political Practices Commission as Amended

Recommendation:

That the Town Council adopt Resolution Number 2018-48, a Resolution of the Town Council of the Town of Apple Valley, California, Approving an Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974.

PULLED FOR DISCUSSION:

2. September 2018 Commercial Warrants and Wire Transfer Schedules

Al Rice, Apple Valley, raised a concern regarding the fact that the commercial warrants report was prepared and submitted for approval by a staff Accountant. He believed that the Town may be risking the lack of appropriate checks and balances. Mr. Rice also expressed concern regarding the proposed line of credit that is being considered by the Town Council.

MOTION

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

Vote: Motion carried 3-0-2-0
Yes: Council Members Emick; Stanton; Mayor Bishop.
Abstain: Council Member Nassif; Mayor Pro Tem Cusack
Absent: None.

PUBLIC HEARINGS

9. Execution and Delivery of Revolving Credit Agreement Relating to a Revolving Line of Credit

**(Apple Valley Town Council)
(Apple Valley Public Financing Authority)**

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

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

Bill Inger, Apple Valley, expressed concern regarding the Town Council moving forward with the execution of the Revolving Credit Agreement. He also questioned the length of time the Town has to repay the loan. Mr. Inger noted that according to the Town's Investment Policy, it states that a monthly report of fund balances is mandated.

Mr. Robertson clarified, for the benefit of the Town Council and audience, that the Revolving Line of Credit is a three (3) year loan.

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

MOTION

Motion by Council Member Stanton, seconded by Council Member Nassif, to authorize the execution and delivery of a Revolving Credit Agreement relating to a Revolving Line of Credit and approve other documents and actions relating thereto.

Vote: Motion carried 5-0-0-0
Yes: Council Members Emick; Nassif; Stanton; Mayor Pro Tem Cusack; Mayor Bishop.
Absent: None

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

None.

TOWN MANAGER'S COMMENTS UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, commented on the three-minute rule under public comments according to the Brown Act. He explained that the public is welcome to contact the Town Manager's office to request a meeting in order to discuss any concerns they would like to address.

Mr. Robertson also reminded the Town Council and audience, that typically the June Treasurer's Report is delayed by a few months because it acts as the final Treasurer's Report for the year. He also commented on the fact that many staff members are having to manage multiple jobs in an effort to balance the Town's budget. With that, he thanked staff for their hard work.

Mr. Robertson announced the following upcoming events: Halloween Toddler Olympics on Saturday, October 13, 2018, Paws and Claws Pet Fair on Saturday, October 20, 2018, and the Town of Apple Valley Regular Town Council Meeting on October 23, 2018, where there will be a celebration in honor of Council Member Stanton. Mr. Robertson also announced the Victorville Bicycle Tour and Trunk or Treat to be held on Saturday, October 27, 2018.

CLOSED SESSION

10. Closed Session

Mayor Bishop stated that if needed, Mayor Pro Tem 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 Bishop recessed the meeting of the Apple Valley Town Council at 7:47 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 8:30 p.m., Mayor Bishop announced that there was no reportable action taken.

ADJOURNMENT

Motion by Mayor Pro Tem Cusack, seconded by Council Member Stanton, and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:31 p.m.

Art Bishop, Mayor

Yvonne Rivera, Deputy Town Clerk