

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY/ PUBLIC FINANCING AUTHORITY

January 28, 2020

REGULAR SESSION BEGINS AT 6:30 P.M.

Call to Order:

Mayor Nassif 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, Cusack, Leon, Mayor Pro Tem Emick, Mayor Nassif

Absent: None.

OPENING CEREMONIES

INVOCATION: The invocation was given by Apple Valley resident, Mr. Richard Rorick.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Mayor Pro Tem Emick

PRESENTATIONS: None

PUBLIC COMMENTS

Alex Lassman, Apple Valley, commented on his belief in gun sanctuary laws.

Catherine Seely, Apple Valley, commented on work that is being done on the water tank near her home. She questioned what was being repaired as she was concerned about flooding on her property.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

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

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

Mayor Nassif commented on committee meetings and events that he attended.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Bishop commented on the Keeping California Safe Act 2020. He spoke on violent crimes that have been reduced to non-violent crimes due to new laws. He respectfully requested that a report be prepared to provide information to the Town Council on the intent of this new proposed bill.

Doug Robertson, Apple Valley, stated that staff would bring back information to the Council for approval and re-adoption of a resolution if needed.

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

- A. Regular Meeting – February 11, 2020 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Cusack, to approve the Consent Calendar items numbered 1-4.

Vote: Motion carried 5-0-0-0

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

Absent: None

1. **Approval of Minutes of the Town Council.
A. Regular Meeting – January 14, 2020.**
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **Second Reading of Ordinance 525 of the Town of Apple Valley, California, Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, to Include Advisory Information Regarding Development Impact Fees to Chapter 9.71 “Subdivision Regulations”.**
Recommendation:
Adopt Ordinance No. 525
3. **Approve Purchase of Real Property Located on Otoe Road, South of Lenny Brewster Sports Center (APN’s 0440-096-17 And 18).**
Recommendation:
Approve purchase of two lots directly south of Lenny Brewster Sports Center on the south side of Otoe Road for the purpose of storm water retention. Also, approve the attached Budget Amendment.
4. **Quarterly Treasurer’s Report – October - December 2019**
Recommendation:
That Town Council receive and file the October-December 2019 Quarterly Treasurer’s Report.

PUBLIC HEARINGS

5. Amendment to the 2016-2017, 2017-2018, 2018-2019, and 2019-2020 Action Plans

Mayor Nassif opened the public hearing at 7:03 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 7:05 p.m.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to:

- A. Conduct a public hearing and upon accepting public testimony, adopt Resolution No. 2020-03 including any modifications or amendments thereto;
- B. Approve a Substantial Amendment to the Community Development Block Grant (“CDBG”) 2016-2017, 2017-2018, 2018-2019 and 2019-2020 Annual Action Plans (“Action Plans”) by programming \$100,000 to the 2018-2019 Mendel Park Restroom Project, \$10,706 to the 2018-2019 James Woody Park Security Cameras Project, \$150,000 to the 2019-2020 Residential Rehabilitation Program, \$10,000 to the 2019-2020 Code Enforcement Program and \$75,000 to the 2019-2020 James Woody Park Irrigation Replacement Project; and
- C. Authorize the Town Manager to execute and transmit all necessary documents, including the Substantial Amendment to the Action Plans, and any additional amendments, to assure the Town’s timely expenditure of CDBG funds.

Vote: Motion carried 5-0-0-0

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

Absent: None

6. Introduce Ordinance No. 526 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 12.20., Entitled “Special Speed Limits” of Title 12 of the Town of Apple Valley Municipal Code

Mayor Nassif opened the public hearing at 7:06 p.m.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk.

Lawrence McCarthy, Apple Valley, commented on the speed limit on Apple Valley Road. He spoke of the high speed of traffic in the area and believed that a change should be made for safety.

Mr. Miller explained the evaluation of speed limits according to state law and the factors that are taken to develop the limits according to the 85% percentile.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 7:16 p.m.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to move to waive the reading of Ordinance No. 526 in its entirety and read by title only.

Vote: Motion carried 5-0-0-0

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

Absent: None

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No 526.

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to introduce No. 526 "An Ordinance of the Town Council of the Town of Apple Valley, California, amending Chapter 12.20., entitled "special speed limits" of Title 12 of the Town of Apple Valley Municipal Code."

Vote: Motion carried 5-0-0-0

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

Absent: None

BUSINESS OF THE COUNCIL

None.

REPORTS, REQUESTS AND COMMUNICATIONS

None

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, provided history on the Civil Rights Memorial Plaque in Victorville. He also announced the following upcoming events:

Mayor's Weight Loss Challenge – February 4, 2020. The deadline for enrollment is February 15, 2020.

Apple Valley Sweetheart Run – February 15, 2020.

Mr. Robertson also clarified that the newspaper article regarding a federal grant and high-speed rail, is not the same as the Apple Valley speed rail. He noted that the Apple Valley rail will be privately funded.

CLOSED SESSION

7. Closed Session

Mayor Nassif recessed the meeting of the Apple Valley Town Council to Closed Session at 7:25 p.m. 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.

Upon returning from Closed Session at 7:55 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:56 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk

