

**AGENDA**

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

**February 25, 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:** Reverend Ronald Smith, Church of the Valley

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

**PRESENTATIONS:** None

**PUBLIC COMMENTS**

Bill Inger, Apple Valley, thanked the Parks and Recreation Department for the great work they have done with events. He also thanked Ms. Harris, the Director of Finance and the Town Manager Department for answering his questions and concerns regarding Town issues.

Patricia Perry, Apple Valley, thanked the Town and the Police Department for the extra patrol they have been doing in her neighborhood and keeping it a better way of living.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

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

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

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

Mayor Nassif announced the recent passing of individuals in the high desert. He spoke of the loss of Michael Keyser, Wallace Linn and Mad Mike Hughes, Tom Brown and former Sheriff Floyd Tidwell. It was the consensus of the Town Council to adjourn the meeting in each of their memories.

## TOWN COUNCIL ANNOUNCEMENTS

### Suggested items for next agenda:

None.

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

- A. Regular Meeting – March 10, 2020 – Council Chamber  
Regular Session at 6:30 p.m.**

## TOWN COUNCIL CONSENT AGENDA

La Vonda M-Pearson, Town Clerk, read the following disclosure statement:

As a precautionary measure, Council Member Leon is recusing herself from voting on Agenda Item Number 4 - Accept the Final Map for Parcel Map No. 19705, Applicant: CJC Holdings, LLC and El Roi , LLC. She will be recusing from voting on this item as she will be doing business with CJC Holdings.

Council Member Leon confirmed that she would be recusing from voting on Agenda Item Number 4.

### **MOTION**

Motion by Mayor Pro Tem Emick, seconded by Council Member Cusack, to approve the Consent Calendar items numbered 1-9.

Vote: Motion carried 5-0-0-0

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

Absent: None

**Council Member Leon recused from voting on Agenda Item Number 4.**

1. **Approval of Minutes of the Town Council.**
  - A. **Regular Meeting – February 11, 2020.**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Authorization to Advertise Apple Valley South Safe Routes to School**  
**Recommendation:**
  - A. That the Town Council review and approve the bid documents for Apple Valley South Safe Routes to School Project – No. 2018-02.
  - B. That the Town Council authorize staff to solicit bids for construction of said project.

3. **Approve the “Project Specific Maintenance Agreement for Retaining Walls in The Town of Apple Valley”.**  
Recommendation:  
 Approve the “Project Specific Maintenance Agreement for Retaining Walls in The Town of Apple Valley”.
4. **Accept the Final Map for Parcel Map No. 19705 Applicant: CJC Holdings, LLC and El Roi , LLC**  
Recommendation:  
 Move to accept the final map Parcel Map No. 19705
5. **Adopt Resolution No. 2020-06 - A Resolution of The Town Council of The Town of Apple Valley, California, Amending The Personnel Policy and Procedures Manual for The Town of Apple Valley**  
Recommendation:  
 That the Town Council adopt the attached Resolution No. 2020-06, a resolution of The Town Council of The Town of Apple Valley adding Section 17.5 – Town Issued and Owned Cell Phones to Rule 17 Town of Apple Valley Computer, Word Processing, Electronic and Voice Mail Confidentiality (Access and Disclosure) Policy of The Personnel Policy and Procedures Manual for The Town of Apple Valley.
6. **Second Reading of Ordinance 527, Amending Title 9 “Development Code” of The Town of Apple Valley Municipal Code, to Allow Administrative Review of Amendments to Previously Approved Projects.**  
Recommendation:  
 Adopt Ordinance No. 527
7. **Second Reading of Ordinance 528, Amending Section 9.36.230 and Adding Section 9.29.210 of The Apple Valley Development Code as it Relates to Personal Recreational Cannabis Cultivation and Penalties for Cannabis Cultivation Violations.**  
Recommendation:  
 Adopt Ordinance No. 528
8. **Second Reading of Ordinance 529, an Ordinance of The Town Council of The Town of Apple Valley, California, Amending Chapter 1.01 of The Apple Valley Municipal Code as it Relates to the Fines Associated with Illegal Cannabis Cultivation.**  
Recommendation:  
 Adopt Ordinance No. 529
9. **Resolution of The Town Council Authorizing Submittal of Applications for All CalRecycle Grants**  
Recommendation:  
 That the Town Council adopt Resolution No. 2020-07, a resolution of the Town Council of the Town of Apple Valley authoring the Town Manager to execute Department of Resources, recycling and Recovery (CalRecycle) grants on behalf of the Town of Apple Valley.

<b>PUBLIC HEARINGS</b>
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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, commented on his attendance and participation at various meetings and events on behalf of the Town. He also noted upcoming events including the Hoppy Trail on Saturday and the Mayor's Weight Loss Challenge on Tuesday, March 3.

**CLOSED SESSION**

**10. Closed Session**

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 7:03 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 7:56 p.m., Mayor Nassif announced that there was no reportable action taken.

**ADJOURNMENT**

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:57 p.m. in memory of the following community members:

Michael Keyser  
Wallace Linn  
Mad Mike Hughes  
Tom Brown  
Former Sheriff Floyd Tidwell

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Scott Nassif, Mayor

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La Vonda M-Pearson, Town Clerk