

MINUTES

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

March 10, 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: Bishop Ebmeyer, Church of Jesus Christ of Latter-Day Saints

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

PRESENTATIONS: Community Calendar Photography Contest Winners – Kenneth Sousa – Public Relations Specialist

PUBLIC COMMENTS

Diana Lopez, Apple Valley, asked if the Town of Apple Valley Animal Services Department would consider working with local high schools to allow dogs to run with the cross-country teams. She also questioned why the local Toastmasters Club no longer meets at the Development Service Building and questioned the need for the Town to re-engage with in service day trainings for staff. Lastly, she invited the Town Council and staff to a going away reception for Town employee Katrina McDonald.

David Lisberg, Former Sun City President, spoke of having individuals come and speak to the Sun City community from the Town of Apple Valley. He also thanked the Council for recognizing his service on the Sun City Board.

Juan Marcos, owner of Fat Jacks, commented on an email that he sent to the Council regarding liens that were placed on his property. He asked that the Town Council consider his situation and questioned if the Town has any funds available to assist him with the upkeep of his property.

Bud Giboney, Apple Valley, thanked the Town Council for the four-way stop sign at Jess Ranch Parkway.

H. Wolff, Apple Valley, expressed concern regarding a theft on his property in which his Volkswagen bus was stolen. He asked if any information had been received.

Marcy Taylor, Apple Valley Legacy Museum, invited the Town to its 5 Year Anniversary Celebration on Saturday, March 28, 2020. She also expressed concern regarding the homeless camps in Apple Valley.

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:

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

- A. Regular Meeting – March 24, 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:

Council Member Leon has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Solution Strategies as a landlord to this entity. Therefore, she will be recusing herself from voting on the warrants for this business.

Council Member Leon confirmed that she would be recusing from voting on these warrants.

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

Council Member Cusack confirmed that he would be recusing from voting on these warrants.

Mayor 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 recusing 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 Nassif will also be recusing 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 Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Mayor Nassif confirmed that he would be recusing from voting on these warrants.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-12.

Vote: Motion carried 5-0-0-0

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

Absent: None

Recusal 2 and 6

1. **Approval of Minutes of the Town Council.
A. Regular Meeting – February 25, 2020.**
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **February 2020 Commercial Warrants and Wire Transfer Schedule.**
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants and Wire Transfer Schedules as presented.
3. **February 2020 Payroll/Benefits Warrants Schedule.**
Recommendation:
That the Town Council receive, ratify and file the Payroll/Benefits Schedule.
4. **Fee Waiver Request for the Church for Whosoever to use Thunderbird Park for Community Outreach.**
Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Park Rental Fee of \$102.72.
5. **Updated Schedule of Future Development Code Amendments.**
Recommendation:
Receive and file
6. **Request for Proposals, Preparation of a Specific Plan and Environmental impact Report for the Apple Valley Village.**
Recommendation:
Authorize and direct staff to circulate a Request for Proposal for the preparation of a Specific Plan and Environmental Impact Report (EIR) for The Village in Apple Valley.

7. **Release of Securities for Tract Map No. 18917-3.**
Recommendation:
 Find that the construction of various improvements required for Tract 18917-3 are complete and approve the 50% reduction of the performance securities and release of maintenance securities.

8. **Adopt Resolution No. 2020-08 - A Resolution of the Town Council of the Town of Apple Valley, California, Amending Job Classifications for the Towns Innovation and Technology Department**
Recommendation:
 That the Town Council adopt the attached Resolution No. 2020-08, a Resolution of the Town Council of the Town of Apple Valley, California, amending the job classifications for the Towns Innovation and Technology Department.

9. **Adopt Resolution No. 2020-09 - 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. 2020-09, a Resolution of the Town Council of the Town of Apple Valley amending Rule 5, Section 5.2 Exempt Benefit Levels.

10. **Utility Agreement with Southern California Edison for the SR18 / Apple Valley Road Intersection Improvements Project.**
Recommendation:
 Approve the Utility Agreement with Southern California Edison for the SR18 / Apple Valley Road intersection improvements project.

11. **Receive and File the Apple Valley Community Resource Foundation 2018-19 Annual Report.**
Recommendation:
 That the Board receive and file the Apple Valley Community Resource Foundation Annual Report for the fiscal year ended June 30, 2019.

12. **Approve the Master Lease Agreement to Purchase a Vector Truck for the Apple Valley Wastewater Service.**
Recommendation:
 Accept the Sourcewell Cooperative Purchasing Agreement – Contract #122017-FSC, price quote/bid of \$436,592.11 from Jules and Associates, Inc. for a new HAAKER Equipment Company Vector 2110 Plus Sewer Cleaner, and authorize the Finance Director to place the order to purchase the Vector truck for use in the Town of Apple Valley Wastewater sewer lines.

PUBLIC HEARINGS

13. **Development Code Amendment No. 2019-017 is a Request to Consider an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Modifying Provisions Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units as Required for Compliance with Government Code 65852.2 and 65852.22.**

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

Pam Cupp, Senior Planner, presented the staff report as filed with the Town Clerk.

Council Member Bishop questioned the dwelling unit minimum and maximum square footage.

Ms. Cupp commented on the minimum and maximum square footage allowed for accessory dwelling units.

Discussion ensued regarding the required setbacks for dwelling units. Also discussed were sewer and septic requirements.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:43 p.m.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Leon, to:

- A. Determine that, Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), this proposal is exempt because CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code.
- B. Find the facts presented within the staff report, including the attached Planning Commission Resolution No. 2019-020 adopted December 18, 2019, together with subsequent attorney comments, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. Move to waive the reading of Ordinance No.530 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. 530.

MOTION

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

- D. Introduce Ordinance No.530 approving Development Code Amendment No. 2019-017; and
- E. Direct staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

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, announced the re-opening of the Civic Center Playground. He also commented on a remembrance celebration that will be held for Mike "Mad Mike" Hughes on March 29, 2020.

CLOSED SESSION

14. Closed Session

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 7:51 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.
- E. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No. CIVDS9125188 - Apple Valley v. Hai Do, et al., San Bernardino Superior Court.

Upon returning from Closed Session at 8:39 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Mayor Pro Tem Emick, seconded by Council Member Cusack and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:40 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk