

**MINUTES**

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

**March 24, 2020**

**Call to Order:**

Mayor Nassif called to order the regular session of the Apple Valley Town Council/Successor Agency/Public Financing Authority and Addendum at 6:30p.m

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**

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

**PRESENTATIONS:** None

**PUBLIC COMMENTS**

None.

**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: None**

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

**A. Regular Meeting – April 14, 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 Bishop, to approve the Consent Calendar items numbered 1-4, as presented.

Council Member Cusack and Mayor Nassif recused from voting on Agenda Item Number 3 as they are both property owners in the area.

Vote: Motion carried 5-0-0-0

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

Absent: None

**Council Member Cusack and Mayor Nassif recused from voting on Agenda Item Number 3.**

1. **Approval of Minutes of the Town Council.**
  - A. **Regular Meeting – March 10, 2020.**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Approve Entering into a Long-Term Renewable Energy Storage Resource Adequacy Agreement with Black Walnut Energy Storage, LLC**  
**Recommendation:**  
Approve entering into a long-term energy storage resource adequacy agreement with Black Walnut Energy Storage, LLC for Apple Valley Choice Energy.
  
3. **Award of Contract, Highway 18 Shoulder Median Improvement Project No. 2020-02**  
**Recommendation:**
  - A. Award a contract to Jergensen's Construction for the Highway 18 Shoulder Median Improvement Project No. 2020.02 subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager;
  - B. Approve budget Amendment B35.
  
4. **Second Reading of Ordinance 530, Amending 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.**  
**Recommendation:**  
Adopt Ordinance No. 530

## PUBLIC HEARINGS

### 5. **Fiscal Year 2019-2020 Mid-Year Budget Review**

Mayor Nassif opened the public hearing at 6:43 p.m.

Mayor Nassif called for a recess due to technical difficulties at 6:45 p.m.

Mayor Nassif reconvened the meeting at 6:50 p.m.

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

Council Member Bishop asked questions regarding the tax revenues and the safety budget.

Council Member Leon asked for clarification on other revenues of the Town.

Mayor Nassif asked for clarification on the changes to CalPERS and the impact to the Town's Budget.

Mrs. Harris answered the questions and concerns of staff in reference to the presentation.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:41 p.m.

### **MOTION**

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

- A. That the Town Council receive and file the Fiscal Year 2019-2020 Mid-Year Budget Review Report.
- B. Approve Budget Amendment Number **20-29** incorporating revenue and expenditure changes and carry forwards as proposed herein.

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**

### **ADDENDUM**

#### **5A. Resolution of the Town of Apple Valley Ratifying Proclamation No. 2020-01 and Proclaiming the Existence of a Local Emergency**

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

### **MOTION**

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to ratify a proclamation proclaiming the existence of a local emergency within the Town of Apple Valley resulting from the worldwide health threat related to the Novel Coronavirus.

Vote: Motion carried 5-0-0-0

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

Absent: None

## **REPORTS, REQUESTS AND COMMUNICATIONS**

None.

## TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, commented on steps the Town had taken in response to the coronavirus pandemic.

## CLOSED SESSION

### 6. Closed Session

Mayor Nassif recessed the meeting to Closed Session at 8:12 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 8:35p.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 8:36p.m.

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Scott Nassif, Mayor

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Hannah Raleigh, Deputy Clerk