

MINUTES

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

April 14, 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 6:30 pm

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 Mayor Pro Tem Emick

PRESENTATIONS: None.

PUBLIC COMMENTS

Ron Ellis, Apple Valley, submitted a public comment to the Town expressing concern about a powerful nightlight that is pointed at this back patio. He stated that he has tried to work with his neighbor to no avail. He noted that he has spoken with Town Code Enforcement and the Sheriff's Department who informed him that this is a civil matter. He respectfully requested any assistance that could be provided.

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 Leon commented on future scheduled meetings of the Planning Commission. She stated that due to the pandemic, the Commissioners were considering not having any meetings and she questioned if the Town Council should discuss intervening during these unprecedented times.

Doug Robertson, Town Manager, commented on the issue and recommended waiting to see the status of the pandemic in May.

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

- A. Regular Meeting – April 28, 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 and Christian Brothers 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, 2, 3, 4, 6, 7, 9, 10, 12 and 13, respectfully and that agenda items numbered 5, 8 and 11 be pulled for discussion.

Vote: Motion carried 5-0-0-0

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

Absent: None

Recused from voting

1. **Approval of Minutes of the Town Council.**
A. Regular Meeting – March 24, 2020.
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **March 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. **March 2020 Payroll/Benefits Warrants Schedule.**
Recommendation:
That the Town Council receive, ratify and file the Payroll/Benefits Schedule.
4. **Purchase of Data Storage, Backup, and Server Upgrades.**
Recommendation:
Approve the California Multiple Award Schedules (CMAS) price quote and purchase of a data storage, data backup, and disaggregated hyperconverged infrastructure (dHCI) solution in the amount of \$149,578.26.
6. **Award of Contract, Apple Valley South Safe Routes to School Project No. 2018-02.**
Recommendation:
Award a contract to Christensen Brothers General Engineering for the Apple Valley South Safe Routes to School Project No. 2018-02 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
7. **Construction Management and Inspection Services for the Apple Valley Desert Water Reuse Project - Contract Amendment No. 1.**
Recommendation:
Approve Amendment No. 1 to the June, 2019, agreement between the Town of Apple Valley and Parsons Transportation Group for Construction Management and Inspection Services on the Apple Valley Desert Water Reuse Project for an amount not-to-exceed \$133,530.00.
9. **Updated Schedule of future Development Code Amendment Discussions.**
Recommendation:
Receive and file.
10. **Adopt Resolution No. 2020-11 - A Resolution Of The Town Council Of The Town Of Apple Valley, California, Adding The Temporary Emergency Family And Medical Leave Expansion Act And Emergency Paid Sick Leave Policy For The Town Of Apple Valley.**
Recommendation:
That the Town Council adopt the attached Resolution No. 2020-11, a Resolution of the Town Council of the Town of Apple Valley to approve the addition of the temporary Emergency Family and Medical Leave Extension (EFMLEA) and Emergency Paid Sick Leave (EPSL) Policy due to the COVID-19 national pandemic.

12. Confirm the Town Manager’s Emergency Executive Orders Pursuant to Apple Valley Municipal Code Section 2.40.060.A(6)(A).

Recommendation:

Staff recommends that the Town Council confirm the Town Manager’s Emergency Executive Orders pursuant to Apple Valley Municipal Code Section 2.40.060.A(6)(a).

13. Designation of Authorized Agents and Submission of Form CAL OES 130.

Recommendation:

Staff recommends that the Town Council designate authorize agents and authorize submission of form Cal OES 130.

Vote: Motion carried 5-0-0-0

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

Absent: None

Council Member Cusack, Leon and Mayor Nassif recused from voting on Agenda Item Number 2.

PULLED FROM CONSENT

5. Award of Contract, Vineyards Drainage Improvement Project No. 2019-04.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk. The Town Council thanked him for the improvements to the area.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to award a contract to TSR Construction and Inspection for the Vineyards Drainage Improvement Project No. 2019-04 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

Vote: Motion carried 5-0-0-0

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

Absent: None

PULLED FROM CONSENT

8. Grant of Easement to Liberty Utilities for Waterline over the Town owned Golf Course property.

Council Member Bishop questioned if it would be better to do this project as an easement or as a licensing.

Thomas Rice, Town Attorney, recommended that it be presented as a license. He recommended that this item be tabled until the options could be evaluated and presented at a future meeting. He explained that an easement is a permanent right; a license is temporary and revocable.

MOTION

Motion by Council Member Cusack, seconded by Council Member Bishop to table this item.

Vote: Motion carried 5-0-0-0

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

Absent: None

PULLED FROM CONSENT

11. Twenty-Ninth Amendment to Law Enforcement Contract #94-798

Mayor Nassif questioned the increase in costs for this contract with no change in staffing levels.

Doug Robertson, Town Manager, described the details of the report and commented on the increase with the same level of service as the previous year. He noted that it was a 10% increase.

Mayor Nassif expressed concern over the large increase which equates to almost 50% of the Town's general fund and the challenges that it imposes on the Town.

Discussion ensued regarding the funding necessary for this item and the need to have a future discussion on the impact of the increase to the general fund.

MOTION

Motion by Mayor Nassif, seconded by Council Member Bishop, to approve the Twenty-Ninth Amendment to Law Enforcement Contract #94-798 for the period of July 1, 2020 through June 30, 2021 and authorize the Mayor or his designee to process all documents required for the agreement.

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC HEARINGS

None.

PUBLIC HEARINGS

None.

BUSINESS OF THE COUNCIL

14. Discussion and Possible Action Regarding an Amendment to the Town of Apple Valley Development Code Regarding Recycling Facilities.

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

Council Member Bishop commented on this item and the changes that have occurred with Cal Recycle. He stated that we need recycling opportunities in the Town and

recommended staff bring a proposal forward that would allow a recycling facility in an industrial area if possible.

Mayor Pro Tem Emick recommended staff research other communities to see how they are handling recycling in their cities.

It was the consensus of the Town Council to direct staff to initiate a Development Code Amendment regarding Recycling Facilities.

15. Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2019.

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

The Town Council thanked Ms. Harris for her hard work on the CAFR.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Bishop, to receive and file the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018.

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 the Virtual Recreation Center developed by Parks and Recreation which will include various activities for the public.

CLOSED SESSION

14. Closed Session

Mayor Nassif announced that there was no need for Closed Session.

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 7:49 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk