

MINUTES

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

June 9, 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, Leon, Mayor Pro Tem Emick, Mayor Nassif

Absent: None.

OPENING CEREMONIES

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

PRESENTATIONS: None.

PUBLIC COMMENTS

Phone call placed to Tammy Cooper, Apple Valley, who expressed concern regarding 5G technology in Apple Valley. She stated that she is concerned about the Town placing 5G towers in parks where children are at play. She said she is very concerned about her grandchildren.

Phone call placed to LaToya Brooks, No Answer.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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.

At 6:44 p.m. Mayor Pro Tem Emick announced that he had a family emergency. He was excused from the meeting at 6:51 p.m.

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

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Bishop expressed concern regarding the use of illegal fireworks in the community.

Doug Robertson, Town Manager, discussed the social campaign on this matter and the enforcement efforts of our safety personnel. He provided information and a phone number for residents to call and announced that the information would be placed on the town's media pages.

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

- A. Regular Meeting – June 23, 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.

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 Council Member Bishop, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1-8, respectfully and that Agenda Item Number 9 be pulled for comment.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Emick

Council Member Leon and Mayor Nassif recused from voting on specific warrants on Agenda Item Number 2.

1. Approval of Minutes of the Town Council.

A. Special Meeting – May 26, 2020.

B. Regular Meeting – May 26, 2020.

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. May 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. May 2020 Payroll/Benefits Warrants Schedule.

Recommendation:

That the Town Council receive, ratify and file the Payroll/Benefits Schedule.

4. Biennial Review of the Town of Apple Valley’s Conflict of Interest Code to Comply with the Political Reform Act.

Recommendation:

Direct the Town Manager to review its code and submit a notice to the Town Council by October 1, 2020, that either amendments are required or that no amendments are necessary.

5. Lighting and Landscape Assessment District #1 - Engineer’s Annual Report and Levy of Assessment for FY 2020-2021.

Recommendation:

A. Adopt Resolution No. 2020-18, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.

B. Receive and approve the engineer's report as filed, or as amended.

C. Adopt Resolution No. 2020-19, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2020-2021.

D. Direct the Town Clerk to publish the Resolution of Intention at least 10 days prior to the date of the public hearing.

6. Adopt Resolution No. 2020-20 - 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. 2020-20, a Resolution of the Town Council of the Town of Apple Valley amending section 4.12 – Employee Computer Purchase Program of the Personnel Policy and Procedures Manual for the Town of Apple Valley.

7. All-Way Stop At The Intersection Of Tuscola Road And Symeron Road.

Recommendation:

Adopt Resolution 2020-21, “A Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Tuscola Road and Symeron Road as an all-way STOP intersection.”

8. All-Way Stop At The Intersection Of Ocotilla Road/ Mesquite Road And Esaws Avenue.

Recommendation:

For the purposes of this report, Ocotilla Road and Mesquite Road refer to the same roadway. Adopt Resolution 2020-22, "A Resolution of the Town Council of the Town of Apple Valley establishing the intersection of Ocotilla Road and Esaws Avenue as an all-way STOP intersection."

PULLED FROM CONSENT

9. **Approve and Authorize Payment in Accordance with Construction Funding Agreement Number 16-797 for the Green Tree Boulevard Extension, in Conjunction with the Yucca Loma Transportation Corridor.**

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

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to approve and authorize payment in accordance with the Construction Funding Agreement with San Bernardino County Public Works Department, and with the City of Victorville, for the Green Tree Boulevard Extension, in conjunction with the Yucca Loma Transportation Corridor.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Emick

PUBLIC HEARINGS

10. **Adopt Resolutions of The Successor Agency and the Public Financing Authority of the Town of Apple Valley Authorizing the Execution and Delivery of a Project Area No. 2 Loan Agreement and a VVEDA Project Area Loan Agreement Between the Successor Agency and the Apple Valley Public Financing Authority, Authorizing the Execution and Delivery of a Bond Purchase Agreement, Escrow Agreements and a Continuing Disclosure Certificate, and Authorizing Certain Other Actions in Connection Therewith.**

Mayor Nassif opened the public hearing at 7:21 p.m.

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

Wing-See Fox, Urban Futures and Vanessa Legbandt, Stradling, Yucca Carlson & Rauth, presented the PowerPoint Presentation on the bonds via teleconference.

Questions were asked of the consultants by the Town Council regarding selling bonds.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:35 p.m.

MOTION

Motion by Council Member/Board Member Bishop, seconded by Council Member/Board Member Leon, to adopt Resolution SA 2020-01, authorizing the execution and delivery of a Project Area No. 2 Loan Agreement and a VVEDA Project Area Loan Agreement between the Successor Agency and the Apple Valley Public Financing Authority,

authorizing the execution and delivery of a Bond Purchase Agreement, Escrow Agreements and a Continuing Disclosure Certificate, and authorizing certain other actions in connection therewith.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Emick

MOTION

Motion by Council Member/Board Member Bishop, seconded by Council Member/Board Member Leon, adopt Resolution PFA 2020-01 authorizing the execution and delivery of a Project Area No. 2 Loan Agreement and a VVEDA Project Area Loan Agreement between the Successor Agency and the Apple Valley Public Financing Authority, authorizing the execution and delivery of a Bond Purchase Agreement, Escrow Agreements and a Continuing Disclosure Certificate, and authorizing certain other actions in connection therewith.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Emick

BUSINESS OF THE COUNCIL

11. Resolution of the Town Council of the Town of Apple Valley Supporting a Just Cause for Racial Equality and Denouncing Racial Injustice.

Mayor Nassif presented the staff report and resolution as filed with the Town Clerk.

Doug Robertson, Town Manager, commented on the issues resulting in the preparation of the resolution. He thanked the Mayor for his work with staff to draft the resolution of support.

La Vonda M-Pearson, Town Clerk read public comments submitted from the following individuals:

Charlie Luna
Monica Loaiza-Arcilla
Lina Parta
Makayla Garza
Celena De Leon
Aylen Bonel
Valery Hernandez
Jesse Lawrence

All public comments read are available for review on the Apple Valley website in the meeting agenda portal.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to adopt Resolution Number 2020-22 supporting a Just Cause for Racial Equality and Denouncing Racial Injustice.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Leon

12. A Resolution of the Town Council of the Town of Apple Valley Opposing the Petition to List the Western Joshua Tree as a Threatened Species.

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

La Vonda M-Pearson, Town Clerk read a public comment submitted from Mark Shoup, Apple Valley opposing Resolution No. 2020-23. Mr. Shoups comment is available for review on the Apple Valley website in the meeting agenda portal.

Lori Lamson, Assistant Town Manager, answered questions of the Town Council regarding Joshua Trees.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to adopt Resolution No. 2020-23, a Resolution of the Town Council of the Town of Apple Valley opposing the petition to list the western Joshua Tree as a threatened species under the California Endangered Species Act (CESA).

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Leon

13. A Resolution of the Town Council of the Town of Apple Valley Requesting the Delay of Senate Bill 743 Implementation for Vehicle Miles Traveled Thresholds

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

MOTION

Motion by Council Member Leon, seconded by Council Member Bishop, to adopt Resolution No. 2020-24, a Resolution of the Town Council of the Town of Apple Valley requesting the delay of Senate Bill (SB) 743 implementation to Title 14 of the California Code of Regulations, Section 15064.3 for vehicle miles traveled thresholds.

Vote: Motion carried 3-0-0-2

Yes: Council Members Bishop, Leon, Mayor Nassif.

Absent: Council Member Cusack; Mayor Pro Tem Leon

REPORTS, REQUESTS AND COMMUNICATIONS

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

14. Closed Session

None.

ADJOURNMENT

Motion by Mayor Nassif, seconded by Council Member Bishop and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:35 p.m with thoughts and prayers for the Emick family in the passing of Mayor Pro Tem Emick's Mother.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk