

MINUTES

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY/ PUBLIC FINANCING AUTHORITY

June 23, 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 Council Member Bishop

PRESENTATIONS: None

ANNOUNCEMENT:

Mayor Nassif announced that staff has recommended that Agenda Item Number 14 regarding A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services be tabled to a date uncertain.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon to table Agenda Item 14 to a date uncertain.

Vote: Motion carried 5-0-0-0

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

Absent: None

Mayor Nassif also commented on the loss of Betty Emick, Mother of Mayor Pro Tem Emick and Anthony Salas, Husband of Barstow City Manager Nikki Salas. On behalf of the Council he sends the Town's prayers and sympathy.

PUBLIC COMMENTS

La Vonda M-Pearson, Town Clerk, noted for the record that the Town received several public comments from citizens concerns about illegal fireworks in the community. Comments were received from:

Steve Waltenburg
Julie Waltenburg
Nancy Kinzer
Sharon Waters
Bill Warren
Carol Warren
Reggie Cervantes
Heidi Wade
Eda Hallinan

All public comments received are available for public review on the Town of Apple Valley webpage under the agenda meeting date.

Doug Robertson, Town Manager, noted for the record that the Town had been made aware of the concerns from residents on this matter. He explained that the Town of Apple Valley does not have authorization to conduct enforcement; however, the Fire District is patrolling the community and working with our Police Department for additional enforcement.

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 – July 14, 2020 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Mayor Nassif announced that he and Council Member Cusack would abstain from voting on Agenda Items Numbered 7 and 8 as they are both property owners in the village area.

Mayor Pro Tem Emick stated that he would be abstaining from voting on the minutes since he was not in attendance for the full meeting. He also made corrections to member titles listed in the minutes.

Council Member Cusack stated that he too would be abstaining from voting on the minutes since he was not in attendance at the meeting.

MOTION

Motion by Council Member Bishop, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1-8, respectfully as amended.

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 Pro Tem Emick abstained from voting on Agenda Item Number 1

Council Member Cusack and Mayor Nassif recused from voting on Agenda Items Numbered 7 and 8.

1. **Approval of Minutes of the Town Council.**
A. Regular Meeting – June 9, 2020.
Recommendation:
Approve the subject minutes as part of the consent agenda.

2. **Adopt Resolution No. 2020-28 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2020.**
Recommendation:
Adopt Resolution No. 2020-28 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

3. **Adopt Resolution No. 2020-29, A Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements for the General Municipal Election, November 3, 2020.**
Recommendation:
Adopt Resolution No. 2020-29 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election, November 3, 2020.

4. **Request for Proposals, Preparation of the 2021-2029 Housing Element Update.**
Recommendation:
Authorize and direct staff to circulate a Request for Proposal for the preparation of the 6th Cycle 2021-2029 Housing Element Update for the Town of Apple Valley.

5. **Extension of Professional Services Agreement for State Advocacy Services.**
Recommendation:
That the Town Council approve a one-year extension to the Professional Services Agreement with Niemela Pappas & Associates for State Legislative Advocacy Services for Fiscal Year 2020-21.

6. **Adopt Resolution No. 2020-30 - 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. 2020-30, a Resolution of the Town Council of the Town of Apple Valley amending Section 3.3 – Promotion of the Personnel Policy and Procedures Manual for the Town of Apple Valley

7. **Resolution No. 2020-31, A Resolution of the Town Council of the Town of Apple Valley, California, Approving the Levy and Collection of Assessments for Fiscal Year 2020-21 Within the Apple Valley Village Property and Business Improvement District (PBID).**

Recommendation:

That the Town Council adopt Resolution No. 2020-31, approving the Levy and Collection of Assessments for Fiscal Year 2020-21 within the Apple Valley Village Property and Business Improvement District (Attachment 1).

8. **Fy 2020-21 Budget of the Apple Valley Village Property and Business Improvement District (PBID) Association.**

Recommendation:

That the Town Council approve the Fiscal Year 2020-21 Budget of the Apple Valley Village Property and Business Improvement District Association (Association).

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| PUBLIC HEARINGS |
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9. **Annexation 2019-001 – A Public Hearing for Annexation 2019-001, A Request to Consider the Annexation of ±1,423 Acres that Lie West of Dale Evans Parkway North of Johnson Road, East of Fairfield, Choco and Vega, and South of Morro Road.**

Mayor Nassif opened the public hearing at 7:10 p.m.

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

Phone calls were made to the following individuals for public comment:

Mr. Kambiz Moridi, property owner, commented on his desire to have his property rezoned to allow commercial development.

Ms. Lillian Sapp, property owner, had questions and concerns regarding the Town wanting to annex this property. She also questioned the entity responsible for the annexation process.

Ms. Lamson clarified questions and concerns expressed by the speakers regarding the annexation process.

There being no additional requests to speak, Mayor Nassif closed the public hearing at 7:29 p.m.

MOTION

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

- A. Adopt Resolution No. 2020-25, approving an Addendum to the EIR for the 2009 General Plan Update and Annexation 2008-001.

- B. Adopt Town Council Resolution No. 2020-26, requesting initiation of annexation proceedings for Annexation No. 2019-001.
- C. Direct staff to file all necessary application materials relating to Annexation No. 2019-001 with the Local Agency Formation Commission (LAFCO).
- D. Direct Town Manager to sign the Plan for Services.

Vote: Motion carried 5-0-0-0

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

Absent: None

10. Amendment to the 2017-2021 Citizen Participation Plan, 2017-2021 Consolidated Plan and the 2019-2020 Action Plan.

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

Silvia Urenda, Housing Specialist II, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:34 p.m.

MOTION

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

- A. Conduct a public hearing and upon accepting public comment, adopt Resolution No. 2020-32 including any modifications or amendments thereto.
- B. Approve the Substantial Amendment to the 2017-2021 Citizen Participation Plan (“CPP”) to reduce the previously approved 30-day public review period to a 5-day public review period, revise the reasonable public noticing requirement for Substantial Amendments to 10-days, and allow for virtual, telephonic or otherwise approved methods of conducting public hearings as determined by the Town Council.
- C. Approve the Substantial Amendment to the 2017-2021 Consolidated Plan (“Consolidated Plan”) which will revise two (2) Strategic Plan Goal descriptions and proposed goals to include services addressing emergency rental assistance and tenant-based rental assistance.
- D. Approve the Substantial Amendment to the 2019-2020 Annual Action Plan (“Action Plan”) canceling four (4) activities in the amount of \$146,000 and defunding one (1) activity in the amount of \$68,000 for a total of \$214,000 to be re-programmed to the 2019-2020 Feed My Sheep – Feeding Apple Valley Program and the newly proposed Emergency Rental Assistance (ERA) Program to prevent, prepare for and respond to the Coronavirus (COVID-19).
- E. Receive and file updated information on CARES Act.
- F. Authorize the Town Manager to execute and transmit all necessary documents, including the Substantial Amendment to the CPP, Consolidated Plan and Action Plan, and any additional amendments, to assure the Town’s timely expenditure of Community Development Block Grant (“CDBG”) funds.

Vote: Motion carried 5-0-0-0

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

Absent: None

11. A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for All Funds for Fiscal Year 2020-2021.

Mayor Nassif opened the public hearing at 7:36 p.m.

Sydney Harris, Finance Director, presented the staff report as filed with the Town Clerk. She presented a PowerPoint presentation outlining changes that have occurred since the budget workshop.

Doug Robertson, Town Manager, commented on placing an item on the agenda for the Town Council to review the possibility of placing a tax measure on the ballot.

There being no requests to speak, Mayor Nassif closed the public hearing at 7:52 p.m.

MOTION

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

Adopt Resolution No. 2020-33 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2020-2021.

Vote: Motion carried 5-0-0-0

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

Absent: None

12. Adoption of Fiscal Year 2020-2021 Appropriations Limit.

Mayor Nassif opened the public hearing at 7:53 p.m.

Sydney Harris, Finance Director, presented the staff report as filed with the Town Clerk. She made a correction to the dollar amount listed on the staff report

There being no requests to speak, Mayor Nassif closed the public hearing at 7:54

MOTION

Motion by Council Member Cusack, seconded by Mayor Pro Tem Emick, to adopt Resolution No.2020-34 of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2020-2021 Appropriations Limit for the Town at \$42,449,945 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.

Vote: Motion carried 5-0-0-0

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

Absent: None

13. Review of the Fiscal Year 2020-2021 Statement of Investment Policy.

Mayor Nassif opened the public hearing at 7:54 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 7:55 p.m.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to adopt Resolution No. 2020-35 approving the Statement of Investment Policy for Fiscal Year 2020-2021 and delegating the investment activities to the Town Treasurer.

Vote: Motion carried 5-0-0-0

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

Absent: None

14. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services.

This item was tabled.

15. Amendment to the Solid Waste Disposal Rates Between the Town of Apple Valley and Burrtec Waste Industries Inc.

Mayor Nassif opened the public hearing at 7:55 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 7:59 p.m.

MOTION

Motion by Council Member Cusack, seconded by Council Member Bishop, to approve the proposed Solid Waste Disposal Rates between the Town of Apple Valley and Burrtec Waste Industries, Inc. amending the rates and terms of the existing agreement.

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

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, announced the Apple Valley Fireworks show on July 4, 2020 at 9:00 p.m. He noted that due to COVID 19, there would be no public spectator viewing but the event would be livestreamed via Facebook. He also spoke of the reopening of youth sports.

CLOSED SESSION

16. Closed Session

At 8:02 p.m. Mayor Nassif adjourned the regular meeting to Closed Session 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 8:29 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 8:30 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk