

## AGENDA

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

September 8, 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

**INVOCATION:** Bishop Brent Ebmeyer, The Church of Jesus Christ of Latter-Day Saints

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Emick

**PRESENTATIONS:** Employee of the Quarter – Margaret Demauro, Finance Analyst  
Employee of the Quarter Sheriff's Division – Deputy Greg Teplansky, Apple Valley Police Department

Mayor Nassif announced the passing of Granite Hills graduate and U.S. Army Soldier Sergeant Tyler Shelton. He stated that Sergeant Shelton was killed in a training exercise in San Clemente in a Black Hawk Helicopter crash. He recommended with the consensus of the Town Council that the meeting be adjourned in his honor.

#### PUBLIC COMMENTS

None.

#### COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Bishop commented on committee meetings and events that he attended.

Council Member Cusack 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 future agenda:

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

- A. Regular Meeting – September 22, 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 and on Agenda Item Number 10 dealing with Solution Strategies and Christian Brothers as a landlord to these entities. Therefore, she will be recusing herself from voting on the warrants for these businesses and Agenda Item Number 10 listed on the Consent Calendar.

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

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 will also be recusing from voting on Agenda Item Number 12 as a property owner in the Apple Valley Village Area.

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 will also be recusing from voting on Agenda Item Number 12 as a property owner in the Apple Valley Village Area.

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

Mayor Pro Tem Emick stated that he would abstain from voting on the minutes since he was not in attendance at the last meeting.

## **MOTION**

Motion by Council Member Bishop, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1 - 13 as recommended.

Vote: Motion carried 5-0-0-0

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

Absent: None

Council Members Cusack, Leon, Mayor Pro Tem Emick and Mayor Nassif recused from voting on specific items as noted.

1. **Approval of Minutes of the Town Council.**  
**A. Regular Meeting – August 25, 2020.**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
2. **August 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. **August 2020 Payroll/Benefits Warrants Schedule.**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll/Benefits Schedule.
4. **Adopt Resolution No. 2020-49, A Resolution of the Town Council of the Town of Apple Valley, California Approving the Apple Valley Choice Energy Integrated Resource Plan.**  
**Recommendation:**  
Staff recommend that the Town Council adopt Resolution No. 2020-49 approving the Apple Valley Choice Energy Integrated Resource Plan.
5. **Apple Valley Choice Energy – 2019 Power Content Label and Attestation.**  
**Recommendation:**  
Endorse the accuracy of information presented in Apple Valley Choice Energy's 2019 Power Content Label based on staff and California Choice Energy Authority review.
6. **Second Reading of Ordinance 533 of the Town of Apple Valley, California, Amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Removing Chapter 9.15 "Commercial/Industrial Revitalization Permits" as Obsolete and Modifying Chapter 9.25 "Deviation Permits" to Include Commercial and Industrial Revitalization as an Eligible Activity to Receive Deviation Consideration (DCA 2020-002).**  
**Recommendation:**  
Adopt Ordinance No. 533

- 7. Second Reading of Ordinance 534 of the Town of Apple Valley, California, Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Modifying Provisions Relating to Landscape Setback Regulations for Commercial Development (DCA 2020-005)**  
**Recommendation:**  
Adopt Ordinance No. 534.
- 8. Second Reading of Ordinance 535 of the Town of Apple Valley, California, Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Modifying Provisions Relating to the Location Regulations for Gasoline/Service Stations and Above Ground Petroleum Tanks (DCA 2020-006).**  
**Recommendation:**  
Adopt Ordinance No. 535.
- 9. Award Contract for Consultant to Prepare the Housing Element Update for the 6th Cycle 2021-2029.**  
**Recommendation:**  
The Town Council award a contract to Terra Nova Planning and Research Inc. for the preparation of the Housing Element Update for the 6th Cycle between 2021-2029, including the required environmental review and analysis under the California Environmental Quality Act (CEQA).
- 10. Professional Services Agreement for the Completion of the Multi-Species Habitat Conservation Plan/Natural Communities Conservation Plan.**  
**Recommendation:**  
Award the attached Professional Services Agreement for Solution Strategies, Inc. for \$120,000 to fund the completion of the Multi-Species Habitat Conservation Plan/Natural Communities Conservation Plan.
- 11. Updated Schedule of future Development Code Amendment Discussions.**  
**Recommendation:**  
Receive and file
- 12. Award of Professional Services Agreement for the Apple Valley Village Accessibility Phase 2 Project.**  
**Recommendation:**  
Award a Professional Services Agreement to Merrell-Johnson for the Apple Valley Village Accessibility Phase 2 project subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
- 13. Repeal of Executive Order No. 2020-01.**  
**Recommendation:**  
Repeal the temporary moratorium on evictions for non-payment of rent by residential and commercial tenants impacted by COVID-19 enacted by Executive Order 2020-01 and extended by Resolution 2020-41 and rely on state and federal law protections.

<b>PUBLIC HEARINGS</b>
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None.

**BUSINESS OF THE COUNCIL**

Council Member Cusack announced that he had a potential conflict of interest on Agenda Items numbered 14 and 15 as a property owner in the Apple Valley Village and therefore he would recuse himself from voting on this item.

Mayor Nassif announced that he had a potential conflict of interest on Agenda Items numbered 14 and 15 as a property owner in the Apple Valley Village and therefore he would recuse himself from voting on this item.

**COUNCIL MEMBER CUSACK AND MAYOR NASSIF WERE EXCUSED FROM THE DAIS AT 7:14 P.M.**

**14. Award Contract for Consultant to Prepare a Specific Plan and Related Environmental Analysis for the Apple Valley Village.**

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

Discussion ensued regarding the work provided by Terra Nova and the ability to provide services under budget.

Nicole Criste, Terra Nova Planning and Research, Inc., commented on the firm and their expertise which allows them to bid competitively.

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Leon, to award a contract to Terra Nova Planning and Research, Inc. for the preparation of a specific plan for the Apple Valley Village and prepare all required environmental review and analysis to comply with the California Environmental Quality Act (CEQA).

Vote: Motion carried 3-0-0-2

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

Absent: Council Member Cusack, Mayor Nassif

**15. Town to Enter into Agreement with the Village Property Owners Business Assessment District (PBID) for the Reimbursement of Consultant Costs for the Preparation and Review of a Specific Plan and Environmental Documents for the Apple Valley Village**

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

**MOTION**

Motion by Council Member Leon, seconded by Council Member Bishop, to direct the Town Manager to enter into attached agreement between the Town of Apple Valley and the Apple Valley Village Property Owners Business Assessment District (PBID) for the

purpose of reimbursing the Town for the costs in the preparation and review of a Village Specific Plan and supporting environmental documents.

Vote: Motion carried 3-0-0-2

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

Absent: Council Member Cusack, Mayor Nassif

**COUNCIL MEMBER CUSACK AND MAYOR NASSIF RETURNED TO THE DAIS AT 7:33 P.M.**

**16. A Resolution to Address the Installation and Maintenance of New Parkways Created by the Vacation of Outer Highways.**

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

Brad Miller, Town Engineer, commented on the work that has been done and the maintenance that would be required to maintain landscaping created by the vacation of outer highways. He also discussed the right of ways.

Ms. Lamson commented on adding additional language to the resolution that would include a policy on public art.

A lengthy discussion ensued regarding the vacation of the outer highways and the potential design and maintenance that would be required. Also discussed was the possible need to complete a Development Code Amendment to address these issues.

Thomas Rice, Town Attorney, recommended that staff bring the item back to Council at a future meeting allowing them an opportunity to incorporate the suggestions being discussed.

It was the consensus of the Town Council to direct staff to bring this item back at a future meeting to include the issues and concerns addressed by both Council and staff.

**17. Vacancy on the Historical Advisory Committee.**

**MOTION**

Motion by Council Member Leon, seconded by Mayor Nassif, to nominate Marcy Taylor to the Town of Apple Valley Historical Advisory Committee.

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**

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

None.

**CLOSED SESSION**

**18. Closed Session**

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

**ADJOURNMENT**

**MOTION**

Motion by Mayor Pro Emick, seconded by Council Member Leon and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:28 p.m. in memory of Apple Valley Granite High School alumni Sergeant Tyler Sheldon.

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Scott Nassif, Mayor

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La Vonda M-Pearson, Town Clerk