

AGENDA

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

August 11, 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:

State Route 18 and Apple Valley Road Intersection Realignment Project – Brad Miller, Town Engineer, Paula Pereira, Town Surveyor/Project Manager and Liz Diamond, Dokken Engineering.

The Town Council asked questions regarding the realignment project and thanked staff and the consultants for their work on this project.

Council Member Bishop requested the presentation be made available to the public.

PUBLIC COMMENTS

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

Melissa Whetsell, Apple Valley, commented on the economic effect of the COVID. She believed that the state should not be held hostage and that businesses should be allowed to operate. She expressed concern regarding parents that are being required to teach their children and felt they should be compensated for being teachers. She also requested that the Town Council Meetings be open to the public similar to the process used by the County of San Bernardino.

Bill Inger, Apple Valley, commented on the Treasurers Report. He questioned the change of the reports from monthly to quarterly and asked if the decision was discussed by the Town Council. He also did not believe that the proposed 1% tax increase was warranted.

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.

In response to comments made, Doug Robertson, Town Manager, stated that staff would review the guidelines established by the Governor for meetings and gatherings. He also announced that the Parks and Recreation Department is looking at hosting a drive-in movie night for the community.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

Council Member Bishop suggested a letter of support on behalf of Town citizens be sent to the State regarding the extension of unemployment benefits.

Mayor Pro Tem Emick commented on a monthly update that could be provided on the agenda regarding the Town's finances/budget update.

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

**A. Regular Meeting – August 25, 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 these entities. Therefore, she will be recusing herself from voting on the warrants for these businesses.

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 Cusack, to approve the Consent Calendar items numbered 1, 2, 3, 4, 5, 7 and 8 as recommended, and that agenda item number 6 be pulled for comment.

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 and Mayor Nassif recused from voting on specific items as noted.

1. **Approval of Minutes of the Town Council.**
A. Regular Meeting – July 28, 2020
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **July 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. **July 2020 Payroll/Benefits Warrants Schedule.**
Recommendation:
That the Town Council receive, ratify and file the Payroll/Benefits Schedule.
4. **Approve Entering into a Long-Term Renewable Energy Contract with Sierra Pacific Industries.**
Recommendation:
Approve entering into a long-term renewable energy contract with Sierra Pacific Industries for Apple Valley Choice Energy.
5. **Second Reading of Ordinance 531 of the Town of Apple Valley, California, Amending Sections 9.08 and 9.36.030 and Adding Chapter 5.03 to Title 5 of the Town of Apple Valley Municipal Code Relating to the Regulation of Massage Establishments and Massage Technicians.**
Recommendation:
Adopt Ordinance No. 531.

7. Authorization to Advertise Resurfacing 2020-02.

Recommendation:

- A. That the Town Council review and approve the bid documents for the Resurfacing 2020-02 Project.
- B. That the Town Council authorize staff to solicit bids for construction of said project.

8. Purchase of Microsoft Software and Licensing. Recommendation:

Approve the purchase of Microsoft Enterprise Software Licensing in the amount of \$63,605.42 per year a for a term of three (3) years and authorize the Innovation and Technology Officer to execute appropriate agreements and documentation including the use of a Master Purchase Agreement.

PULLED FROM CONSENT

6. Updated Schedule of future Development Code Amendment Discussions.

Council Member Bishop commented on the importance of this item to the Council and the public. He thanked staff for moving forward with these amendment discussions.

MOTION

Motion by Council Member Bishop, seconded by Council Member Cusack, to receive and file.

Vote: Motion carried 5-0-0-0

Yes: Council Members Bishop, Cusack, Leon, Mayor Pro Tem Emick, Mayor Nassif. Absent: None

PUBLIC HEARINGS

None.

BUSINESS OF THE COUNCIL

9. Discussion on Code Enforcement Top 15 and Overview of Statistics.

Guy Eisenbrey, Code Enforcement Manager, presented the staff report as filed with the Town Clerk.

Discussion ensued regarding how staff determines proactive versus reactive enforcement within the Town.

Council Member Bishop commented on the problems with landscaping in certain shopping center areas where owners are not maintaining the landscaping as originally approved.

This was a receive and file item only. There was no action taken.

10. Approving the Form of the Preliminary Official Statement for the Apple Valley Public Financing Authority Tax Allocation Revenue Bonds (Apple Valley Redevelopment Project Areas), Series 2020A to Deem the Preliminary Official

Statement Final Under Rule 15c2-12 and Authorizing Certain Other Actions in Connection Therewith.

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

MOTION

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

(Town Council and Successor Agency)

1. Staff recommends that the Successor Agency adopt Resolution SA 2020-02 approving the form of the Preliminary Official Statement for the Apple Valley Public Financing Authority Tax Allocation Revenue Bonds (Apple Valley Redevelopment Project Areas), Series 2020A to deem the Preliminary Official Statement final under Rule 15c2-12, and authorizing certain other actions in connection therewith; and

(Apple Valley Public Financing Authority)

2. Staff recommends that the Apple Valley Public Financing Authority (the "Authority") adopt Resolution PFA 2020-02 approving the form of the Preliminary Official Statement for the Apple Valley Public Financing Authority Tax Allocation Revenue Bonds (Apple Valley Redevelopment Project Areas), Series 2020A to deem the Preliminary Official Statement final under Rule 15c2-12, and authorizing certain other actions in connection therewith.

Vote: Motion carried 5-0-0-0

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

Absent: None

11. Selection of Town Council Voting Delegate and Voting Alternate to the League of California Cities' 2020 Annual Conference.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to nominate Mayor Nassif as the voting delegate and Council Member Bishop as voting alternate representing the Town of Apple Valley at the League of California Cities' 2020 Virtual Business Meeting.

Vote: Motion carried 5-0-0-0

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

Absent: None

12. Vacancy on the Planning Commission.

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Leon, to nominate Jarrod Lanyon to the Town of Apple Valley Planning Commission.

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

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, clarified that the Town does not require a permit for outside dining. He informed the Town Council that staff would be bringing forward three development code amendments in the next two weeks. Also, the Town will begin its audio equipment upgrades in a few days for a complete overhaul of the Council Chamber equipment and eventually the conference center.

CLOSED SESSION

13. Closed Session

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 9:00 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.
- E. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

Upon returning from Closed Session at 9:44 p.m. Mayor Nassif announced that there was no reportable action taken.

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 9:45 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk