

MINUTES

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

September 22, 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

OPENING CEREMONIES

INVOCATION: Pastor Whitney, Apple Valley Church of the Nazarene

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

PRESENTATIONS: 2020 General Election Voting Update – Doug Robertson, Town Manager.

PUBLIC COMMENTS

La Vonda M-Pearson, Town Clerk, made a call to the following individual for public comment:

Kely Lyons, Apple Valley, expressed concern regarding fire danger in the community. She spoke of individuals who are not careful when lighting fires that can easily spread and cause severe damage in the community. She recommended the Town Council set restrictions such as no open flames, no firecrackers and that flyers be distributed to all residents informing them of this information. She volunteered her services to design the flyers if needed.

A public comment was received from Mr. Vincent Tran who wrote comments in opposition of Proposition 16. All comments received were listed on the Apple Valley website for review.

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 next agenda:

Councilwoman Leon requested information be provided on what businesses and services could resume at this time.

Doug Robertson, Town Manager, explained that the Town of Apple Valley is adhering to the mandates by the Governor in reference to the reopening of services. He stated that restaurants are still required to do outdoor dining only. He noted that the Town's role is to educate these businesses about the requirements per the Governor and the San Bernardino County Health Department and explained that the Town cannot enforce the orders. He also discussed recreation services and explained what was allowed in reference to games/play. He informed the Town Council of the financial implications that could occur if the Town violated the state restrictions imposed.

Council Member Bishop requested information be provided on the current tax allocations in the Town and how the funds are distributed.

Thomas Rice, Town Attorney, stated that he would prepare and provide that information to the Town Council.

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

- A. Regular Meeting – October 13, 2020 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

MOTION

Motion by Mayor Pro Tem Emick, seconded by Council Member Bishop, to approve the Consent Calendar items numbered 1-4, respectfully

Vote: Motion carried 5-0-0-0

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

Absent: None.

- 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. Approval of Resolution Number 2020-50 of the Town Council of the Town of Apple Valley, California, Amending Resolution No. 2018-48 and Approving an Amended Conflict of Interest Code Pursuant to the Political Reform Act by Reference to the Standard Conflict of Interest Code Set Forth in Section 18730 of the Regulations of the Fair Political Practices Commission.
Recommendation:**

That the Town Council adopt Resolution Number 2020-50 - A Resolution of the Town Council of the Town of Apple Valley, California, Approving an Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974.

3. 2021/2022-2025/2026 Capital Project Needs Analysis.

Recommendation:

- A. Approve FY 2021/2022 through 2025/2026 Capital Project Needs Analysis
- B. Adopt Resolution No 2020-51, Adopting the Measure I Five Year Capital Project Needs Analysis

4. Mobile Home Disposition.

Recommendation:

Approve the sale of a mobile home unit at 11414 Serra Rd. located within the Golden Coach Mobile Estates to Alba An Aigh Real Estate Investments LLC also known as Keith Management, owner of Golden Coach Mobile Estates and find that such sale is for the common benefit.

REPORTS, REQUESTS AND COMMUNICATIONS

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Doug Robertson, Town Manager, stated that he was honored to work with Dr. Derek King and Mrs. Regina Weatherspoon-Bell on a community program that included the Sheriff's Department on improving racial equality. He spoke on Apple Valley's resolution that was adopted by the Town Council denouncing racial injustice and our commitment to continue discussions that would equate to a "Better Way of Life" for all our residents.

CLOSED SESSION

10. Closed Session

Mayor Nassif recessed the meeting of the Apple Valley Town Council at 7:30 p.m. 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 8:14 p.m., Mayor Nassif announced that there was no reportable action taken.

ADJOURNMENT

Motion by Council Member Bishop, seconded by Council Member Leon and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 8:14 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk