

MINUTES

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

October 27, 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

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

PRESENTATIONS: None.

PUBLIC COMMENTS

None.

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:

Council Member Leon recommended future items be discussed regarding the creation of an Ad Hoc Committee for Housing and enhancing the Town's website to include a listing of all open businesses.

Mayor Pro Tem Emick recommended a future item be discussed regarding a business assistance program for businesses that may qualify for COVID relief funds.

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

- A. Regular Meeting – November 10, 2020 – Council Chamber
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Brad Miller, Town Engineer, briefed the Town Council on the progress of the Apple Valley Desert Water Reuse Project.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to approve the Consent Calendar items numbered 1-6, 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 – October 13, 2020.
Recommendation:
Approve the subject minutes as part of the consent agenda.**
- 2. Second Reading of Ordinance 537 of the Town of Apple Valley, California, Adding Chapter 5.08 to the Town of Apple Valley Municipal Code, Imposing Regulations on Sidewalk Vending in Compliance with Senate Bill 946.
Recommendation:
Adopt Ordinance No. 537**
- 3. Award of Contract, Resurfacing 2020 Gap Repair
Recommendation:
Award a contract to TLG Paving Company, Inc. for the 2020 Gap Repair - Project No. 2020-09 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager;**
- 4. Consent to Advertise Central Road Sewer Improvements.
Recommendation:
A. That the Town Council review and approve the bid documents for the Central Road Sewer Improvements Project.
B. That the Town Council authorize staff to solicit bids for construction of said project.**
- 5. Award of Contract, Resurfacing 2020-02
Recommendation:
Award a contract to Sully Miller Contracting Company for Resurfacing 2020-02 - Project No. 2020-06 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager;**
- 6. Acceptance of Work for Apple Valley Desert Water Reuse - Project No. 2019-01
Recommendation:
A. Accept the work completed as part of the Apple Valley Desert Water Reuse Project for a total contract cost of \$3,803,531.46.**

- B. Direct the Town Clerk to file the Notice of Completion for the contract work.
- C. Direct the Finance Director to release the retained funds 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

PUBLIC HEARINGS

7. **Development Code Amendment No. 2020-007 is a Request to Modify Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Section 9.29.060 "Manufactured Housing Standards" as it Relates to Age and Design Standards of Manufactured Housing Located Outside of any Manufactured or Mobile Home Park.**

Mayor Nassif opened the public hearing at 7:01 p.m.

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

There being no requests to speak, Mayor Nassif closed the public hearing at 7:04 p.m.

MOTION

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

- A. Determine that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- B. Find the facts presented within the staff report, including the attached Planning Commission Resolution No. 2020-005 adopted September 2, 2020, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. Move to waive the reading of Ordinance No. 538 in its entirety and read by title only.

Vote: Motion carried 5-0-0

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

Absent: None.

La Vonda M-Pearson, read the title to Ordinance No. 538

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

- D. Introduce Ordinance No. 538 approving Development Code Amendment No. 2020-007; and
- E. Direct staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

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

8. 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.

La Vonda M-Pearson, Town Clerk, noted for the record that a letter in reference to this item was received by Ash Pathi, Indra & Co. The letter is on file in the Town Clerk's Office and provided on the Town of Apple Valley website.

MOTION

Motion by Council Member Bishop, seconded by Mayor Pro Tem Emick, to Adopt Resolution No. 2020-48.

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

None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, discussed the upcoming election, early voting and poll voting opportunities and thanked staff for assisting in the process. He also reminded the public that the Trunk or Treat will be held Friday October 30 from 5:00 p.m. to 7:00 p.m. at Horseman Center.

CLOSED SESSION

9. Closed Session

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

ADJOURNMENT

Motion by Council Member, seconded by Council Member and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:21 p.m.

Scott Nassif, Mayor

La Vonda M-Pearson, Town Clerk