

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

REGULAR MEETING

MINUTES – January 26, 2021

CALL TO ORDER:

Mayor Emick called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Present: Council Members Bishop; Cusack; Nassif; Mayor Pro Tem Leon; Mayor Emick
Absent: None

OPENING CEREMONIES

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

PRESENTATIONS: None

PUBLIC COMMENTS

Enrique Duque IV, submitted a public comment in reference to minorities and those in the poorest communities being forced to obtain business licenses and criminal background checks to sell food as street vendors. He felt this was an imbalance since major profitable establishments are facing less enforcement than those hardest hit by these times. This comment was placed on the Town of Apple Valley webpage for full reading.

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 Nassif commented on committee meetings and events that he attended.

Mayor Pro Tem Leon commented on committee meetings and events that she attended.

Mayor Emick 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 – February 9, 2021 – Council Chambers
Regular Session at 6:30 p.m.**

TOWN COUNCIL CONSENT AGENDA

Motion by Council Member Bishop, seconded by Council Member Nassif, to approve the Consent Calendar items numbers 1-8, as presented.

Vote: Motion Carried 5-0-0-0

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

Absent: None.

Commission Members Cusack and Nassif abstained from voting on Agenda Item Number 5.

1. Approval of Minutes of the Town Council.

A. Regular Meeting – January 12, 2021

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. Second Reading of Ordinance 543 of the Town of Apple Valley, California, Amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code as it Relates to Design and Operating Standards of Drive-Thru Restaurants.

Recommendation:

Adopt Ordinance No. 543

3. Acceptance of Work for Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project Re-Establishment Site.

Recommendation:

A. Accept the work completed as part of the Restoration Landscape Maintenance and Monitoring Services for Yucca Loma Road/Yates Road/Green Tree Boulevard Transportation Improvement Project Re-Establishment Site Project No. PW2016-01 for a total contract cost of \$538,411.62.

B. Direct the Town Clerk to file the Notice of Completion for the contract work.

4. SR-18/Apple Valley Road Intersection Realignment Project Contract Amendment No. 5.

Recommendation:

Approve Amendment No. 5 to the November 2008 agreement between the Town of Apple Valley and Dokken Engineering for engineering services on the State Route 18/Apple Valley Road Intersection Realignment Project for an amount not-to-exceed \$45,643.

5. Annual Agreed-Upon Procedures Report of the Apple Valley Village Property and Business Improvement District (“PBID”) Association.

Recommendation:

That the Town Council receive and file an independent accountant’s Agreed-Upon Procedures Report (AUP) for Fiscal Year 2020-21 of the Apple Valley Village Property and Business Improvement District Association.

6. Request to Allow Overhead Power Lines.

Recommendation:

Approve the request to allow a power pole at the southwest corner of Outer Highway 18 and Central Road to remain in place.

7. Request to Vacate a Portion of Outer Highway 18 South Adjacent to Lots 20 AND 21 of Tract Map No. 4492.

Recommendation:

- A. Find that a 16-foot wide portion of the street easement of Outer Highway 18 South, located adjacent to Lots 20 and 21 as shown on Tract Map 4492, has been superseded by relocation, and is in excess of right-of-way not required for street purposes; and the proposed vacation is exempt from CEQA;
- B. Adopt Resolution No. 2021-03 “A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of street easement at Lots 20 and 21 of Tract Map 4492, pursuant to the Streets and Highway Code Section 8333-8334.5”;
- C. Instruct the Town Clerk to cause the Resolution vacating a portion of the street easement to be recorded in the office of the County Recorder of the County of San Bernardino pursuant to Section 8336 of the Streets and Highways Code.

8. Award of Contract, Central Road Sewer Improvements.

Recommendation:

Award a contract to DDH Apple Valley Construction, Inc. for CENTRAL ROAD SEWER IMPROVEMENTS - Project No. 2020-08 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.

PUBLIC HEARINGS

None

BUSINESS OF THE COUNCIL

9. Council Member Representation on Various Boards, Committees and Commissions

Discussion ensued regarding Council Member representation on committees.

MOTION

Motion by Council Member Bishop, seconded by Council Member Nassif, to make the following changes to the Council Member Representation on Various Boards, Committees and Commissions:

Mojave Desert and Mountain Recycling Authority:
Council Member Cusack – Delegate
Council Member Bishop – Alternate

Solid Waste Advisory Task Force (SWAT)
Council Member Cusack – Committee Member
Staff Member Julie Ryan – Alternate

Vote: Motion Carried 5-0-0-0

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

Absent: None.

REPORTS, REQUESTS AND COMMUNICATIONS

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Doug Robertson, Town Manager, announced that Town Hall reopened to the public effective today as the County is now operating in the state's purple tier. He explained what businesses were allowed to operate in this tier.

Brad Miller, Town Engineer, provided an update to the Apple Valley Road Highway 18 project and also commented on the bid opening in the City of Victorville for the Greentree Extension.

CLOSED SESSION

10. Closed Session

La Vonda M-Pearson, Town Clerk, announced that Mayor Pro Tem Leon will be recusing herself from participating in Closed Session Item E due to a real property interest in the vicinity of the subject property.

Mayor Pro Tem Leon confirmed that she would be recusing herself from participating under item E.

Mayor Emick adjourned to Closed Session at 7:03 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. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: One parcel, approximately 4.68 acres, of vacant real property located at Wakita and Outer Highway 18, Apple Valley, APN 3112-251-13. Authority Negotiator: Doug Robertson, Town Manager; Negotiating Parties: Pacific Development Group. Under Negotiation: Price and Terms of Purchase.

Mayor Pro Tem Leon was excused from Closed Session at 7:14 p.m.

Upon returning from Closed Session at 7:24 p.m., Mayor Emick announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Mayor Emick, seconded by Council Member Leon and unanimously carried, to adjourn the meeting of the Town Council of the Town of Apple Valley at 7:24 p.m. in memory of former Council Member Paul Russ, City of Hesperia.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk