

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

REGULAR MEETING

MINUTES – February 9, 2021

CALL TO ORDER:

Mayor Emick called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:31 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

INVOCATION:

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

PRESENTATIONS: Employee of the Quarter – David Hernandez, Maintenance
Worker II

PUBLIC COMMENTS

Cynthia Carrasco, Apple Valley, commented on a lien that has been placed on her Mother's property for sewer and trash services. She explained that the home is vacant and that they were never notified of the delinquent status or need to continue payments when service was not being used.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

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

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

Council Member Bishop 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:

Council Member Cusack commented on the scheduling for the redistricting process for the Town.

Thomas Rice, Town Attorney stated that staff will provide the Town Council with a status once the census data is available.

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

A. Regular Meeting – February 23, 2021 – Council Chamber

Regular Session at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

La Vonda M-Pearson, Town Clerk, read the disclosure statement for specific warrants listed on the agenda.

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 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.

Council Member 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, Council Member Nassif will also be recusing from voting on specific warrants listed under Agenda Item Number 3 because these entities are considered sources of income to his businesses. A list of business entities for Council Member Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Council Member Nassif confirmed that he would be recusing from voting on these warrants.

Mayor Pro Tem 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.

Mayor Pro Tem Leon confirmed that she would be recusing from voting on these items.

Motion by Council Member Bishop, seconded by Council Member Cusack, to approve the Consent Calendar items numbers 1 – 4, as presented.

Vote: Motion Carried 5-0-0-0
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.
Absent: None.

Council Members Cusack, Nassif and Mayor Pro Tem Leon abstained from voting on specific warrants due to a remote interest listed under Agenda Item No. 2.

1. **Approval of Minutes of the Town Council.**
A. Regular Meeting – January 26, 2021
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **January 2021 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. **January 2021 Payroll/Benefits Warrants Schedule.**
Recommendation:
That the Town Council receive, ratify and file the Payroll/Benefits Schedule.
4. **Navajo Road Drainage Improvements - Project No. 2020-07 – Award Contract for Construction.**
Recommendation:
That the Town Council award a contract to Kelley’s Underground Construction, Inc. for the Navajo Road Drainage Improvements – Project No. 2020-07 in an amount not to exceed \$474,470.45 (four hundred seventy-four thousand, four hundred seventy dollars and forty-five cents).

PUBLIC HEARINGS

5. CDBG-CV Substantial Amendment to the 2020-2021 Action Plan

Mayor Emick opened the public hearing at 7:04 p.m.

Silvia Caraballo-Urenda, Housing and Community Development Specialist, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Emick closed the public hearing at 7:06 p.m.

MOTION

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

- A. Approve the Substantial Amendment to the 2020-2021 Annual Action Plan (“Action Plan”) by allocating \$678,423 in Community Development Block Grant Coronavirus (CDBG-CV) funds appropriated under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Public Law 116-136, for the U.S. Department of

Housing and Urban Development (HUD) to activities that prevent, prepare for, and respond to Coronavirus (COVID-19).

- B. Authorize the Town Manager, or designee, to execute and transmit all necessary documents, including the Substantial Amendment to the Action Plan, and any additional amendments, to assure the Town's timely expenditure of CDBG-CV funds.

Vote: Motion Carried 5-0-0-0

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

Absent: None.

6. Substantial Amendment to the 18/19, 19/20, and 20/21 Action Plans.

Mayor Emick opened the public hearing at 7:07 p.m.

Silvia Caraballo-Urenda, Housing and Community Development Specialist, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Emick closed the public hearing at 7:09 p.m.

MOTION

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

- A. Approve a Substantial Amendment to the Community Development Block Grant ("CDBG") 2018-2019, 2019-2020 and 2020-2021 Annual Action Plans ("Action Plans") by programming an additional \$18,528 to the existing Feed My Sheep in the High Desert program and \$660,000 to the newly proposed 2020-2021 Microenterprise Assistance Program (MAP); and
- B. Authorize the Town Manager, or designee, to execute and transmit all necessary documents, including the Substantial Amendment to the Action Plans, and any additional amendments, to assure the Town's timely expenditure of CDBG funds

Vote: Motion Carried 5-0-0-0

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

Absent: None.

BUSINESS OF THE COUNCIL

7. Nominees to the Town of Apple Valley – Citizen's Budget Advisory Committee (CBAC)

MOTION:

(Council Member Bishop's Nominees)

Motion by Council Member Bishop, seconded by Council Member Cusack, to nominate Regina Weatherspoon-Bell and Forest "Rusty" Green to the Citizen's Budget Advisory Committee.

Vote: Motion Carried 5-0-0-0
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.
Absent: None.

MOTION:

(Council Member Cusacks Nominees)

Motion by Council Member Cusack, seconded by Council Member Bishop, to nominate Pat Orr and Lisa Lamb to the Citizen's Budget Advisory Committee.

Vote: Motion Carried 5-0-0-0
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.
Absent: None.

MOTION:

(Council Member Nassif's Nominees)

Motion by Council Member Nassif, seconded by Mayor Emick, to nominate Adolph Collaso and Amanda Hernandez to the Citizen's Budget Advisory Committee.

Vote: Motion Carried 5-0-0-0
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.
Absent: None.

MOTION:

(Mayor Pro Tem Leon's Nominees)

Motion by Mayor Pro Tem Leon, seconded by Council Member Nassif, to nominate Matthew Drake and Anita Itnyre to the Citizen's Budget Advisory Committee.

Vote: Motion Carried 5-0-0-0
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.
Absent: None.

MOTION:

(Mayor Emick's Nominees)

Motion by Mayor Emick, seconded by Council Member Cusack, to nominate JoAnn Betty and Jack Betterley to the Citizen's Budget Advisory Committee.

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, commented on closing arguments that began on Thursday in reference to Case No.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al. He also announced that Town Hall would be closed on Monday, February 15 for Presidents Day.

CLOSED SESSION

8. Closed Session

Mayor Emick adjourned the meeting of the Apple Valley Town Council to Closed Session at 7:22 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.

Upon returning from Closed Session at 8:00 p.m., Mayor Emick announced that there was no reportable action taken.

ADJOURNMENT

MOTION

Motion by Mayor Emick, seconded by Council Member Nassif and unanimously carried, to adjourn the meeting of the Town Council of the Town of Apple Valley at 8:24 p.m. in memory of Pamela Byrd, sister-in-law of Mayor Emick and all those who have lost their battle to the Covid-19 virus.

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk